



**MORNINGTON  
PENINSULA**  
*Shire*

**AGENDA**

**COUNCIL MEETING**

**TUESDAY, 1 JULY 2025**

**6:30PM**

**MUNICIPAL OFFICES  
BESGROVE STREET, ROSEBUD**

**MORNINGTON PENINSULA SHIRE COUNCIL****WARDS AND COUNCILLORS**

<b>Beek Beek</b>	<b>Cr Kate Roper</b>
<b>Benbenjie</b>	<b>Cr Max Patton</b>
<b>Briars</b>	<b>Cr Anthony Marsh</b>
<b>Brokil</b>	<b>Cr Patrick Binyon</b>
<b>Coolart</b>	<b>Cr David Gill</b>
<b>Kackeraboite</b>	<b>Cr Stephen Batty</b>
<b>Moorooduc</b>	<b>Cr Bruce Ranken</b>
<b>Nepean</b>	<b>Cr Andrea Allen</b>
<b>Tanti</b>	<b>Cr Paul Pingiaro</b>
<b>Tootgarook</b>	<b>Cr Cam Williams</b>
<b>Warringine</b>	<b>Cr Michael Stephens</b>

**EXECUTIVE TEAM**

<b>Mr Mark Stoermer</b> <b>Ms Cheryl Casey</b> <b>Ms Sam Stanton</b> <b>Mr David Simon</b> <b>Mr Davey Smith</b> <b>Mr Bulent Oz</b>	<b>Chief Executive Officer</b> <b>Acting Director – Community Strengthening</b> <b>Director – Corporate Strategy and Business Improvement</b> <b>Acting Director – Planning and Environment</b> <b>Director – Assets and Infrastructure</b> <b>Chief Financial Officer</b>
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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 Binyon

*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 the previous Council Meeting held on 17 June 2025, be confirmed.**

## **2.4 Councillor Briefing Sessions**

Councillor Briefing Sessions – 10 June 2025

### **RECOMMENDATION**

**That Council receives and notes the record of Councillor Briefing Sessions for 10 June 2025.**

## 2.5 Council Decision Register

Attachment(s)	1.	2019 Council Decision Register	<a href="#">⇒</a>
	2.	2020 Council Decision Register	<a href="#">⇒</a>
	3.	2021 Council Decision Register	<a href="#">⇒</a>
	4.	2022 Council Decision Register	<a href="#">⇒</a>
	5.	2023 Council Decision Register	<a href="#">⇒</a>
	6.	2024 Council Decision Register	<a href="#">⇒</a>
	7.	2025 Council Decision Register	<a href="#">⇒</a>

### 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 2019-2025 Decision Registers (Attachments 1-7) as at 23 June 2025.

### RECOMMENDATION

**That Council receives and notes the Decision Register Summaries for 2019-2025 (Attachments 1-7) as at 23 June 2025.**

**2.6 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 with or without notice can be submitted.

Questions with notice are to be received in writing by 12.00pm the Friday prior to the relevant Council Meeting and can be lodged via the Shire's website. Questions received by this time will be provided with a considered response prepared by the relevant Shire officer and read by the Chief Executive Officer (CEO) at the Council Meeting.

Questions without notice must be lodged in person no later than 15 minutes prior to the commencement of the meeting. The question will be read by the CEO and taken on notice with a written response forwarded to the person asking the question within 7 days of the Council Meeting and published on the Shire's website.

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



### 3 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 Gill	Cr Patton	Tori Hayat, Team Leader – Arts and Culture
Association of Bayside Municipalities	Cr Patton	Cr Batty	Laura Crilly, Team Leader – Water and Coasts
Audit and Risk Committee	Cr Ranken Cr Batty	Cr Roper	Bulent Oz, Chief Financial Officer
Australian Coastal Councils	Cr Patton	Cr Batty	Laura Crilly, Team Leader – Water and Coasts
Bass Park Trust	Cr Gill	Cr Stephens	Pam Vercoe, Manager – Governance and Risk
Climate Emergency Community Reference Group	Cr Stephens	Cr Patton	Chris Yorke, Energy and Carbon Management Officer
Disability Advisory Committee	Cr Binyon	N/A	Monica Seal, Disability Community Inclusion Officer
Friends of Lospalos	Cr Binyon	N/A	Chris Munro, Manager – Community Partnerships
Greater South East Melbourne	Mayor	Deputy Mayor	Mark Stoermer, Chief Executive Officer
Health and Wellbeing Committee	Cr Williams	N/A	Kate Hills, Team Leader – Community Wellbeing
Hinterland Local Area Action Plan Advisory Committee	TBC	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Metropolitan Transport Forum	Cr Batty	Cr Williams	Justine Lewis, Transport Strategy Coordinator
Mornington Liquor Industry Accord	Cr Batty	N/A	Katherine Cooper, Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Patton	Cr Stephens	James Rose, Team Leader – Natural Systems

<b>Association/Committee</b>	<b>Representative/s</b>	<b>Substitute Representative/s</b>	<b>Shire Contact</b>
Mornington Peninsula Cemetery Trust	Cr Roper Cr Batty Cr Pingiaro	N/A	Jenny Brown, Senior Cemeteries Officer
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Pam Vercoe, Manager – Governance and Risk
MAV Emergency Management Committee	Cr Batty	Cr Pingiaro	Andrew Brick, Team Leader – Community Resilience and Emergency Management
Northern Mornington Peninsula Local Area Action Plan Advisory Committee	TBC	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Peninsula Advisory Committee for Elders	Cr Williams	N/A	Helen Ridgeway, Positive Ageing Officer
South East Councils Climate Change Alliance	Cr Stephens	Cr Patton	Nicci Tsernjavski, Climate Change Partnerships Officer and Daniel Kabel, ESD Infrastructure Officer
Southern Mornington Peninsula Local Area Action Plan Advisory Committee	TBC	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Triple A Housing Committee	Cr Gill	N/A	Petrina Dodds-Buckley, Housing Projects Lead
Victorian Local Governance Association (VLGA)	Cr Roper	Cr Pingiaro	Pam Vercoe, Manager – Governance and Risk
Western Port Local Area Action Plan Advisory Committee	TBC	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment

## 4 MANAGEMENT REPORTS

### PLANNING & ENVIRONMENT

#### 4.1 Planning Application - P18/0096.03 - 410 White Hill Road Dromana

Issued By	Manager – Development Services
Authorised By	Acting Director - Planning & Environment
Document ID	A13719856
Briefing Note Number	Not applicable
Attachment(s)	<ol style="list-style-type: none"><li>1. Assessed Plan <a href="#">⇒</a></li><li>2. Planning Permit P18/0096 &amp; Endorsed Plans <a href="#">⇒</a></li><li>3. Written Submission by Applicant <a href="#">⇒</a></li><li>4. Planning Policy <a href="#">⇒</a></li><li>5. Submissions (confidential) <a href="#">⇒</a></li><li>6. Officer Report <a href="#">⇒</a></li></ol>

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#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's decision on Planning Permit Application P18/0096.03. The Amendment Application has been called in by Councillor Gill for a decision by Council.

The Application is to amend Planning Permit P18/0096 – which was granted 19 March 2019, and allows the use of the land for Market, Primary Produce Sales and Rural Industry – to include the sale of alcohol from market stalls.

The Proposal is considered acceptable having regard to the relevant provisions of the Planning Scheme and the *Planning and Environment Act 1987 (the Act)*. It is recommended that Council supports the Application and resolves to issue a Notice of Decision to Amend a Permit, subject to the conditions contained within this report.

#### RECOMMENDATION

##### Part A

**That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, having considered all submissions received to date and all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P18/0096.03 for:**

**Amending the plans endorsed under the permit generally involving:**

- **Addition of three market stalls for the sale of liquor from the Mornington Peninsula Shire**

**Amending the conditions of the permit by:**

- **Inserting Condition 1AA.**

**4.1 (Cont.)**

- Amending condition 5 of the permit by adding the words “and drink” after the words “food and plants”
- Amending condition 15 of the permit.
- Inserting conditions 21-24.

Amending what the permit authorises by:

- Addition of clause 52.27: use land to sell liquor.

is supported and that a Notice of Decision to Amend a Permit be issued subject to the following new and amended conditions:

- Inserting Condition 1AA

Before the sale of liquor commences, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved and endorsed these plans and documents will then form part of the permit. The plan must be drawn to scale with dimensions. The plans must be generally in accordance with the submitted plans, but modified to show:

- A. The overall area of the ‘Display and Sales Floor Area’ notation increased to accommodate for the alcohol sales area.

- Condition 5

No goods other than food, plants and drink may be sold in the market.

- Condition 15

The approved use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority (Unless otherwise specified by a condition of this permit, consent is not required for any buildings or works which do not require a planning permit under the Mornington Peninsula Planning Scheme).

- Conditions 21-24

- 21. This permit, as it relates to use of the land for the sale of liquor, will expire if the use does not start within 2 years after the issue date of amended permit P18/0096.03.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

- 22. This permit only provides for the sale of liquor to be consumed off site.
- 23. The display and sale/purchase of liquor must not occur outside of the licensed areas identified by the ‘red line’ on the endorsed plans.
- 24. The number of market stalls for the display of liquor must not exceed three.

**4.1 (Cont.)****Part B**

**That Council resolves that Attachment 5 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information which if released would result in the unreasonable disclosure of information about a person or their personal affairs.**

**COUNCIL & WELLBEING PLAN**

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

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

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

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, H, and I which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

**DISCUSSION****Purpose**

The purpose of this report is to provide a summary of:

- The relevant background of the site
- The proposal
- The key issues
- Submissions and Shire officer response
- The assessment against the relevant provisions of *the Act* and Mornington Peninsula Planning Scheme.

For a detailed assessment of all the relevant matters please see Attachment 6 – Officer Assessment.

## 4.1 (Cont.)

The key planning considerations are summarised in the below table:

<b>Proposal</b>	<p>The Application is to amend Planning Permit P18/0096 by:</p> <ul style="list-style-type: none"> <li>• <u>Amending the plans endorsed under the permit generally involving:</u> <ul style="list-style-type: none"> <li>○ Addition of three market stalls for the sale of liquor from Mornington Peninsula Shire (overall stall total increased to twenty-two)</li> </ul> </li> <li>• <u>Amending the conditions of the permit by:</u> <ul style="list-style-type: none"> <li>○ Amending condition 5 of the permit by adding the words “and drink” after the words “food and plants”, to read:</li> <li>○ “No goods other than food and plants and drink may be sold in the market.”</li> </ul> </li> <li>• <u>Amending the what the permit authorises by:</u> <ul style="list-style-type: none"> <li>○ Addition of clause 52.27: use land to sell liquor.</li> </ul> </li> </ul>
<b>Planning Permit P18/0096</b>	<ul style="list-style-type: none"> <li>• Original Permit Issued: 19 March 2019</li> <li>• Permit issued for: <i>use of the land for market, primary produce sales and rural industry, reduction in the number of car parking spaces required, display of signage, alteration of access to a road zone category 1 and buildings and works in accordance with the endorsed plans</i></li> </ul>
<b>Zoning and Overlays</b>	<ul style="list-style-type: none"> <li>• Zone: Green Wedge Zone Schedule 3 (GWZ3)</li> <li>• Overlays: <ul style="list-style-type: none"> <li>○ Environmental Significance Overlay Schedule 6 (ESO6)</li> <li>○ Environmental Significance Overlay Schedule 17 (ESO17)</li> <li>○ Environmental Significance Overlay Schedule 19 (ESO19)</li> <li>○ Significant Landscape Overlay Schedule 3 (SLO3)</li> <li>○ Bushfire Management Overlay (BMO).</li> </ul> </li> </ul>
<b>Permissions sought</b>	<ul style="list-style-type: none"> <li>• Clause 52.27 Licensed Premises: Use land to sell liquor</li> </ul>
<b>Original Permit permissions</b>	<ul style="list-style-type: none"> <li>• Clause 35.04-1 (GWZ): Use of the land for a section 2 use (Primary Produce Sales; Market; Rural Industry).</li> <li>• Clause 35.04-5 (GWZ): Construct or carry out buildings or works for a section 2 use (Primary Produce Sales; Market; Rural Industry).</li> </ul>

## 4.1 (Cont.)

	<ul style="list-style-type: none"> <li>• Clause 42.01-2 (ESO6; ESO19): Construct a building or construct or carry out works.</li> <li>• Clause 52.05-2 (Signs): Construct or put up for display business identification signage.</li> <li>• Clause 52.06-3 (Car Parking): Reduce the number of car parking spaces required under Clause 52.06-5.</li> <li>• Clause 52.29-2 (Land adjacent to the Principal Road Network): Create or alter access to a road in a Transport Zone 2.</li> </ul>
<b>Advertising</b>	<ul style="list-style-type: none"> <li>• The Application was notified by sending written notice to adjoining properties and erecting a signs on site for 14 days.</li> </ul>
<b>Submissions</b>	<ul style="list-style-type: none"> <li>• Three objections have been received to date.</li> </ul>
<b>Consultation</b>	<ul style="list-style-type: none"> <li>• No Planning Application Conference (PAC) was held.</li> </ul>
<b>Key Issues</b>	<ul style="list-style-type: none"> <li>• Is the Proposal acceptable having regard to clause 52.27 Licensed Premises?</li> <li>• What is the appropriate land use characterisation?</li> <li>• Is the Proposal acceptable having regard to the original permit and conditions?</li> <li>• Consideration of the matters raised in the objections.</li> </ul>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>• Notice of Decision to Amend a Permit, subject to conditions.</li> </ul>

**BACKGROUND****Subject site and surrounds**

The subject land is 410 White Hill Road Dromana, also known as Torello Farm.

It is an irregular shaped lot on the corner of White Hill Road and Nepean Highway, approximately 11.2 hectares in size. Existing conditions on site include agricultural operations, dams, and buildings to the east of the land. The Market and Primary Produce Sales uses occur out of a single storey building with direct access from White Hill Road and a gravel car park.





Subject Land: 

Figure 1: Aerial Photo showing subject site – (source: GIS Jan 18, 2025)




Market and Primary Produce Sales Building: 

Figure 2: Aerial Photo showing subject site – (source: GIS Jan 18, 2025)

The surrounding land is in the Green Wedge Zone and includes properties with paddocks and livestock operations, and a plant nursery to the north.

### Permit History

Planning Permit P18/0096 was approved on 19 March 2019 and allows:

- *Use of the land for market, primary produce sales and rural industry, reduction in the number of car parking spaces required, display of signage, alteration of access to a road zone category 1 and buildings and works in accordance with the endorsed plans*

The following Amendments to the Permit have been approved:



**4.1 (Cont.)**

- P18/0096.01 - Permit amended at direction of Victorian Civil and Administrative Tribunal (VCAT) to incorporate the 'Market' and 'Rural Industry' uses, with associated revisions/additions to conditions.
- P18/0096.02 – Extension of time to the expiry date approved, the latest date for commencement of the development was 19 March 2023.

The Permit has not expired with the development built and the approved uses commenced prior to the expiry date.

The subject land is subject to the following other relevant planning permissions:

- Planning Permit P20/1671 was approved 29 October 2020 and allows the development of two agricultural buildings. These have been constructed and form the current conditions of the site.
- Planning Permit Application P24/1830 is under assessment for the use the land for a poultry farm, with no decision made at time of report writing. This use does not conflict with the proposed use.

**Proposal**

Please refer to the following for further details:

- Attachment 1 – Assessed Plan
- Attachment 2 – Planning Permit P18/0096 and Endorsed Plans
- Attachment 3 – Written Submissions by the Applicant.

The Application seeks approval for the sale of liquor from market stalls. This includes:

- The previous office location converted to a licensed area ('redline area') for the sale and display of liquor via three new market stalls, for a total of 22 stalls. No consumption on site is proposed.
- Liquor for sale in the market will be products local to the Mornington Peninsula.
- No change to the times or operations of the market previously approved and specified in conditions of the planning permit is proposed.
- No new buildings or works proposed.

**Amendment VC286**

The State Government has announced that Clause 52.27 is scheduled to be deleted from the Victorian Planning Provisions via Amendment VC286 on 1 July 2025. The consequence of Amendment VC286 would be the removal of any requirement to obtain a Planning Permit to sell or consume liquor, with this becoming exclusively a matter for the Victorian Liquor Commission to regulate. As a result, at the time of Council making a decision on this Application the Clause 52.27 permission is unlikely to be required. However, this report must proceed on the basis of the permissions applied for and the Planning Scheme as it exists currently.

Notwithstanding the expected gazettal of Amendment VC286, the proposed Amendment includes other changes to the endorsed Plans and Conditions, including the addition of three market stalls:

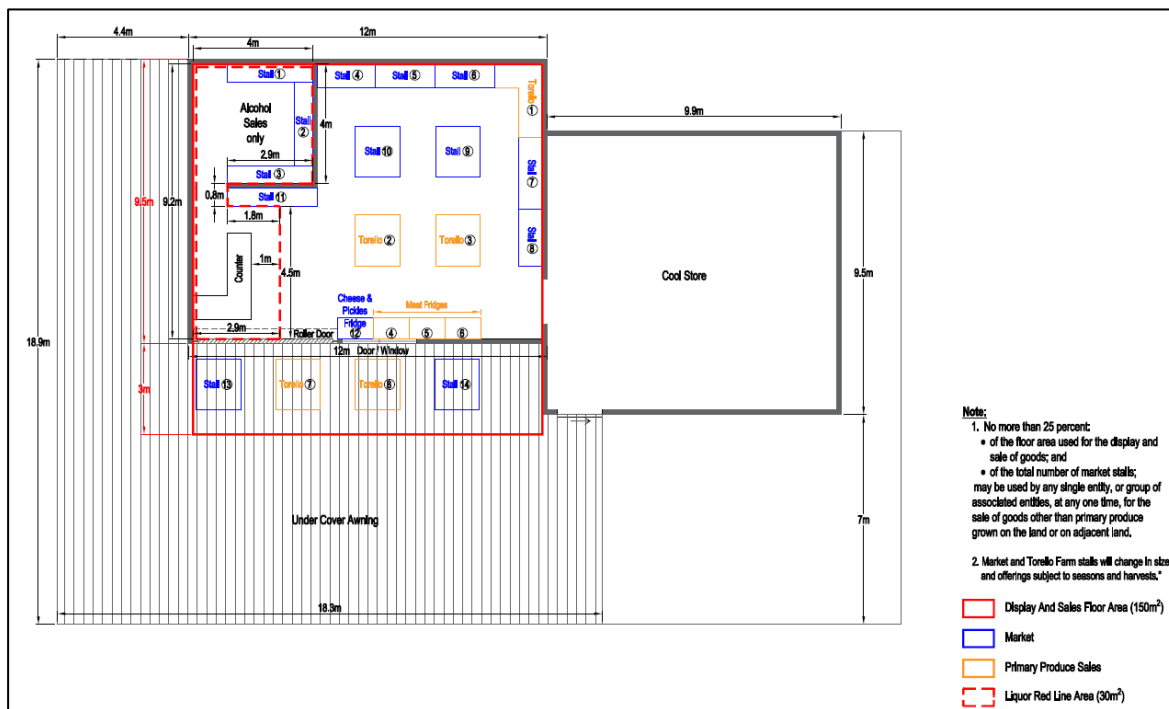


Figure 3: Proposed licensed area and stall location

## NOTIFICATION AND CONSULTATION

### Notification

The Application was notified by sending direct notice to adjoining properties and erecting a sign on the site for 14 days.

### Submissions

Please refer to Attachment 5 – Submissions (Confidential).

To date, three objections have been received. The concerns raised can be summarised as:

- Sale of alcohol in this location.
- Protection of the Green Wedge.
- Land use characterisation.

## CONSIDERATION

Refer to Attachment 6 – Officer Assessment for a detailed assessment against all the relevant criteria.

Refer to Attachment 4 – Planning Policy - Clause 52.27 Licensed Premises.

The Proposal is considered to be consistent with the objectives and strategies of the relevant Planning Policy Framework (PPF) and objectives and decision guidelines of clause 52.27 Licensed Premises.

The following key issues are summarised:

- Is the Proposal acceptable having regard to clause 52.27 Licensed Premises?
- What is the appropriate land use characterisation?

**4.1 (Cont.)**

- Is the Proposal acceptable having regard to the original Permit and conditions?
- Consideration of the matters raised in the objections.

**Is the Proposal acceptable having regard to clause 52.27 Licensed Premises?**

Clause 52.27 seeks to ensure that licensed premises are situated in appropriate locations; and to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

The decision guidelines of this clause have been considered, and the proposed use of the land for the sale of liquor found to be appropriate as:

- The use of the land for a Market is established under the existing Permit. The impact of the sale of liquor on the amenity of the surrounding area will be minimal, as the land already operates as a business that sells goods. An additional type of good provided at the market will not substantially change how it operates to create additional detriment.
- Similarly, the inclusion of the sale of liquor does not change the hours of the operation and number of patrons. It will remain in the scope of the approved Market use. The sale of liquor will therefore cease at 6.00pm.
- The cumulative impact of existing licensed premises and the proposed licensed premises will not cause amenity impacts to the surrounding area. The nearest licensed premises are over 600 metres away on Harrisons Road to the east, being a restaurant associated with a winery, and a producer's licence at a winery. The type of licensed premises and the separation distance of the premises do not encourage amenity impacts associated with patron actions; or encourage multiple trips between the premises with patrons unlikely to visit more than one premises in a day to create a cumulative impact.

**What is the appropriate land use characterisation?**

Planning Permit P18/0096 allows for the use of the land for Market, Primary Produce Sales and Rural Industry. The approved uses are defined under clause 73.03 (Land Use Terms) of the Scheme as:

Market	<i>Land used to sell goods, including foodstuffs, from stalls.</i>
Primary produce sales	<i>Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.</i>
Rural industry	<i>Land used to:</i> <ul style="list-style-type: none"> <li><i>a) handle, treat, process, or pack agricultural produce</i></li> <li><i>b) service or repair plant, or equipment, used in agriculture</i></li> <li><i>c) manufacture mud bricks.</i></li> </ul>

The appropriateness of these uses, as previously approved by Planning Permit P18/0096, are not under consideration within this Application. The scope of this assessment is limited to the extent of amendments sought, as listed in the Proposal section of this report.

Nonetheless, for the purpose of providing additional context and responding to submissions, the determination that the proposal was appropriately defined as a Market as opposed to a

**4.1 (Cont.)**

Shop (as contended in some of the objection material) was founded on identifying the real and substantial purpose of the operation in accordance with established planning principles. The Application and Permit documentation clearly show goods which will be sold from stalls (consistent with the definition of 'Market'), and the conditions on the Permit serve to ensure that the premises cannot be given over to a single entity. The Permit for the use of land as a 'Market' was issued at the direction of VCAT.

Assistance in this regard is also provided by another decision of VCAT in [PS Market PL v Manningham CC \[2021\] VCAT 246 \(6 April 2021\)](#) whereby Manningham CC contended that a proposed Market was instead a Shop. In determining the matter, VCAT rejected arguments which construed 'restrictions, qualifications or concepts' of the definition of Market which are not expressly or impliedly referenced in the Planning Scheme. The Proposal, in that instance, proposed the sale of goods from stalls and therefore met the definition of Market.

With respect to the Application under assessment, the Proposal is to provide for liquor as an additional good offered for sale from stalls. The Market land use definition does not exclude any types of goods to be offered for sale, nor does it require more than one type of good to be offered, and the categorisation of the type of good is irrelevant to whether the Market land use remains applicable. Therefore, the Application remains consistent with the land use definition of Market.

**Is the Proposal acceptable having regard to the original Permit and Conditions?**

A review of the proposed condition change and the existing conditions of the Permit have been undertaken, and the proposed sale of liquor from stalls does not contradict the original approval and conditions.

The sale of liquor is consistent with the approved and established Market use and is acceptable. It does not substantially alter the nature of the Proposal from what was originally considered and approved, where the use of the land for a Market (and other uses and development) was responsive to the applicable policies of the Green Wedge Zone.

The following condition considerations are expanded on.

Proposed change to condition 5

Condition 5 is proposed to be amended, from:

5. *No goods other than food and plants may be sold in the market.*

To:

5. *No goods other than food and plants and drink may be sold in the market.*

This is reasonable, to facilitate the sale of liquor, which has been considered above in this report and found acceptable.

Existing conditions

A review of the remaining conditions of the existing Planning Permit has been undertaken and the Amended Proposal is not inconsistent with those conditions:

- Condition 1A and 1 Amended Plans requirement are satisfied with the submitted Plans. The Plans submitted comply with all conditions of the Permit and can be read in conjunction with the existing endorsed Plan Set.
- Operation of use conditions (except condition 5 – refer above) are unchanged and remain in force, including conditions 4 and 6:

## 4.1 (Cont.)

4. *At all times, no more than 25 percent:*
  - (a) *of the floor area used for the display and sale of goods*
  - (b) *of the total number of market stalls,*  
*may be used by any single entity, or group of associated entities, at any one time, for the sale of goods other than primary produce grown on the land or on adjacent land.*
- The intent of this condition is to ensure that there is a diversity of market stall holders, to ensure that the land use of Market remains applicable – if there was a monopoly on market stalls then the use would perhaps be better characterised as a shop or other form of retail premises. This is unchanged with the proposed amendment; and the proposed liquor sales comply with this requirement.
6. *All products sold in the market must be:*
  - (a) *produce originating from the municipal district of the Mornington Peninsula Shire Council*
  - (b) *substantially made from produce originating from the municipal district of the Mornington Peninsula Shire Council.*

The liquor for sale has been nominated as originating from the municipal district of the Mornington Peninsula Shire Council. This condition is unchanged and remains in force.
- Amenity conditions are unchanged and remain in force, including condition 8:
  8. *The amenity of the area must not be detrimentally affected by the development through the:*
    - i *Transport of materials, goods or commodities to or from the land.*
    - ii *Appearance of any buildings and works or materials.*
    - iii *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
- Conditions associated with the approved creation of a new crossover, signs, and development are unchanged and remain in force.

**Consideration of the matters raised in the objections.**

Issue	Response
Sale of alcohol in this location; Protection of the Green Wedge.	<p>Retail use in this location (rural, non-urban area) has been raised as a concern.</p> <p>The use of the land for a Market and Primary Produce sales is established and permissible in the GWZ. The sale of liquor has been assessed as captured within the approved and established Market use and reasonable.</p>

## 4.1 (Cont.)

	<p>The scale of the liquor sales is minor and does not materially alter the considerations of the original approval of a Market use in this location.</p> <p>As previously discussed, should clause 52.27 be deleted from the Victorian Planning Provisions on 1 July 2025, the sale of liquor will no longer requires a planning permit and will be regulated exclusively by the Victorian Liquor Commission.</p>
Land use characterisation	<p>Concerns over the land use characterisation have been raised, and that it would be more appropriately characterised as a prohibited use, retail/supermarket or bottle shop.</p> <p>The Planning Permit allows the use of land for a Market, and that is unchanged by this Proposal. For additional context surrounding this characterisation, some commentary has been provided earlier in this report.</p> <p>This Amendment Application is not the appropriate vehicle to challenge either the validity of the existing Permit and/or the proprietor's compliance with the conditions of that Permit and what it allows. Alternative avenues are available within the <i>Planning and Environment Act 1987</i> to advance these positions.</p> <p>It is noted that objectors directed the assessing officer to <a href="#"><i>Estina Pty Ltd v Mornington Peninsula SC [2016] VCAT 1104 (19 July 2016)</i></a>, a review associated with a proposal for Primary Produce Sales in the GWZ that was found to be instead a Bottle Shop and prohibited. While the land subject to review was also GWZ, it contained a substantial Retail Premises operating on the land. It is not comparable to the Proposal, the Proposal being a smaller scale Market use. The definition of Primary Produce Sales is not relied on to support the proposed liquor sales. In <i>Estina Pty Ltd</i> Bottle Shop was found to be the use characterisation as an additional use in consideration of clause 64.02. Clause 64.02 directs that where a land must be used 'in conjunction with' another use of the land there must be an essential association between the two uses; and the use must have a genuine, close and continuing functional relationship in its operation with the other use. The land use of Market does not rely on 'in conjunction' requirement, and the proposed liquor sales are part of the Market use.</p> <p>The subject land in <i>Estina Pty Ltd</i> was also raised as an example of 'growth by stealth' and a concern the same would occur on the subject land. The review site, its usage and development, have been changing over time and have created a complex situation with a complex history of usage with a complex planning history in relation to permits, amendments and VCAT decisions. The Planning Permit P18/0096 has explicit land use approval and conditions to prevent a 'growth by stealth' and does not share the same complexities as the <i>Estina Pty Ltd</i> site.</p>

## ENGAGEMENT

Not applicable.

**4.1 (Cont.)****COMMUNICATIONS PLAN**

Not applicable.

**LEGAL AND REGULATORY FRAMEWORK**

If Council decides to refuse the Application, the Applicant will have review rights at VCAT. If Council decides to approve the Application the objectors will have appeal rights to VCAT.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

If the Application is brought to VCAT by the Applicant or objectors, Council will be required to defend its decision, and this would have financial and resource implications.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

**CONCLUSION**

The use is considered acceptable having regard to the relevant Planning Scheme provisions and *the Act*. It is therefore recommended that Council supports the Application and issues a Notice of Decision to Amend a Permit, subject to conditions.

## CORPORATE STRATEGY & BUSINESS IMPROVEMENT

### 4.2 Public Briefing Protocol

Issued By	Manager - Governance & Risk
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13644804
Briefing Note Number	BN2051 – 27 May 2025
Attachment(s)	<ol style="list-style-type: none"><li>1. Public Briefing Protocol <a href="#">⇒</a></li><li>2. Community Engagement Responses <a href="#">⇒</a></li><li>3. Council Briefing Summary - 10 June 2025 <a href="#">⇒</a></li></ol>

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### EXECUTIVE SUMMARY

Councillor briefings are a key mechanism for ensuring Councillors are well-informed and prepared to participate in Council decisions. Aligned with the Model Councillor Code of Conduct and the Public Transparency Principles, briefings allow Councillors to explore issues in detail, ask questions and seek clarification in an informal setting without prematurely disclosing information that may be confidential or contrary to the public interest.

Briefings support Councillors in meeting their obligation to diligently use Council processes to become informed about matters which are subject to Council decisions.

### RECOMMENDATION

#### That Council

1. **Does not adopt the Public Briefing Protocol (Attachment 1) and continues with Councillor Briefings in their current form.**
2. **Enhances transparency by including a comprehensive summary of key topics discussed at Councillor Briefings in the Council Meeting Agenda to better inform the community of matters under consideration.**

### COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.2: A resilient and confident community where everyone connects and is supported.

### GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, E and I which are:



**4.2 (Cont.)**

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- E. Innovation and continuous improvement is to be pursued.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

On 23 July 2024, Council resolved that Briefings are to be made open to the public online.

On 17 December 2024, Council resolved that the draft Public Briefing Protocol be put out for public consultation for a period of 4 weeks from mid-January and be brought back to a Council Meeting by early March.

**DISCUSSION****Purpose**

The purpose of this report is to provide Council with the outcome of community consultation for the draft Public Briefings Protocol and to provide a recommendation to Council that the current structure of Briefings does not change.

**Background**

On 23 July 2024, Council resolved to make Council Briefings publicly accessible online. In response, Mornington Peninsula Shire (Shire) officers, in consultation with Maddocks Lawyers, developed a draft Public Briefing Protocol (Protocol). The aim of the Protocol was to provide a clear framework for managing Public Briefings, while ensuring that confidential and sensitive information remains protected.

The draft Protocol was presented to Council on 17 December 2024, for consideration. Council resolved that the Protocol be put out for Community Consultation for a period of four weeks. The consultation received five responses which are detailed in Attachment 2.

**Options for consideration**

Shire officers recommend that the draft Public Briefing Protocol not be adopted and that Council Briefings continue in their current format. This approach ensures Councillors can engage in open, detailed discussions with Shire officers, ask questions and explore sensitive or complex matters without compromising the confidentiality or public interest considerations outlined in the Model Councillor Code of Conduct and the Public Transparency Principles.

To enhance transparency, further information will be made available to the public via the Councillor Briefing sessions summary included in the Council Agenda to better inform the community of matters under consideration. An example of the proposed summary is included at Attachment 3.

Councillors may adopt the briefing Protocol (Attachment 1).

**ENGAGEMENT**

The Public Briefing Protocol was released for community consultation from 3 February to 3 March. Council received five submissions in total. Three respondents expressed support for the Protocol, one was uncertain, and one was opposed.

Supportive Feedback:

Respondents in favour of the Protocol emphasised the importance of enhancing transparency, accountability, and public understanding of Council processes. One submission recommended implementing weekly updates and monthly disclosure of all meetings attended by the Mayor, Deputy Mayor, and Councillors—modelled on the Victorian Government’s Ministerial Code of Conduct—as a way to increase the visibility of Councillor activities and effectiveness.

Another submission suggested positively reframing the Protocol to highlight Public Briefings as an integral part of Council’s decision-making process. It was proposed that providing public access to briefing materials would help the community better understand the context of Council decisions and reduce the need to revisit background information during formal meetings.

Opposing Feedback:

The submission opposing the Protocol acknowledged the intent to improve public engagement and transparency but raised several concerns regarding its implementation. Key issues included the lack of clear information on how the public can access Briefings, submit questions, and provide feedback – both prior to and during sessions. The respondent also sought greater clarity on the definition of ‘routine items’, the role of Briefings in the decision-making process, and how outcomes from Workshops would be communicated.

Recommendations included proactive public notification (e.g. publishing agendas at least seven days in advance), establishing an annual calendar of Briefings and Workshops, creating clear registration processes, and ensuring updates are prominently shared across various platforms.

Additionally, it was suggested that other forms of community engagement – such as planning sessions – be clearly defined, consistently advertised, and include transparent mechanisms for public input and visibility of outcomes.

Uncertain Feedback:

The respondent who was unsure raised concerns about the Protocol’s legislative foundation, noting the absence of references to the *Local Government Act 2020* (the Act) and Council’s Governance Rules. Clarity was sought on how confidentiality breaches—particularly those involving third parties—would be handled, and what legal protections exist for Councillors who may inadvertently disclose confidential information during public Briefings.

## **COMMUNICATIONS PLAN**

A clear and transparent communications approach will be implemented to inform the community and stakeholders of the decision. The communications will emphasise Council’s ongoing commitment to transparency and public engagement and outline potential future steps or alternative approaches to improve community access to Council information and processes.

## **LEGAL AND REGULATORY FRAMEWORK**

The Model Councillor Code of Conduct came into effect on 26 October 2024. It provides that:

*A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by—*

**4.2 (Cont.)**

*'not making Council information publicly available where public availability of the information would be contrary to the public interest.'*

Under the Public Transparency Principles set out in section 58 of *the Act*, Council information must be publicly available unless the information is confidential information, or the information would be contrary to the public interest. The new Model Public Transparency Policy is expected to expand on what could be considered 'in the public interest.'

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

There are no direct climate and sustainability considerations.

**FINANCIAL CONSIDERATIONS**

There are no direct financial considerations.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

**4.3 Letters Under Seal - 2025 Australian Honours Recipients - King's Birthday List**

Issued By	Manager - Governance & Risk
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13712659
Briefing Note Number	Not Applicable
Attachment(s)	Nil

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**EXECUTIVE SUMMARY**

This report seeks Council endorsement to affix the Common Seal of the Mornington Peninsula Shire to a letter of congratulations and recognition for local residents who were included in the 2025 King's Birthday Australian Honours List.

**RECOMMENDATION**

**That the Common Seal of the Mornington Peninsula Shire be affixed to the letter of congratulations and recognition for residents included in the 2025 King's Birthday Australian Honours List, as listed in this report.**

**COUNCIL & WELLBEING PLAN**

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

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.2: A resilient and confident community where everyone connects and is supported.

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, B and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

Recognition and Achievements Policy

**4.3 (Cont.)****DISCUSSION****Purpose**

The purpose of this report is to facilitate formal Civic Recognition of Mornington Peninsula residents included in the 2025 King's Birthday Honours List through the sealing and issuing of congratulatory letters, reaffirming Council's commitment to acknowledging excellence and community service.

**Background**

On Monday, 9 June 2025, the Governor-General announced the King's Birthday 2025 Honours List, recognising 830 Australians for their exceptional service and contributions to the nation. The list included appointments and awards within the Order of Australia (General and Military Divisions), as well as meritorious and service-specific honours.

Among those recognised were four residents of the Mornington Peninsula, acknowledged for their outstanding achievements and service to the community.

In keeping with Council's long-standing practice of recognising significant civic contributions, it is proposed that formal letters of congratulations be sealed and issued to the local recipients.

The Honours List included the following Mornington Peninsula residents:

- Professor Corbett Marshall Lyon AO of Mount Martha has been appointed an Officer of the Order of Australia for distinguished service to architecture, to the arts as a benefactor and administrator, and to tertiary education.
- The late Adjunct Professor Murray William Johns AM of Flinders has been appointed a Member of the Order of Australia for significant service to sleep medicine and research.
- Mrs Fay McCormick OAM of Rye has been awarded the Medal of the Order of Australia for service to basketball, and to the community.
- The late Mr Stanley Victor Sullivan OAM of Mount Eliza has been awarded the Medal of the Order of Australia for service to the community through a range of organisations.

The Mornington Peninsula Shire Council will send a letter of congratulations to the recipients, acknowledging their significant contributions to the Mornington Peninsula and the broader community.

In Victoria, investiture ceremonies for the King's Birthday Honours are typically held several months after the honours are announced in June. These ceremonies are conducted by the Governor of Victoria at Government House.

Accordingly, recipients of the 2025 King's Birthday Honours will be invited to attend the next Civic Recognition Event hosted by Council in 2026.

**Options for consideration**

Option 1: Endorse the affixing of the Common Seal to the congratulatory letters, continuing the tradition of formally recognising residents' civic contributions. (Recommended)

Option 2: Note the report without proceeding with formal recognition.

**4.3 (Cont.)****ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

The Communications team will be advised of the recipients and may consider opportunities for public acknowledgment, including a potential media release.

**LEGAL AND REGULATORY FRAMEWORK**

The use of the Common Seal aligns with Council's Recognition and Achievements Policy.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

There are no direct climate or environmental implications associated with this report.

**FINANCIAL CONSIDERATIONS**

There are no financial implications arising from this report.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## ASSETS & INFRASTRUCTURE

### 4.4 Rosebud Beach Community Bowls Club - Loan Guarantee

Issued By	Manager – Assets, Property and Buildings Maintenance
Authorised By	Director - Assets & Infrastructure
Document ID	A13702504
Briefing Note Number	Not Applicable
Attachment(s)	Nil

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#### EXECUTIVE SUMMARY

Rosebud Beach Community Bowls Club of 952 Point Nepean Road, Rosebud (the Club) is looking to undertake capital works to replace an existing grass bowling green with an all-weather synthetic green. The works also includes removal of approximately 100 millimetres (mm) of topsoil, the majority of which was imported for the purposes of the existing green.

Synthetic greens require less maintenance than grass greens and do not require a professional green keeper. They do not require fertiliser, use fewer chemicals and less water than a traditional grass green. Synthetic surfaces last about 15 years and can be used 365 days per year. This will increase overall participation and the number of participants with disabilities and mobility challenges.

The estimated total cost of the project is \$235,000. The Club is seeking Council's support to act as guarantor to secure a loan in the sum of \$200,000, as the Club will be contributing \$35,000. The Club have demonstrated it can service the loan repayments. In addition, the club has recently received grant funding of \$5,000, which will assist with the cost of removing the topsoil from the site.

The aim of this project is to:

- Reduce the burden of maintenance costs on the Club.
- Bring the greens up to the competition standard of Bowls Victoria.
- Increase participation.
- Diversify participation.
- Reduce the volume of chemicals needed to treat the bowling surface.
- Reduce water consumption.

The club has received 'in principle' approval of the loan from Bendigo Bank and is now seeking Council's support to act as loan guarantor to secure the loan.

**4.4 (Cont.)****RECOMMENDATION**

**That Council:**

- 1. Resolves to act as Guarantor for Rosebud Beach Community Bowls Club in their negotiations with the Bendigo Bank for the club to borrow a maximum of \$200,000 over ten (10) years for green replacement works.**
- 2. Ensures the Guarantee Agreement with the Club contains the following conditions:**
  - A. The Guarantee to be limited to the principal sum, reducing as the loan is repaid**
  - B. Maximum term of the Guarantee to be the term of the loan**
  - C. Penalty provisions to apply in the event of default on loan repayment, being:**
    - i. Interest charges (at the cost of the loan) to apply to such repayments, and either:**
      - a. Termination of Lease**
      - b. Liability paid by Council to be repaid by the Club by way of future rental**
  - D. Council to have the discretion to require the Club to fix annual member subscriptions or impose special levies considered necessary to enable the Club to meet its commitment under the loan.**
  - E. The Club to provide the following information annually, during the duration of the loan guarantee:**
    - i. Annual report**
    - ii. Copy of financial statements within two months of the end of the financial year**
    - iii. Copy of bank statements for the last three months as at the end of financial year**
    - iv. Details of insurance arrangements for the facility under the loan guarantee**
- 3. Affixes the Common Seal of the Mornington Peninsula Shire to the Guarantee Agreement and signed by the authorised officers.**

**COUNCIL & WELLBEING PLAN**

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

Theme 3: A flourishing, healthy and connected community.



**4.4 (Cont.)**

- Strategic Objective 3.3: A community in which people from all generations, backgrounds and abilities can access local services.

Theme 3: A flourishing, healthy and connected community.

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

This aligns with the **Organisational Plan**, in particular:

Goal 1 - Deliver our Council & Wellbeing Plan.

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles E, G and I which are:

- E. Innovation and continuous improvement is to be pursued.
- G. The ongoing financial viability of the Council is to be ensured.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES****Council Decision**

On 9 October 2018 Council resolved to act as loan guarantor for the Club to secure a loan from Bendigo Bank for the sum of \$130,000. The loan term was ten years, and the Club was able to repay the loan by 30 April 2024.

Should Council resolve to act as loan guarantor in this matter, it is the intention of the Club to repay the loan prior to the end of the loan term.

**Loan Guarantees Policy**

The Loan Guarantee Policy, approved by the Executive Team on 30 January 2023, requires Council to consider the following issues:

- The project must be for the capital development of a community facility
- The project must be assessed as 'needed'
- The project must be assessed as sustainably financially viable
- The project must have majority support of members (as evidenced by vote at an appropriately constituted Special Meeting called for that purpose).

In assessing 'feasibility,' Council must particularly consider:

- The net community benefit of the project
- Appropriate siting of the facility
- The degree of multi-use available to the community

**4.4 (Cont.)**

- Consistency with the Mornington Peninsula Shire's (Shire) own planning
- The ongoing financial viability of the project and community group
- Demonstrated competent management in place.

**Community Capital Infrastructure Policy**

On 11 December 2018, Council adopted the Community Capital Infrastructure Policy. The primary purpose of that policy is 'to facilitate community groups to undertake infrastructure works on behalf of the Council.'

The objectives of that Policy are to:

- Streamline approval processes for the community to undertake projects on Council owned or managed land.
- To ensure community members' capacity and skills can be utilised to enhance community facilities and public places.
- To encourage volunteers to carry out works on community facilities and public places.
- To build community capacity and public ownership of place, supporting placemaking by the community.
- Reduce the Shire's risk in the construction of assets undertaken by the community.

**Sports Capacity Plan Volume 1**

On 25 June 2019, Council adopted the Sports Capacity Plan Volume 1.

Item 5.1.3 of that Plan lists the benefits of field-based clubs converting to synthetic turf as:

- Less maintenance
- Increased usage capacity
- High quality and consistent surface at all times of the year
- Require little to no water
- More tolerant of adverse weather conditions.

**Peninsula 2040 - Our Shared Vision**

The Community Vision was first established in 2021 and revised in 2025. This report supports the vision themes of:

***People***

A safe, accessible, inclusive and engaged community that fosters our diverse culture, supporting health and wellbeing and a connected and compassionate society for all.

***Prosperity***

Establishing balanced growth through innovation, empowering community groups and volunteers, and fostering a resilient, thriving and vibrant local economy.

**4.4 (Cont.)****DISCUSSION****Purpose**

The purpose of this report is to request Council to guarantee a loan between the Club and Bendigo Bank in the sum of \$200,000.

The Club is confident that by carrying out these works, they will significantly reduce the financial burden of maintaining the grass green and increase participation as synthetic surfaces allow for all weather play. In addition, the Club will be able to increase the diversity of players and allow people with mobility challenges and those confined to wheelchairs onto the green without the fear of causing damage to the surface.

By converting the green from grass to synthetic, the Club anticipates it will be able to significantly reduce its water consumption and the volume of chemicals required to treat the bowling surface.

**Background**

The Club is seeking to replace one grass green with synthetic surface to reduce the costs of maintenance and benefit from increased availability all year round for members.

The Bendigo Bank has indicated they are prepared to offer a \$200,000 loan repayable over 10 years provided that the Shire acts as loan guarantor. The Club are actively seeking grant funding to further assist.

The Club has approached several providers for quotes to undertake the construction works and has selected a preferred supplier.

General financial information for the project is as follows:

- Overall project cost \$235,000
- Loan requested \$200,000
- Club to contribute \$35,000
- Loan repayable over a maximum of 10 years

The Club is forecast to generate a surplus of \$25,000 per annum including savings on maintenance of the replaced green. Council has adopted a Policy on loan guarantees requiring Council to consider the following issues:

- The project must be for the capital development of a community facility
- The project must be assessed as needed
- The project must be assessed as sustainably financially viable
- The project must have majority support of members.

In assessing “feasibility,” Council must particularly consider:

- The net community benefit of the project
- Appropriate siting of the facility
- The degree of multi-use available to the community

**4.4 (Cont.)**

- Consistency with the Shire's own planning
- The ongoing financial viability of the project and community group
- Demonstrated competent management in place.

**Lease**

The Club has recently entered into a new lease with Council for a term of four years and ten months, with a further term of five years.

The Lease contains an overholding clause which allows the Club to continue to occupy the premises after the end of the lease term. The overholding clause continues the provision of the lease on a month to month basis, for up to three months. This will allow the Club to continue to operate for the duration of the loan term.

**Options for consideration**

The preferred option is that Council endorses the loan guarantee.

The Club has explored alternative funding opportunities. The Club has found that the loan terms and interest rates offered by Bendigo Bank, and which is the subject of this report, is the only option which allows the Club to comfortably service loan repayments and still accumulate funds.

Should Council resolve not to endorse the loan guarantee, the Clubs will not be eligible for the loan from Bendigo Bank and will not be able to proceed with the resurfacing works at this time.

**ENGAGEMENT**

The Club exhibits strong community involvement and community service through the following:

- Developing a positive relationship with local schools that includes bowling activities by both pupils and teachers.
- A very active Barefoot Bowls program on Friday evenings throughout the daylight savings period.
- Supporting the Luke Batty Foundation and Never Alone family violence campaign and 39+ disability support services.

A synthetic surface is much more durable than grass and would allow the Club to extend the barefoot bowls program, hold more corporate bowls days and extend the winter bowls program.

In terms of Health and Wellbeing, the Club's direction and actions are consistent with the values inherent in the Shire's Health and Wellbeing Plan.

**Support from Department of Energy, Environment, and Climate Action (DEECA)**

The Club is located on Crown Land, managed by Council.

On 17 December 2024, the Club submitted an application to DEECA seeking support, and consent, to carry out the surface replacement works.

**4.4 (Cont.)**

On 24 December 2024, DEECA provided its written consent to the proposed works under section 70 of the *Marine and Coastal Act 2018* and section 17D of the *Crown Land Reserves Act 1978*. DECCA has stated that a Planning Permit is not required for the works, and confirmed there are no Native Title requirements.

**Shire Internal Feedback**

The Finance Team has reviewed the financial documentation provided by the Club. The Team has undertaken an assessment of the Clubs' ability to service the loan and has provided support for the Application.

On 29 February 2024, feedback was gathered from internal stakeholders as part of the Club's Community Capital Infrastructure application assessment. The teams that were consulted included Traffic and Transport, Property, and Community Infrastructure and Open Space Planning. Unanimous 'in principle' support was given to the project.

**COMMUNICATIONS PLAN**

Not applicable.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

By converting the current grass green to a synthetic surface, the Club will significantly reduce their water consumption as well as the volume of chemicals needed to maintain the current grass green. Synthetic greens require less maintenance than grass and can be maintained by Club members instead of a professional green keeper. The greens require no fertiliser, less water, and less chemicals.

Modern synthetic surfaces can be used 365 days per year, unlike grass greens which need to be rested during non-growth periods. This facilitates a change to a full year operation and provides enhanced amenity to the community and Club members.

The synthetic surface selected for this project is manufactured locally in Dandenong and is specifically designed for Australian climate conditions. The yarn is manufactured using contaminant free polymers and is UV and heat stabilised. The yarn meets global standards and does not pose any risk to human health. The surfaces will be laid on ultra base interlocking panels which are made from recycled materials.

The project will have minimal impact on the surrounding environment, and little to no impact on biodiversity on the Peninsula.

**FINANCIAL CONSIDERATIONS**

The Shire's Finance team has been provided with the Club's financial statements for the past three years and bank statements for the last six months. The Finance team has completed its review of the Club's financial viability and confirmed its support to proceed with the loan guarantee.

The Club intends to use a combination of its own savings and loan funds from the Bendigo Bank to fund the resurfacing works.

Once the resurfacing works are complete, the Club will no longer need to engage the services of a greenskeeper, or purchase the chemicals needed to treat the grass greens. It is the Club's intention to use these savings to make extra repayments on the loan.

**4.4 (Cont.)**

The Club intends to carry out resurfacing works during the cooler months, which they consider their 'off season' to ensure minimal impact to the Club's revenue.

The lifespan of the synthetic surface which has been selected for the project is approximately 15 years and provides for all weather playing conditions. It is the Clubs' intention to carry out a membership drive once the works are completed to boost memberships and revenue for the Club.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

#### 4.5 Correction to Council Resolution for Community Asset Maintenance Services Tender Recommendation Reports

Issued By	Commercial Manager Maintenance Contracts (Facilities); Manager - Infrastructure Services
Authorised By	Director - Assets & Infrastructure
Document ID	A13626152
Briefing Note Number	BN2065 – 10 June 2025
Attachment(s)	<ol style="list-style-type: none"> <li>Minutes - 4.3 CN2635 Road Corridor Maintenance Services Tender Recommendation - 12 December 2023.pdf <a href="#">⇒</a></li> <li>Minutes - 4.4 CN2640 Tree Management Maintenance Services Tender Recommendation - 12 December 2023.pdf <a href="#">⇒</a></li> <li>Minutes - 4.5 CN2639 Open Spaces Maintenance Services Tender Recommendation - 12 December 2023.pdf <a href="#">⇒</a></li> <li>Minutes - 4.6 CN2641 Bushlands Management Maintenance Services Tender - 12 December 2023.pdf <a href="#">⇒</a></li> <li>Minutes - 4.6 CN2642 Cleaning Services Tender Recommendation - 30 April 2024.pdf <a href="#">⇒</a></li> <li>Minutes - 4.6 The Award of Council's Building Maintenance Contracts <a href="#">⇒</a></li> <li>Contingency Allowances (confidential) <a href="#">⇒</a></li> </ol>

### EXECUTIVE SUMMARY

During a routine review of contract documentation, Mornington Peninsula Shire (Shire) officers have identified administrative errors during the approval of contracts during the Future Maintenance Services (FMS) project.

In the Council reports dated 12 December 2023, the following contracts were awarded based on annual contract spend rather than total contract value:

- CN2635 – Roads Corridor
- CN2639 – Open Spaces
- CN2640 – Tree Management Services
- CN2641 – Bushland Management Services

In the Council report dated 30 April 2024, CN2642 – Cleaning Services was also awarded based on annual contract spend, but the total contract value was reported instead. Additionally, the report omitted the contingency amount.

Awarding contracts on annual spend limits the Shire's ability to manage service delivery effectively, as it does not account for market fluctuations over the contract term. Any overspend beyond the awarded value would require a Council resolution, in accordance with the Shire's Procurement Policy.

This report seeks to amend the resolutions for all five contracts to reflect their total contract values.

**4.5 (Cont.)**

In addition, Shire officers require Council approval of the revised total spend for the interim Carpentry Services and After-Hours Support arrangement as the services provided by the service provider were expanded during the engagement and the final contract value exceeded that of the Chief Executive Officer's (CEO) financial delegation.

As this report is to correct administrative errors, there are no changes to the scope of services provided, or to the value of the contracts awarded. There is no impact to the executed contracts with service providers due to these administrative updates.

**RECOMMENDATION**

**That Council:**

**Part A**

**1. Amends the adopted resolutions for the following tender recommendations to the below:**

**A. CN2635 – Roads Corridor:**

- i. Amends the contract value from annual to total contract term to the value of \$429,982,559.24 plus \$42,998,255.92 GST.
- ii. Notes the year one contract value, including indexation of \$30,640,265.97 plus \$3,064,026.60 GST.
- iii. Approves further expenditure under the contract up to the confidential contingency value and other allowances identified within Attachment 7 of this report.
- iv. Delegates authority to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020* to vary the annual contract sum within the terms and conditions of the Contract relating to indexation.
- v. Notes that any amendment to the annual contract value will be provided in the quarter 2 Quarterly Community Report

**B. CN2639 – Open Spaces**

- i. Amends the contract value from annual to total contract term to the value of \$92,154,311.46 plus \$9,215,431.15 GST.
- ii. Notes the year one contract value, including indexation of \$14,325,053.31 plus \$1,432,505.33 GST.
- iii. Approves further expenditure under the contract up to the confidential contingency value and other allowances identified within Attachment 7 of this report.
- iv. Delegates authority to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020* to vary the annual contract sum within the terms and conditions of the Contract relating to indexation.
- v. Notes that any amendment to the annual contract value will be provided in the quarter 2 Quarterly Community Report.



**C. CN2640 – Tree Management**

- i. Amends the contract value from annual to total contract term to the value of \$59,517,469.77 plus \$5,951,746.98 GST.
- ii. Notes the year one contract value, including indexation of \$9,223,384.11 plus \$922,338.41 GST.
- iii. Approves further expenditure under the contract up to the confidential contingency value and other allowances identified within Attachment 7 of this report.
- iv. Delegates authority to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020* to vary the annual contract sum within the terms and conditions of the Contract relating to indexation.
- v. Notes that any amendment to the annual contract value will be provided in the quarter 2 Quarterly Community Report.

**D. CN2641 – Bushland Management**

- i. Amends the contract value from annual to total contract term to the value of \$34,660,115.00 plus \$3,466,011.50 GST.
- ii. Notes the year one contract value, including indexation of \$5,426,000.00 plus \$542,600.00 GST.
- iii. Approves further expenditure under the contract up to the confidential contingency value and other allowances identified within Attachment 7 of this report.
- iv. Delegates authority to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020* to vary the annual contract sum within the terms and conditions of the Contract relating to indexation.
- v. Notes that any amendment to the annual contract value will be provided in the quarter 2 Quarterly Community Report.

**E. CN2642 – Cleaning Services**

- i. Amends the contract value from annual to total contract term to the value of \$29,259,183.16 plus \$2,925,918.32 GST being for CN2642 – Cleaning Services contract.
- ii. Approves further expenditure under the contract up to the confidential contingency value and other allowances identified within Attachment 7 of this report.
- iii. Delegates authority to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020* to vary the annual contract sum within the terms and conditions of the Contract relating to indexation.

## 4.5 (Cont.)

## Part B

1. That Council, in accordance with the Instrument of Delegation resolves to amend the total value of the interim contract for Carpentry and After-Hours services to be \$940,566.62 plus \$94,056.66 GST for the period from 01 July 2024 through to 02 February 2025 inclusive.
2. That Council resolves that Attachment 7 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, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

**COUNCIL & WELLBEING PLAN**

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

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

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

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, E, G and I which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- E. Innovation and continuous improvement is to be pursued.
- G. The ongoing financial viability of the Council is to be ensured.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

At the Council meeting on 12 December 2023, the attached reports (Attachments 1, 2, 3 and 4) were resolved by Council:

- CN2635 – Roads Corridor Maintenance Services Tender Recommendation
- CN2639 – Open Spaces Maintenance Services Tender Recommendation
- CN2640 - Tree Management Maintenance Services Tender Recommendation:
- CN2641 – Bushlands Management Maintenance Services Tender Recommendation.

At the Council meeting on 30 April 2024, the attached report (Attachment 5) was resolved by Council:

- CN2642 – Cleaning Services Tender Recommendation.

**4.5 (Cont.)****DISCUSSION****Purpose**

The purpose of this report is to recommend the correction of administrative errors of the Council resolutions for the following contracts:

- CN2635 – Roads Corridor
- CN2639 – Open Spaces
- CN2640 – Tree Management Services
- CN2641 – Bushland Management Services
- CN2642 – Cleaning Services.

These Contracts were awarded based on annual contract sums and annual contingencies rather than total contract values and total contingencies. Total contract value reflects the full cost over the contract term, including all extension options and proposed indexation, while total contingency provides the necessary flexibility to manage unforeseen variations over the life of the contract.

Using annual values in the resolutions creates operational challenges, as it does not provide sufficient authority to manage the contracts over their full duration. Without correction, Shire officers would be constrained by inaccurate contract values, limiting their ability to deliver the services as awarded.

This report seeks to amend the awarded resolutions to reflect the total contract values, enabling effective contract management. It does not propose any changes to the scope, duration, or terms of the executed contracts.

Additionally, this report requires Council endorsement of the final value of the interim arrangement for Carpentry and After Hours Support which has exceeded the CEO's financial delegations due to additional maintenance programs being undertaken by the service.

**Background*****Community Asset Maintenance Services Contracts***

On 12 December 2023, Council was presented with tender recommendation reports for the four contracts listed below:

- CN2635 – Roads Corridor
- CN2639 – Open Spaces
- CN2640 – Tree Management Services
- CN2641 – Bushland Management Services

These contracts were awarded based on annual sums plus a confidential annual contingency. However, the reports did not include total contract values, inclusive of indexation, or contingencies, contrary to the Shire's standard contract award practices.

**4.5 (Cont.)*****Cleaning Services Contract***

On 30 April 2024, Council awarded CN2642 – Cleaning Services based on an annual sum, but the reported value reflected the total contract value. The report also omitted the required contingency. As outlined in Attachment 6, a confidential contingency was intended for all Buildings Management contracts, but CN2642 was awarded prior to the delegation of the remaining contracts.

All five contracts were executed with services commencing 1 July 2024. Correcting these administrative errors will not impact the organisation's financial position as the total contract values were already accounted for in the Shire's Long Term Financial Plan.

***Carpentry and After-Hours Services Contract***

During the FMS project, it was identified that Carpentry and After-Hours Services were still required under the revised building services model. Due to timing, an interim arrangement was made with the existing provider. Initially within the CEO's delegation, the provider was later engaged for urgent flooring works at Council recreation facilities. These additional works exceeded the CEO's financial delegation, requiring Council approval. This interim arrangement concluded with the adoption of the ongoing contract by Council on 17 December 2024.

**Options*****Option 1 – Recommended***

That Council endorses the correction of the contract resolutions to reflect the total contract values and total contingencies for the five Community Asset Maintenance Services contracts, as well as supports the proposed delegation of authority to the CEO to approve variations within the approved contract sum.

These contracts have already been awarded and executed, with services commencing on 1 July 2024. This resolution does not alter the scope, duration, or terms of the contracts, nor does it impact the financial position of the Shire, as the total values were accounted for in the Long Term Financial Plan.

Correcting the resolutions ensures alignment with Council's original intent and standard procurement practices. The proposed delegation to the CEO further enables timely and efficient contract administration by allowing variations to be managed within the approved contract sum, without requiring repeated Council resolutions.

***Option 2 – Not Recommended***

That Council does not endorse the corrected contract resolutions or the proposed delegation to the CEO.

While the contracts have already been awarded and executed, failing to correct the resolutions would result in administrative and financial constraints. Shire officers would be limited to the annual contract values currently stated in the resolutions, requiring separate Council approval for any expenditure beyond those amounts—even when within the total contract value.

This would create unnecessary delays, increase administrative burden, and risk service interruptions. It would also misalign the contract documentation with Council's original intent and limit the CEO's ability to manage variations efficiently within the approved budget.

## 4.5 (Cont.)

**ENGAGEMENT**

The below Shire teams were involved in the creation of this report:

- Buildings Management
- Commercial, Legal and Procurement Services
- Finance
- Governance
- Infrastructure Services
- Service Providers.

**LEGAL AND REGULATORY FRAMEWORK**

Council must comply with section 108 of the *Local Government Act 2020*, which limits the engagement of suppliers above the public tender threshold as noted in our Procurement Policy.

**FINANCIAL CONSIDERATIONS**

This report recommends correcting the resolutions to reflect total contract values. The original financial analysis remains valid, and the contract costs continue to align with the Shire's Long Term Financial Plan, as confirmed by the Finance team.

The current resolution outlines the award values as per the table below:

<b>ANNUAL CONTRACT VALUES (CURRENT RESOLUTION)</b>			
<b>Contract Number</b>	<b>Contract Name</b>	<b>Annual Value ex. GST</b>	<b>GST</b>
CN2635	Roads Corridor	\$29,494,013.00	\$2,949,401.00
CN2639	Open Space	\$13,916,002.00	\$1,391,600.00
CN2640	Tree Management Services	\$8,892,011.00	\$889,201.00
CN2641	Bushland Management Services	\$5,426,040.00	\$542,604.00
CN2642	Cleaning Services	\$29,259,183.16	\$2,925,918.31

The correction to administrative errors would result in total contract values as outlined below:

<b>TOTAL CONTRACT VALUES (UPDATED RESOLUTION)</b>				
<b>Contract Number</b>	<b>Contract Name</b>	<b>Year One Contract Value (incl. Indexation)</b>	<b>Total Contract Value (ex GST)</b>	<b>Total Contract GST</b>
CN2635	Roads Corridor	\$30,640,265.97	\$429,982,559.24	\$42,998,255.92

## 4.5 (Cont.)

CN2639	Open Space	\$14,325,053.31	\$92,154,311.46	\$9,215,431.15
CN2640	Tree Management Services	\$9,223,384.11	\$59,517,469.77	\$5,951,746.98
CN2641	Bushland Management Services	\$5,426,040.00	\$34,660,115.00	\$3,466,011.50
CN2642	Cleaning Services		\$29,259,183.16	\$2,925,918.31

In addition, the update of confidential Attachment 7 outlines the total contract values of the contingency sums for these contracts.

The following interim contract arrangement requires the total value to be revised to:

Contract Name	Original Value ex. GST	Final Value ex. GST
Memorandum of Understanding (MOU) – Carpentry and After-Hours Services	\$898,272.13	\$940,566.62

**TERM OF CONTRACT**

There are no changes to the original awarded contract terms awarded. A summary of the terms is below:

Contract Number	Initial Contract Term	Extension Period 1	Extension Period 2	Total Contract Term
CN2635 – Roads Corridor	6 years	3 years	3 years	12 years
CN2639 – Open Spaces	4 years	2 years	n/a	6 years
CN2640 – Tree Management Services	4 years	2 years	n/a	6 years
CN2641 – Bushland Management Services	4 years	2 years	n/a	6 years
CN2642 – Cleaning Services	4 years	3 years	n/a	7 years

**CONFLICTS OF INTEREST**

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

## COMMUNITY STRENGTHENING

### 4.6 Community Investment Funding (CIF) Programs and Eligibility 2025-2029

Issued By	Manager – Community Partnerships
Authorised By	Acting Director - Community Strengthening
Document ID	A13752465
Briefing Note Number	BN2059 – 10 June 2025 and BN2061 – 10 June 2025
Attachment(s)	1. CIF 2025-2029 Programs <a href="#">⇒</a> 2. CIF General Eligibility <a href="#">⇒</a>

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#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's adoption of the Community Investment Funding (CIF) Programs 2025-2029 for grants, subsidies and sponsorships (Attachment 1); which have been aligned to the adopted budget for 2025/2026. Council's adoption of the General Eligibility for CIF (Attachment 2) is also sought.

Council's adoption of CIF Programs (Attachment 1) and General Eligibility (Attachment 2) are combined to form the more comprehensive Grants, Subsidies and Sponsorship Guidelines available for the community that also include additional information and support for applicants.

All grants and subsidies adopted by Council at the 6 May meeting have increased in the 2025/2026 budget from last financial year with the exception of Sponsorships which had a funding pool of \$460,000. Due to Sponsorships having multi-year funding \$175,000 of the available \$400,000 has been committed from the 2025/2026 budget giving a remaining funding pool of \$225,000.

That Council notes all subsidies under each subsidy category have equal value where there are multiple organisations receiving subsidised funding, except for Sorrento Beachside Tourism; who receive a subsidy of greater value than Mornington and Hastings Tourism as Sorrento is an accredited Centre requiring compliance with industry standards.

Subject to Council's adoption, it is proposed the CIF Programs will be open to the community from 13 July 2025.

#### RECOMMENDATION

**That Council:**

1. **Adopts Community Investment Funding (CIF) Programs 2025-2029 as per (Attachment 1).**
2. **Adopts the CIF General Eligibility Criteria as per (Attachment 2).**
3. **Delegates authority to the Chief Executive Officer (CEO) the implementation of CIF for grants, subsidies and sponsorships included in:**
  - A. **Attachment 1 CIF 2025 2029 Programs**

**4.6 (Cont.)**

- B. Attachment 2 CIF General Eligibility Criteria.**
- 4. Delegates authority to the Chief Executive Officer (CEO) to make minor administrative changes to guidelines as required.**
  - 5. Authorises, subject to CEO financial delegations, the redistribution of undersubscribed grants and/or subsidies within each strategic direction (Our Place, Our People, Our Prosperity) to support oversubscribed applications if a funding program is closed.**

**COUNCIL & WELLBEING PLAN**

The CIF Framework and Guidelines aligns with the Council and Wellbeing Plan 2021-2025 objectives.

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, B, C, E, G and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- E. Innovation and continuous improvement is to be pursued.
- G. The ongoing financial viability of the Council is to be ensured.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

- Council Community Investment Funding Policy adopted 6 May 2025
- Council Operations Budget adopted CIF on 6 May 2025.
- Council Capital Works Budget adopted 20 May 2025.
- Public Transparency Policy (2024)
- Child Safety and Wellbeing Policy (2024)
- Public Arts Policy (2024)
- Council adopted the Mornington Peninsula Community Charitable Trust Committee of Management Terms of Reference (TOR) and the Guidelines on the 28 May 2023
- Governance Rules Policy (2022)
- Environmentally Sustainable Design Policy (2022)
- Fraud and Corruption Policy (2022)



**4.6 (Cont.)**

- Public Memorials Policy (2022)
- Community Engagement Policy (2020)

**DISCUSSION****Purpose**

The purpose of this report is to seek Council's adoption of the Community Investment Funding (CIF) Grants, Subsidies and Sponsorships Programs 2025-2029 (Attachment 1) and General Eligibility Criteria for 2025-2029 (Attachment 2).

The CIF Program opens annually on the 13 July. Programs have been developed aligned to Council's adoption of the annual budget on 6 May 2025.

The Local Area Community Capital Infrastructure Grants has been increased to a \$1 million funding pool following Council's resolution on 20 May 2025.

**Background**

Community Investment Funding (CIF) supports local organisations to deliver essential services, programs, community events and festivals to enable community cohesion and increase civic participation. Funding empowers community-led projects that enhance volunteer participation and supports partnerships that build community capacity and resilience.

The Community Investment Funding Policy (2025) intent is to build community cohesion and resilience in alignment with the Community Vision, the Council Plan, Municipal Health and Wellbeing Plan, Financial Plan and other adopted strategies and plans.

The CIF Programs has been aligned with Council's draft Council Plan goals of Place, People and Prosperity.

CIF is implemented by Mornington Peninsula Shire (Shire) officers, subject to Council's adoption of programs, purpose, priorities and eligibility criteria for 2025-2029 and the Annual Budget adopted each year.

**Options for consideration**

The preferred option is the recommendation.

**ENGAGEMENT**

Community Investment Funding is led by Community Development and implemented across the organisation involving 12 Program Managers and over 60 panel assessors, given the range of program impacts.

**Internal**

Internal consultation has been undertaken with Shire officers involved across the organisation through several methods including:

- Performance 2023/2024 reports completed by Program Managers, also included in the Internal Audit.
- Program Manager's feedback through workshops and meetings.
- Program Logic development meetings with Program Managers.

**4.6 (Cont.)****External**

Community Consultation on the Community Investment Funding Policy (2022) and funding programs was undertaken through the following engagement methods:

- Grants Information Sessions (May – August 2024).
- Community Survey (August - September 2024).
- Mornington Peninsula Shire's Citizen's Panel, including four grants recipient Guest Speakers (26 August 2024).
- Grant Application Feedback Sessions (31 October – December 2024).
- Engagement with Applicants through the acquittal process, ongoing.
- Council consultation, as per the public exhibition for the draft annual budget 2025/2026.

**COMMUNICATIONS PLAN**

A Communications Plan has been developed for the promotion of grants to ensure all grants are promoted collectively with clear closing dates. Information is proposed to be available on the Shire's website, through a media release and social media. Grants Information Sessions will be held for the community, along with grant writing workshops.

**LEGAL AND REGULATORY FRAMEWORK**

- *Local Government Act 2020*
- *Child Safety and Wellbeing Act 2005.*

The adoption of Council policies must align with the principles outlined in the *Local Government Act 2020*, particularly in relation to good governance, transparency and accountability.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

The CIF Policy (2025) encapsulates funding programs to help address emergencies. Community-Led Safety subsidies are targeted at organisations that support our community through emergency events. The CIF program outcomes and desired long-term outcomes are identified the CIF Programs attached (Attachment 1)

**FINANCIAL CONSIDERATIONS**

Council's adoption of Operating budget at the 6 May 2025 Council meeting and Capital Works at the 20 May Meeting allocated budget for the 2025/26 CIF totalling \$3,999,750 distribution as per CIF Programs and 2025/2026 budget (Attachment 1).

**OFFICER DIRECT OR INDIRECT INTEREST**

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

**4.7 Draft Domestic Animal Management Plan 2026-2029**

Issued By	Manager – Community Safety, Health and Compliance
Authorised By	Acting Director - Community Strengthening
Document ID	A13578727
Briefing Note Number	BN2040 – 13 May 2025
Attachment(s)	<ol style="list-style-type: none"><li>1. Draft Domestic Animal Management Plan 2026-2029 <a href="#">⇒</a></li><li>2. Domestic Animal Management Plan 2021-2025 <a href="#">⇒</a></li></ol>

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**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to place the draft Domestic Animal Management Plan 2026-2029 (draft Plan) (Attachment 1) on public exhibition for a period of four weeks.

Each Victorian Council is required to prepare a Domestic Animal Management Plan every four years pursuant to section 68A of the *Domestic Animals Act 1994* (the Act). The draft Plan will evaluate the Mornington Peninsula Shire's (Shire) current animal management services and review existing domestic animal local laws and orders to ensure they meet the needs of the community. The draft Plan will also outline the Shire's future animal management programs, services and strategies for the period of 2026-2029.

**RECOMMENDATION**

**That Council endorses the draft Domestic Animal Management Plan 2026-2029 to be placed on public exhibition for a period of four weeks.**

**COUNCIL & WELLBEING PLAN**

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

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.

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, B, D and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.

**4.7 (Cont.)**

- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

At the Council Meeting held on 1 November 2021, Council resolved to adopt the Domestic Animal Management Plan 2021-2025 (Attachment 2).

**DISCUSSION****Purpose**

The purpose of this report is to seek Council's endorsement to place the draft Plan on public exhibition for a period of four weeks. Council adopted the 2021-2025 Plan in November 2021 pursuant to section 68A (1) of *the Act*.

**Background**

At the expiration of the current Plan, a new four-year Plan must be prepared and lodged with the Secretary of the Department of Energy, Environment and Climate Action (DEECA) by 4 December 2025.

To prepare the draft Plan, Shire officer's undertook extensive benchmarking activities across 28 metropolitan and semi-rural councils to ensure Council's current and future animal management services were on par or exceeded those in place across metropolitan and semi-rural Victoria.

Internal stakeholder consultation with the Communications, Coastal Planning, Parks and Roadsides, Sport and Recreation, Open Spaces, Natural Systems and Infrastructure Services Teams was undertaken to ensure the draft Plan was consistent with existing and future Council plans and strategies. Shire officer's also considered community feedback received over the life of the 2021-2025 Plan.

**Options for consideration**

Option 1: That Council endorses the draft Domestic Animal Management Plan 2026-2029 to be placed on public exhibition for a period of four weeks.

Placing the draft Plan on public exhibition for a period of four weeks will allow dog and cat owners, and the wider community, the ability to review the Plan, ask questions of Council Officers and provide feedback. Feedback is vital to ensure Shire officers have captured all pertinent information, and to ensure continued support of Council's animal management services.

It is Shire officer's recommendation that Council endorse the draft Domestic Animal Management Plan 2026-2029 to be placed on public exhibition for a period of four weeks.

**ENGAGEMENT**

It is recommended that the draft Plan be placed on public exhibition for a period of four weeks. During this time, Shire officers will host 'pop ups' at key locations where they will be able to answer any questions or concerns the community may have about the draft Plan.

Following this consultation period, Shire officers will prepare a report detailing any community feedback received and identify if there are any recommended adjustments to the draft Plan.

## **COMMUNICATIONS PLAN**

In conjunction with the Communications Team, Shire officers have developed a Communications Plan to ensure the draft Plan and engagement reaches the widest audience possible. In addition to the 'pop ups,' digital and social media tools will also be utilised to ensure community feedback is included.

## **LEGAL AND REGULATORY FRAMEWORK**

Council must specifically address the subsections pursuant to section 68A (2) of *the Act*. These requirements are addressed as themes in the draft Plan as follows:

- A method for evaluating whether the animal control services provided by Council are adequate
- Outline programs for the training of Authorised Officers
- Outline programs, services and strategies to:
  - Promote and encourage the responsible ownership of dogs and cats
  - Ensure that people comply with animal-related legislation
  - Minimise the risk of attacks by dogs on people and animals
  - Address any over-population and high euthanasia rates for dogs and cats
  - Encourage the registration and identification of dogs and cats
  - Minimise the potential for dogs and cats to create a nuisance
  - Effectively identify and manage all dangerous dogs, menacing dogs and restricted breed dogs in the municipality
- Provide an avenue for the review of existing orders made under *the Act* and the Community Amenity Local Law 2022 that relate to animal controls
- Provide for the review of any other matters related to the management of dogs and cats
- Provide for the periodic evaluation of any program, service, strategy or review outlined in the Plan.

## **CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

## **FINANCIAL CONSIDERATIONS**

The cost required to undertake the public exhibition and community consultation has been factored into the 2024/2025 Council Budget.

## **OFFICER DIRECT OR INDIRECT INTEREST**

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

## **5 NOTICES OF MOTION**

Nil.

## **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**

Nil.