



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 8 APRIL 2025

6:30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

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

EXECUTIVE TEAM

Mr Bulent Oz Ms Tanya Scicluna Ms Sam Stanton Mr David Simon Mr Davey Smith Mr Mark Schubert	Acting Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Environment Director – Assets and Infrastructure Acting Chief Financial Officer
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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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING AND WELCOME.....	5
1.1	Acknowledgement of Country.....	5
1.2	Vale – Michael ‘Mick’ O’Rourke.....	5
2	PROCEDURAL MATTERS	6
2.1	Apologies	6
2.2	Disclosure of Conflicts of Interest Pursuant to sections 126 – 131 of the <i>Local Government Act 2020</i>	6
2.3	Confirmation of Minutes	6
2.4	Council Decision Register	7
2.5	Councillor Briefing Sessions	8
2.6	Public Question Time	9
3	COUNCILLORS AND DELEGATES REPORTS	10
4	MANAGEMENT REPORTS	12
	OFFICE OF THE CEO.....	12
4.1	2025-26 Budget - Revenue.....	12
	PLANNING & ENVIRONMENT	16
4.2	Planning Permit Application - P24/1043 - 304 Myers Road Merrick North - Development of a Telecommunications Facility and vegetation removal	16
4.3	Future Beach Cleaning	29
4.4	Dromana Arthurs Seat Escarpment Management Plan	35
	COMMUNITY STRENGTHENING	43
4.5	Briars Master Plan Implementation Report	43
4.6	Briars Balcombe Creek Boardwalk Restoration	52
4.7	Footpath Trading Policy	62
	ASSETS & INFRASTRUCTURE	65
4.8	CN2174 - Building Trades and Specialist Services Panel - Contract Extension.....	65
	CORPORATE STRATEGY & BUSINESS IMPROVEMENT	68
4.9	Review of Instrument of Delegation - Council to Chief Executive Officer	68
5	NOTICES OF MOTION.....	66
5.1	Notice of Motion 479 (Cr Pingiaro) - Service Reviews.....	71
5.2	Notice of Motion 480 (Cr Allen) - Tennis and Bowls Club Leases	81

5.3 Notice of Motion 481 (Cr Gill) - Illegal Encroachment..... 83

5.4 Notice of Motion 482 (Cr Gill) - Drowning Prevention Strategies 85

5.5 Notice of Motion 483 (Cr Gill) - Cost Shifting..... 87

6 URGENT BUSINESS..... 89

7 CONFIDENTIAL ITEMS..... 90

7.1 CN2735 Legal Services Panel..... 91

7.2 Community Housing Expression of Interest (EOI) 91

1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

To be read by Cr Patton

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..

1.2 Vale – Michael 'Mick' O'Rourke

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 11 March 2025, be confirmed.

2.4 Council Decision Register

- Attachment(s)
1. 2019 Council Decision Register Summary
 2. 2020 Council Decision Register Summary
 3. 2021 Council Decision Register Summary
 4. 2022 Council Decision Register Summary
 5. 2023 Council Decision Register Summary
 6. 2024 Council Decision Register Summary
 7. 2025 Council Decision Register Summary

PURPOSE

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

Attached are Summaries of the 2019-2025 Decision Registers (Attachments 1-7) as at 28 March 2025.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2025 (Attachments 1-7) as at 28 March 2025.

2.5 Councillor Briefing Sessions

Councillor Briefing Sessions – 4 and 25 March 2025

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 4 and 25 March 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	Bulent Oz, Acting 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

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
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 Joseph, 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	Cr 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

OFFICE OF THE CEO

4.1 2025-26 Budget - Revenue

Issued By	Acting Chief Financial Officer
Authorised By	Acting Chief Financial Officer
Document ID	A13622936
Briefing Note Number	BN2005 - 4 March 2025
Attachment(s)	1. FY26 - Fees and Charges Schedule

EXECUTIVE SUMMARY

The purpose of this report is to recommend adoption of the fees and charges appendix (Attachment 1) and rate cap to be applied for the 2025-2026 Annual Budget.

This is the first meeting of the Budget process that will focus on the revenue estimated for Mornington Peninsula Shire in 2025-2026. Currently Council's draft operating income for 2025-2026 is \$289 million which is an increase of 4% from the 2024-2025 adopted budget.

Rates and charges are required by the *Local Government Act 2020* and the regulations to be disclosed in Council's Annual Budget. The Fair Go Rates System (FGRS) sets out the maximum amount councils may increase rates in a year. For 2025-2026 rating year, the rate cap has been set at 3%. The cap applies to general rates and is calculated on the basis of Council's average rates and charges. The Capital Improved Value (CIV) and the differential rating of the property determines the share of the rates for each rateable property. It is proposed to keep the current differential rating categories as per below table:

Type or class of land	2025/2026 %
General Land	100.00%
Vacant residential land	140.00%
Vacant Commercial land	140.00%
Vacant Industrial land	140.00%
Mornington Peninsula Agricultural land	35.00%
Conservation land	75.00%
Trust For Nature land	35.00%
Cerberus land	50.00%

4.1 (Cont.)

RECOMMENDATION

That Council:

- 1. Adopts the current differential rating structure for 2025/2026 as per the below table:**

Type or class of land	2025/2026 %
General Land	100.00%
Vacant residential land	140.00%
Vacant Commercial land	140.00%
Vacant Industrial land	140.00%
Mornington Peninsula Agricultural land	35.00%
Conservation land	75.00%
Trust For Nature land	35.00%
Cerberus land	50.00%

- 2. Adopts the 3% rate cap, as set by the Minister, for the 2025-2026 Financial Year.**
- 3. Adopts Attachment 1 Appendix A – Schedule of Fees and Charges 2025-2026.**

COUNCIL & WELLBEING PLAN

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

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

Theme 2: A robust, innovative and diverse economy.

Theme 3: A flourishing, healthy and connected community.

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 D, G and I which are:

- The municipal community is to be engaged in strategic planning and strategic decision making.
- The ongoing financial viability of the Council is to be ensured.
- The transparency of Council decisions, actions and information is to be ensured.

4.1 (Cont.)**RELEVANT COUNCIL DECISIONS AND POLICIES**

Not applicable.

DISCUSSION**Purpose**

The purpose of this report is to recommend adoption of the fees and charges appendix (Attachment 1) for the 2025-2026 Annual Budget

This key element then helps to form the revenue for the 2025-2026 Annual Budget.

Current expected operating revenue (excluding capital works grant and contribution income) is made up of the following:

- \$234 million Rates and Charges
- \$7.5 million grants and subsidies
- \$34 million user charges
- \$7.8 million grants commission
- \$5.7 million other income.

On 23 December 2024, the Minister for Local Government, the Honourable Nick Staikos MP, has announced that the average rate cap for the 2025-2026 financial year will be set at 3%. This will apply to all Victorian Councils. The Minister's decision took into consideration cost-of-living pressures being experienced by many Victorians and the sustainability of local governments. Councils remain able to seek a higher cap amount via application to the Essential Services Commission (ESC) if they determine that additional rate revenue over the cap amount is required.

It is being recommended by officers this full cap is adopted for the 2025-2026 financial year in order to address rising costs and ongoing financial sustainability. Shire officers have also discussed with Councillors the intention to review the differential rating strategy during 2025-2026 ahead of the 2026-2027 budget process. As a result, no changes are being recommended for next financial year.

The approximate increase in rates revenue due to a 3% rate cap is \$5.2 million for 2025-2026 annual budget. If the full rate cap was not adopted, annual revenue would decrease by \$5.2 million and over the next 10 years by approximately \$63 million.

Background

The Fees and Charges proposed for 2025-2026 Budget, have been reviewed in line with increasing Council fees by 5% where applicable, updated where the rate has changed or recommended for further increase/decreases in line with cost recovery. Statutory fees will be amended for the final budget adoption if the confirmed rates have been released.

Options for consideration

Council may adopt changes to the fees and charges presented in this report. Any changes made by Council will then be modelled for the revenue impact in the 2025-2026 draft Budget and Councillors will be updated in the following Budget briefing.

4.1 (Cont.)**ENGAGEMENT**

As part of the Budget process, we asked the Community to contribute to help shape and guide the Shire's programs, projects, and services. The Budget portal closed on the 16 February 2025, and we received 3,676 contributions and 1,522 comments. All of these results and comments have been shared with Councillors.

The top five priorities that the community voted on were:

- Road safety and maintenance
- Protection of our rural green wedge
- Coastal Infrastructure and access
- Caring for our natural environment
- Aged, family, youth services.

The top five general themes generated from comments were Roads, Vegetation Management, Paths/Pedestrian, Planning and Economic Development

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Adopting the schedule of fees and charges for 2025-2026 will form the expected revenue ahead of the next 2026 Financial Year Budget meeting for operational expenses.

OFFICER DIRECT OR INDIRECT INTEREST

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

PLANNING & ENVIRONMENT

4.2 Planning Permit Application - P24/1043 - 304 Myers Road Merrick North - Development of a Telecommunications Facility and vegetation removal

Issued By	Manager Strategic and Infrastructure Planning
Authorised By	Acting Director - Planning & Environment
Document ID	A13604690
Briefing Note Number	A13559508
Attachment(s)	<ol style="list-style-type: none"> 1. Officer Assessment 2. Development Plans 3. Planning Submissions including AIA 4. Map of 500m-radius circle 5. Submission (confidential)

EXECUTIVE SUMMARY

The purpose of this report is to seek a decision from Council regarding Planning Application P24/1043 for the development of a telecommunications facility and associated vegetation removal (the Application). The Application has been called in by Councillor Gill for a decision by Council.

The Application aims to replace the existing telecommunications facility at 29 Tubbarubba Road, Merricks North, which is scheduled to be decommissioned and removed. One objection was received during public notice of the Application. The concerns raised primarily relate to electromagnetic radiation and health impacts on people.

The proposal is considered to meet the community's needs, while protecting the amenity of the surrounding area as far as practicable through generous setbacks from residential properties and appropriate design and siting of the facility to minimise its visual impact. The proposal is considered acceptable having regard to the relevant provisions of the Planning Scheme. It is recommended that Council supports the Application and resolves to issue a Notice of Decision to Grant a Planning 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 matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P24/1043 be supported and the following issued:

A Notice of Decision to Grant a Permit with the following permissions and conditions:

PLANNING SCHEME CLAUSE	MATTER FOR WHICH THE PERMIT HAS BEEN GRANTED
Clause 35.04-5 (GWZ3)	Construct or construct or carry out a building.

4.2 (Cont.)

Clause 42.01-2 (ESO3 and ESO28)	Construct a building or construct or carry out works. Remove, destroy or lop any vegetation, including dead vegetation.
Clause 42.03-1 (SLO1)	Construct a building or construct or carry out works. Remove, destroy or lop any vegetation, including dead vegetation.
Clause 42.02-2 (VPO2)	Remove, destroy or lop any vegetation.
Clause 52.19-1 (Telecommunications Facility)	Construct a building or construct or carry out works for a Telecommunications Facility.

Amended plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - A. all external finishes of the facility (including monopole) to be muted in tone and detailed on the development plans.
 - B. vegetation to be numbered in accordance with the submitted Aboricultural Impact Assessment (AIA), prepared by Joy Venz, dated 30 April 2024.
 - C. except for road tree no.6 (numbered in AIA), no road vegetation to be removed.

Approved development not altered

2. The approved 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).

External finishes

3. The exterior finishes must be of a non-reflective nature to the satisfaction of the responsible authority.

Tree Protection

4. Prior to the commencement of any demolition, excavation or works; and during all stages of development, the Tree Protection Zones (TPZ), Tree Protection Fencing, Recommendations and Tree Protection Measures identified in the approved Arboricultural Report must be implemented and complied with to the satisfaction of the Responsible Authority.

4.2 (Cont.)

Vegetation removal

5. The extent of clearing of vegetation as shown on the endorsed plans must not be altered or modified without the consent of the Responsible Authority.
6. All disturbed surfaces on the land must be revegetated and stabilised to the satisfaction of the Responsible Authority.

Telecommunications facility

7. The telecommunications facility must comply with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 'Standard for Limiting Exposure to Radiofrequency Fields – 100 kilohertz (KHz) to 300 gigahertz (GHz) (Radiation Protection Series (RPS) S-1)', or such other standard as is adopted from time to time by the Australian Communications Authority.
8. If the telecommunications facility hereby approved becomes redundant, all infrastructure associated with the telecommunication facility must be removed and the area reinstated to the satisfaction of the responsible authority. All works to comply with this condition must be completed within three (3) months of the facility ceasing to operate and must be at the expense of the permit holder.

Earthworks

9. All works must be undertaken in a manner that minimises soil disturbance, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority. All topsoil removed during the earthworks must be stockpiled, maintained in a weed-free condition, respread on disturbed ground after completion of the earthworks and revegetated to prevent erosion, all to the satisfaction of the Responsible Authority.

Expiry

10. This permit will expire if the development is not completed within four years of the date of this permit.

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.

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.

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.

4.2 (Cont.)

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, H 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.
- 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.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION

Purpose

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

- The relevant background of the site
- The proposal
- The key issues
- The assessment against the relevant provisions of the *Planning and Environment Act 1987* and the Planning Scheme.

For a detailed assessment of the all the relevant matters please see Attachment 1– Officer Assessment.

The key planning considerations are summarised in the below table:

Proposal	<ul style="list-style-type: none"> • Develop a telecommunications facility (35 metre (m) high monopole with single triangle headframe) and associated equipment • Removal of vegetation
Zone and Overlays	<ul style="list-style-type: none"> • Zone: • Green Wedge Zone Schedule 3 (GWZ3) • Planning Overlays:

	<ul style="list-style-type: none"> • Environmental Significance Overlay Schedule 3 and 28 (ESO3 and ESO28) • Significant Landscape Overlay Schedule 1 (SLO1) • Vegetation Protection Overlay Schedule 2 (VPO2)
Permit Triggers	<ul style="list-style-type: none"> • Clause 35.04-5 (GWZ) – A planning permit is required to construct or carry out a building which is within the following setbacks: <ul style="list-style-type: none"> ○ 20 metres from any other road. ○ 5 metres from any other boundary. ○ 100 metres from a dwelling or small second dwelling not in the same ownership. • Clause 42.01-2 (ESO3 and ESO28) – A planning permit is required to: <ul style="list-style-type: none"> ○ Construct a building or construct or carry out works. ○ Remove, destroy or lop native vegetation. • Clause 42.03-2 (SLO1) – A planning permit is required to: <ul style="list-style-type: none"> ○ Construct a building or construct or carry out works. ○ Remove, destroy or lop native vegetation. • Clause 42.02-2 (VPO2) – A planning permit is required to remove, destroy or lop any vegetation. • Clause 52.19-1 – Telecommunications facility – A planning permit is required to construct a building or construct or carry out works for a Telecommunications facility.
Advertising	<ul style="list-style-type: none"> • The application was advertised by sending direct notice to adjoining properties and erecting a sign on site for 14 days.
Submissions	<ul style="list-style-type: none"> • One (1) objection has been received to date.
Consultation	<ul style="list-style-type: none"> • No consultation has occurred.
Key Issues of Consideration	<ul style="list-style-type: none"> • The design, siting, construction and operation of the telecommunications facility. • The effect of the telecommunications facility on adjacent land. • Impacts on existing and future green wedge land uses. • Impacts on the environment and landscape.

Recommendation	<ul style="list-style-type: none">• Notice of decision to grant a planning permit, subject to conditions.
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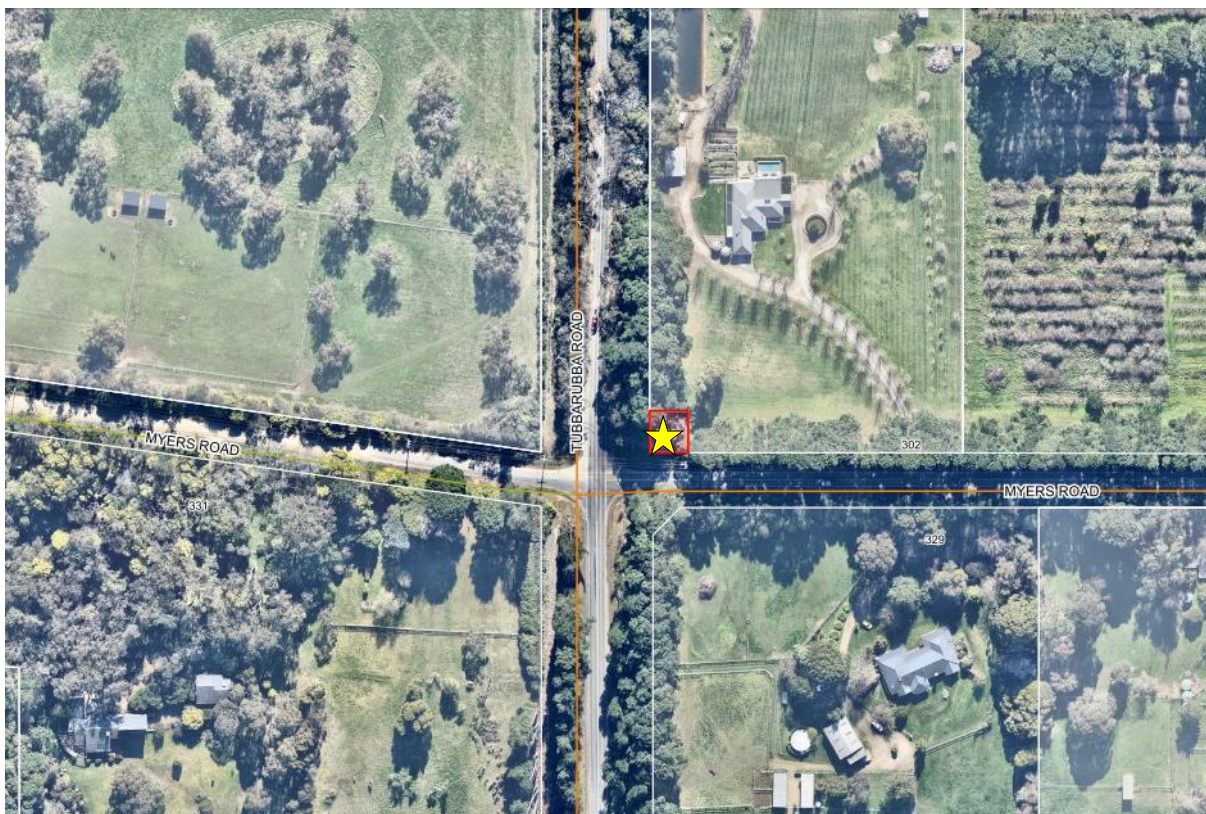
Background

Subject site and surrounds

The subject site has frontage to both Tubbarubba Road and Myers Road with an area of approximately 216 square metres (sqm). There is an existing Telstra exchange building and associated power pole, enclosed by a security fence and gate. The proposed telecommunication facility is to be situated on the western side of the building.

The site is relatively flat. Mature strands of vegetation are primarily located along the western and northern boundaries of the site. Vehicle access is via the existing driveway and access gates linking the site to Myers Road on the southern boundary of the subject land.

The surrounding parcels are predominantly used for a mixture of agriculture and dwellings. Allotments in the wider area vary in size in relation to the subject site.



Subject Land: ★



Figure 1 - Aerial Photo showing subject site and surrounding properties - GIS Aug 5, 2024



Subject Land: ★ Existing telecommunication facility at 29 Tubbarubba Road: ★

Figure 2 - Aerial Photo showing subject site and the location of the existing telecommunication facility - GIS 2024

Proposal

Please refer to the following for further details:

- Attachment 2 – Development Plans
- Attachment 3 – Planning Submission including AIA
- Attachment 4 – Map of 500m-radius circle

The proposed telecommunications facility is proposed by Amplitel Pty Ltd (Amplitel - a subsidiary of the Telstra Group), a licensed carrier for the purpose of the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. Telstra currently provides mobile phone coverage and data capacity to the Merricks North and surrounding locality via an existing telecommunications facility (being a 35m monopole) located at 29 Tubbarubba Road, Merricks North. The land tenure of the existing facility is at an end. Therefore, Telstra is required to decommission and remove the facilities at this site. In order to ensure the ongoing provision of services to the surrounding Merricks North community, Telstra needs to relocate the site to maintain mobile coverage and capacity in the Merricks North area.

The facility is proposed to be located in the west side of the property at 340 Myers Road, Merricks North and has the following road setbacks:

- Approximately 1.2 metres to the west of Tubbarubba Road.
- Approximately 8 metres to the south of Myers Road.

4.2 (Cont.)

- Approximately 6 metres to the north of the shared boundary with the immediately adjacent allotment.
- Approximately 77 metres to the north of nearest dwelling not in the same ownership.

The proposed facility consists of:

- A 35-metre high telecommunications monopole with triangular headframe atop the new monopole;
- Six new panel antennas each measuring less than 2.8 metres in length mounted on the aforementioned headframe at a centreline elevation of 35 metres;
- Three new panel antennas each aforementioned measuring less than 1 metre in length mounted on the aforementioned headframe at a centreline elevation of 35.8 metres;
- Removing tree numbers 1 to 6. The removal of tree number 1 and number 3 within the site is exempt from a planning permit under Clause 52.12-1.

The proposed facility will be accessed from an existing crossover and driveway from Myers Road. The existing equipment building of the Merricks North Exchange and relevant existing service connections (existing power pole or telstra inspection pit) within the subject site will be utilised. The existing security fence and gate will be retained.

NOTIFICATION AND CONSULTATION**Notification**

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

Submission

Please refer to Attachment 5 – Submission (confidential).

One objection has been received to date. A summary of the objection is detailed below.

- Health impacts on people.

Consultation

No formal mediation has been undertaken.

REFERRALS

Discussion occurred with the Shire's Senior Vegetation Officer who confirmed that no concerns have been identified and no conditions are recommended.

CONSIDERATION

Please refer to Attachment 1 – Officer Assessment for full details of assessment.

The following key issues are summarised below:

- The design, siting, construction and operation of the telecommunications facility.
- The effect of the telecommunications facility on adjacent land.

4.2 (Cont.)

- Impacts on existing and future green wedge land uses.
- Impacts on the environment and landscape

The design, siting, construction and operation of the telecommunications facility.

The use of land for a telecommunications facility and the development of an equipment shelter are exempt from the requirement for a planning permit under Clauses 62.01 and 62.02 of the Planning Scheme, respectively. Therefore, the Application must be assessed against Clause 35.04-5 (GWZ3), Clause 42.01-2 (ESO3 and 28), Clause 42.03-2 (SLO1) and Clause 52.19 – Telecommunications facility with regards to the suitability of the development itself.

The location (siting) of the facility has been strategically selected due to its proximity to the existing telecommunication facility (35m high steel streamline monopole) at 29 Tubbarubba Road, Merricks North, which is set to be decommissioned and removed. This ensures minimal transport logistics are required.

As the site is currently used as Telstra exchange site, it provides established connections to power and transmissions networks, reducing the need for extensive construction (such as earthworks or crossover construction/upgrade) and ensuring the continued provision of reliable 4G services and the provision of future 5G access to the surrounding communities in Merricks North after decommissioning.

The height and design of the facility are specific requirements in order to achieve the desired telecommunications outcome. The monopole is proposed at 35m high, in the mid-range of telecommunications facilities which are generally between 25-50m tall. The proposed height of 35m is necessary to prevent any adverse impact of the service coverage and to replicate the current level of service, as is shown in the below image provided by the Applicant. Reducing the height of the proposed monopole by 5m to 10m would result in significant coverage loss, as demonstrated in Figure 3.

Indoor Coverage from the newly proposed facility location at 403 Myers Road, Merricks North

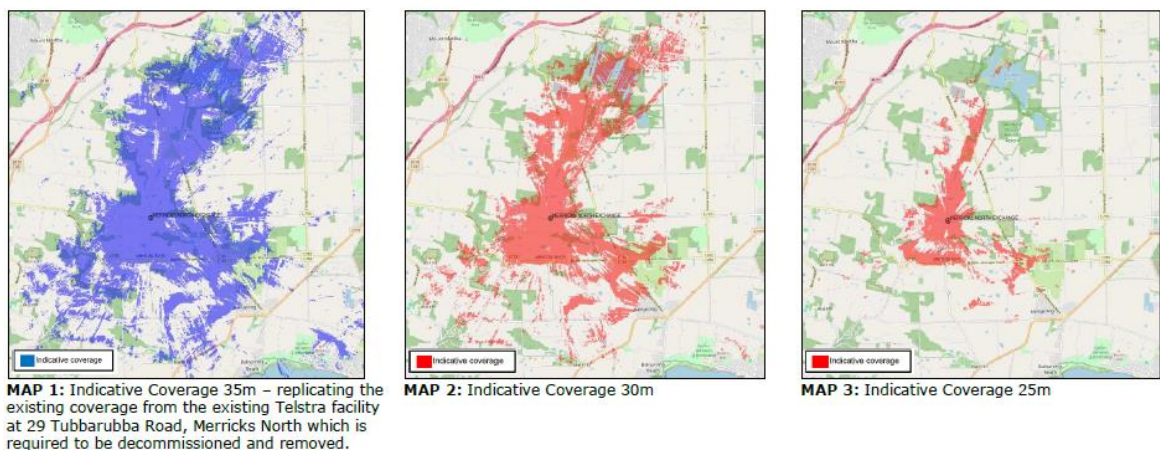


Figure 3 – Indicative coverage 35m, 30m and 25m provided by the Applicant

The monopole and panel antennas will be non-reflective ‘light grey’ in colour and made of pre-fabricated concrete material. To further integrate the facility into the landscape, a condition of approval will require all external finishes to be muted in tone which will assist in minimising the visual impact of the structure when viewed from the surrounding area.

The Proposed Development achieves an acceptable balance in contributing to improved mobile services and protecting the landscape value of the site and surrounds.

4.2 (Cont.)The effect of the telecommunications facility on adjacent land

The Proposal will be adequately set back from adjoining properties, with the nearest residential dwelling at 302 Myers Road situated approximately 77m away. Whilst the Proposal will be visible from adjoining land, the presence of significant vegetation in the surrounding area, the slim form design of the proposal and the insignificant contribution it will make within the overall visual panorama from surrounding land will suitably mitigate any adverse visual impacts.

As with all mobile telecommunications facilities in Australia, the proposed facility is required to comply at all times with the relevant safety standards set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the Australian Communications and Media Authority (ACMA). A condition on any approval will require that the Proposal must comply with the ARPANSA 'Standard for Limited Exposure to Radiofrequency Fields – 100 KHz to 300GHz', or such other standard as is adopted from time to time by the Australian Communications Authority.

The Applicant is bound to follow the relevant Australian Standards during construction, which will ensure that the construction does not pose risk to any person or environment. Proposed conditions would ensure that trees to be retained are appropriately protected during the construction phase of the development. The installation of the proposed facility can be undertaken at any time without affecting the use of the site or the surrounding area due to the accessibility of the site. Construction of the facility is unlikely to cause any disruption to adjoining properties or public access areas.

Impacts on existing and future green wedge land uses

The proposed location is not considered to impact on the rural character of the area or have any unreasonable impacts on the environmental and landscape values of the surrounding areas as it would be located within a small lot exclusively used for a Telstra exchange site. This also ensures that its siting does not compromise current or potential green wedge or agricultural land uses.

Impacts on the environment and landscape

Whilst the proposed facility will be visible from some surrounding locations, it is not considered to unreasonably impact the landscape values of the site or wider area. While it is not disputed that the telecommunications facility will be visible from external land, this visibility does not automatically equate to the facility being inappropriate on visual impact grounds. What is necessary is to determine the extent of this visibility and the sensitivity of each respective interface whereby views are attainable and balance this alongside broader policy which supports this form of infrastructure.

Myers Road and Tubbarubba Road are heavily vegetated on both sides with varying mature tall trees overhanging the road. The vegetation would screen and/or filter views of the facility from Myers Road, Tubbarubba Road and surrounding properties.

The Applicant has also provided artist impressions of the proposed monopole (see Figure 4), taking into account a gap in vegetation to highlight the most impactful views of the structure.



Figure 16: Montage 1 - Artist's impression of proposed facility. View looking north towards the indicative proposed site. Viewpoint is from approximately 70m south. (Original Image Source: Downer).

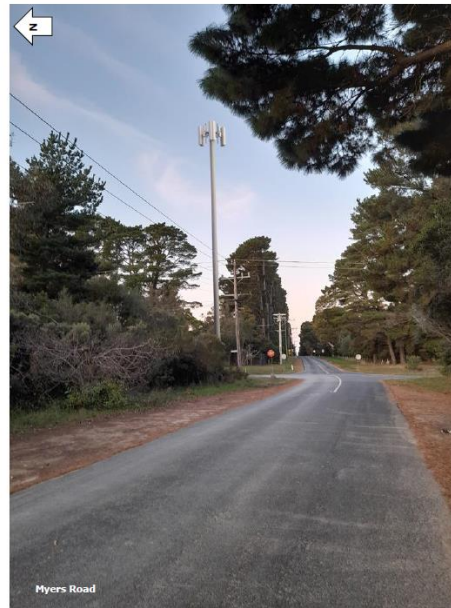


Figure 17: Montage 2 - Artist's impression of proposed facility. View looking east towards the indicative proposed site. Viewpoint is from approximately 105m west. (Original Image Source: Downer).

Figure 4 - Artist impressions of the proposed monopole

As previously noted, the underlying purpose of the facility dictates the need for a building of notable height, and this will more than likely be visible from some vantage points in the wider landscape. However, the slimline design combined with extensive vegetation located throughout the wider area will significantly limit views until within immediate proximity along Tubbarubba Road and Myers Road. Noting that limited pedestrian infrastructure exists in the area, the majority of passing traffic will be via private vehicle, travelling at a speed in which the impact/identification of the facility will be further minimised.

Notwithstanding the above, to aid in further minimising any landscape amenity impacts, a condition has been included in the recommendation that requires the exterior finish of the monopole to be a muted, non-reflective colour.

The vegetation removal can be adequately minimised. The submitted Application refers to the removal of six trees, three on the site and three on the road reserve, with the removal of two of the trees on site exempt from requiring a Planning Permit pursuant to the bushfire protection exemptions of Clause 52.12-1. However, the submitted Arboricultural Report indicates that while one of the road reserve trees will not be able to co-exist with the facility, the other two trees within the road reserve will not be adversely impacted. Excluding the previously mentioned two road reserve trees, vegetation to be removed is identified to be of low retention value and significance. It is therefore considered acceptable to require that the extent of vegetation removal as detailed on the submitted plans be reduced to four trees and that the two referenced trees in the road reserve are maintained.

Consideration of the matters raised in the objections.

Please refer to Attachment 5 – Submission (confidential).

One objection has been received, primarily raising concerns about health impacts on people.

As mentioned above, the proposed facility will be required to comply with the relevant Radiation Protection Standard. This is not a relevant consideration that can be considered within the Planning Scheme. This issue is most appropriately summarised in the Victorian Civil and Administrative Tribunal (VCAT) determination *Mason v Greater Geelong CC (Red Dot)* [2013] VCAT 2057, which states:

4.2 (Cont.)

Public health concerns about electromagnetic radiation are often raised in planning cases about a telecommunications facility. However, it is not the role of VCAT to second-guess the expert authorities that regulate the area.

The Australian Communications and Media Authority has set a clear regulatory standard – the ARPANSA standard - under Commonwealth law, to protect the health or safety of those who may be affected by the operation of a telecommunications network or facility from the potential impacts of electromagnetic radiation. Compliance with that standard has been effectively incorporated into the Victorian planning framework through Clause 52.19 of all Victorian planning schemes and the requirements of ‘A Code of Practice for Telecommunications Facilities in Victoria’. VCAT cannot look behind the ARPANSA standard where it will be met, nor does it have the expertise to do so.

The amount of electromagnetic radiation emitted by a telecommunications facility may well be a legitimate issue of public concern. However, VCAT is not a forum for addressing all issues of social or community concern, nor is it an investigative body. It cannot give great weight to unsupported assertions about public health concerns in the context of an individual planning application, particularly in relation to matters outside its own expertise or beyond the limited ambit of its statutory role or discretion in relation to that application. Accordingly, VCAT is not the appropriate forum where generalised opposition to telecommunications facilities based on public health concerns can or should be raised. It is a waste of the parties’ and the Tribunal’s resources as, ultimately, VCAT is essentially bound to apply the ARPANSA standard.

Allowing objectors to continue to air their concerns about electromagnetic radiation at a VCAT hearing creates false expectations about the role of VCAT and the ambit of its discretion, and the extent to which it can realistically deal with such issues.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Should Council decide to refuse the Application, the Applicant will have appeal rights to the VCAT.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Should the Application be appealed to VCAT by the Applicant, Council would 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.

4.2 (Cont.)

CONCLUSION

The Proposed Development of a telecommunications facility and removal of vegetation is considered acceptable, subject to the recommended conditions having regard to the relevant provisions of the Planning Scheme and *Planning and Environment Act 1987*. It is therefore recommended that Council issue a Notice of Decision to Grant a Planning Permit.

4.3 Future Beach Cleaning

Prepared By	Manager - Climate Change and Sustainability
Authorised By	Acting Director - Planning & Environment
Document ID	A13630522
Briefing Note Number	Not Applicable
Attachment(s)	<ol style="list-style-type: none">1. Beach Cleaning Recommendations Report ↓2. Monitoring - Hand Beach Cleaning Trial Monitoring Summary ↓3. Monitoring - Beach Cleaning Trial Monitoring Methods ↓4. Options - Beach Cleaning Options Assessment ↓5. Options - Beach Cleaning Options Maps ↓6. Options - Hybrid 80 Hand 20 Rake Values Analysis ↓7. Options - Hybrid 70 Hand 30 Rake Values Analysis ↓8. Memo - Beach Cleaning Recommendations Report (Additional Information) (confidential)9. Technologies - Mechanical Beach Cleaning Technologies Review (confidential)10. Technologies - Surf Rake Brochure ↓11. Technologies - Surf Rake Manual ↓12. Technologies - BeachTech Overview ↓13. Technologies - BT 1500 Specifications ↓14. Technologies - BT 2000 Specifications ↓15. Technologies - Clean Coast Solutions Introduction ↓

EXECUTIVE SUMMARY

This report presents the following five future beach cleaning methodology options for our Port Phillip Bay beaches:

1. 100% hand cleaning (same as current trial)
2. 100% mechanical raking (only services 80% of beaches, no cleaning of remaining 20%)
3. Hybrid – 80% hand cleaning and 20% mechanical raking
4. Hybrid – 70% hand cleaning and 30% mechanical raking (recommended)
5. Hybrid – 20% hand cleaning and 80% mechanical raking (same as pre-trial)

Percentages are based on the 32.5km length of serviced Port Phillip Bay beaches and have been rounded for naming purposes.

Each option has been indicatively priced for in-house or outsourced delivery models for Council's consideration. Additionally, the data collected throughout the hand beach cleaning trial from July 2024 to February 2025 is presented in Attachment 2.

4.3 (Cont.)

Attachment 1 - Beach Cleaning Recommendations Report, outlines the basis of this recommendation.

Option 4 Hybrid – 70% hand cleaning and 30% mechanical raking is recommended. This option has been determined on localised beach accessibility, recreational values, visitation rates, coastal setting, community sentiment and litter volumes collected throughout the first seven months of the hand cleaning trial. Details are provided in Attachments 4, 5 and 7.

An outsourced delivery model of Option 4 Hybrid – 70% hand cleaning and 30% mechanical raking is recommended as indicative pricing of outsourced delivery is more economical than internal delivery, as detailed in Confidential Attachment 8.

RECOMMENDATION**That Council:**

- 1. Adopts the recommended future beach cleaning model of: Hybrid – 70% hand cleaning and 30% mechanical raking with an outsourced delivery model.**
- 2. The Council’s adopted methodology for beach cleaning will be actioned from the date of Council’s decision in accordance with Council’s contractual obligations, effective up to 30 June 2028.**
- 3. That Council notes the observations of Coast Saltwort (*Salsola tragus subspecies pontica*) which is listed as ‘Endangered in Victoria’ under the *Flora and Fauna Guarantee Act 1988* and note that return of mechanical beach cleaning will incur an additional cost for development, approval, and implementation of a Management Plan for the protection of the species if it is found in areas proposed for mechanical cleaning.**

Part B

That Council resolves that Attachments 8 and 9 to this report be retained as confidential items pursuant to section 3 (1) g (ii) of the *Local Government Act 2020* as they contain commercial in confidence information and 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 1.2: A healthy ecosystem, in which our coastline, bushland, wildlife and green wedge is resilient to the climate emergency and development.

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, C and E which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.**

4.3 (Cont.)

- 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;

RELEVANT COUNCIL DECISIONS AND POLICIES

Relevant Council decisions and engagement:

- 18 October 2022 – Notice of Motion 370
 - That Council agrees in principle for a hand beach cleaning program on Mornington Peninsula Shire beaches and that the Chief Executive Officer brings back to Council a recommendation on whether implementation should go ahead based on cost, efficiency, community benefit and consideration of the role of volunteers.
- 30 May 2023 – Notice of Motion 401
 - That Council policy emphasise an environmentally friendly outcome for cleaning of Council controlled beaches and take notice of Climate Crisis issues involved in some beach cleaning methodology.'
- 21 November 2023 Council briefing - Update and context for future maintenance contracts
- 13 February 2024 Council briefing - Beach Cleaning Review & Proposed Future Cleaning Program
- 5 March 2024 – Council report and decision
 - That Council supports a 12-month trial beach cleaning program of Option 4 of 100% hand cleaned beaches. This option recognises the environmental values of the coastline as our top priority.'
- 18 December 2024 Urgent Business – Hand Beach Cleaning
- 28 January 2025 Council report – Urgent Business
 - Response withdrawn.
- 4 February 2025 – Councillor workshop

Preferred options to be further investigated and brought back to Council for consideration.

DISCUSSION**Purpose**

The purpose of this report is to present five beach cleaning options for our Port Phillip Bay beaches for Council's consideration.

The report considers findings from seven months of the hand beach cleaning trial along with a review of available mechanical rake technology and cost estimates for the implementation of each option, including internal and external service models.

4.3 (Cont.)

Background

Council’s approach to cleaning Port Phillip Bay beaches has been under review since 2021 in response to community feedback and subsequent Council decisions.

On 5 March 2024, Council was presented with a ‘Beach Cleaning Review’. To assist with preparation of the Beach Cleaning Review, Shire officers sought a student placement from Monash University. The Master of Environment and Sustainability student, with the assistance of Shire officers produced a report detailing their findings titled Mornington Peninsula Shire Beach Cleaning Review. With consideration of the review’s findings, a hybrid beach cleaning program consisting of mechanical raking and hand cleaning based on localised values including environmental, recreational, access and visitation was the officer recommendation.

On 5 March 2024, Council adopted “*That Council supports a 12-month trial beach cleaning program of Option 4 of 100% hand cleaned beaches. This option recognises the environmental values of the coastline as our top priority*”. In response to this decision, the ‘Hand beach cleaning trial’ commenced on 1 July 2024.

Options for consideration

In response to feedback received from Council at a beach cleaning workshop held on 4 February 2025, four beach cleaning options have been investigated:

- 100% hand cleaning (same as current trial)
- 100% mechanical raking (services 80% of beaches)
- Hybrid – 80% hand cleaning and 20% mechanical raking
- Hybrid – 20% hand cleaning and 80% mechanical raking (same as pre-trial)

On consideration of the data from the first 7 months of the hand beach cleaning trial, a fifth (and recommended option) has been added:

- Hybrid – 70% hand cleaning and 30% mechanical raking (**recommended**)

A review of the five options is provided in Attachment 4, Options – Beach Cleaning Options Assessment.

All five options have been indicatively priced for in-house or outsourced service delivery. The table below ranks each option according to their indicative price as an annual service cost, from lowest cost (1/10) to most expensive (10/10). See Confidential Attachment 8 for more detailed figures.

OPTION NAME	DELIVERY METHOD	PRICE RANKING (low to high)
100% mechanical raking (services 80% of beaches)	Outsourced	1
100% hand cleaning	Inhouse	2
100% hand cleaning	Outsourced	3
Hybrid – 80% hand cleaning and 20% mechanical raking	Outsourced	4

OPTION NAME	DELIVERY METHOD	PRICE RANKING (low to high)
Hybrid – 70% hand cleaning and 30% mechanical raking (recommended)	Outsourced	4
100% mechanical raking (services 80% of beaches)	Inhouse	6
Hybrid – 20% hand cleaning and 80% mechanical raking	Outsourced	7
Hybrid – 80% hand cleaning and 20% mechanical raking	Inhouse	8
Hybrid – 70% hand cleaning and 30% mechanical raking	Inhouse	8
Hybrid – 20% hand cleaning and 80% mechanical raking	Inhouse	8

ENGAGEMENT

The community has been encouraged to provide feedback throughout the duration of the hand beach cleaning trial via an online survey. Additionally, consultation included in-person pop-ups, direct correspondence, data collected by the beach cleaning service provider, beach audits, and data collected by citizen scientists. A summary of engagement and monitoring data is presented in Attachment 2, Monitoring – Hand Beach Cleaning Trial Monitoring Summary.

COMMUNICATIONS PLAN

The community will be informed of the decision via the existing beach cleaning webpage, media release and social media platforms.

LEGAL AND REGULATORY FRAMEWORK

Observations of Coast Saltwort (*Salsola tragus* subspecies *pontica*) have been reported at various beaches between Portsea and Mount Eliza. This species is listed as ‘Endangered in Victoria’ under the *Flora and Fauna Guarantee Act 1988* (the FFG Act). The Department of Energy, Environment and Climate Action (DEECA) have confirmed that removal of the species via mechanical raking would require an application for a permit under the FFG Act.

An application for a permit would require specific details which cannot be confirmed until a future cleaning method has been adopted by Council. The species has been observed at some beaches proposed for mechanical raking but may not be present in the specific areas to be raked. Therefore, further detailed assessments would be necessary before determining full potential impacts and costs, and before mechanical raking could commence in those areas. The recommended option minimises potential impact on this endangered species.

There is also no guarantee DEECA will issue a permit.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

1. The five options presented in this report are ranked from most (1) emission reductions and climate resilience, to least 100% hand cleaning

4.3 (Cont.)

2. Hybrid – 80% hand cleaning and 20% mechanical raking
3. Hybrid – 70% hand cleaning and 30% mechanical raking (**recommended**)
4. 100% mechanical raking (services 80% of beaches)
5. Hybrid – 20% hand cleaning and 80% mechanical raking

Options ranked 1, 2 and 3 above will reduce the amount of organic matter being disposed to landfill, in comparison to the pre-trial hybrid method (20% hand cleaning and 80% mechanical raking). Allowing organic material to breakdown via natural processes on the coast can reduce carbon emissions, provide habitat and food for animals, provide nutrients to support plant growth, deposit seeds promoting natural regeneration and attenuate wave energy. These outcomes contribute towards a healthier coastal ecosystem and increase erosion resilience of our beaches.

In recognition that contamination within wrack (organic material cast upon the shore) may impact environmental values in some instances and removal of wrack may be necessary. Opportunities to repurpose collected wrack and avoid any organic material being deposited to landfill because of beach cleaning is being explored.

FINANCIAL CONSIDERATIONS

The following options can be accommodated within the current FY25 budget and the proposed FY26 budget, inclusive of anticipated disposal costs:

- 100% hand cleaning (outsourced or insourced delivery)
- 100% mechanical raking (outsourced or insourced delivery)
- Hybrid – 80% hand cleaning and 20% mechanical raking (outsourced delivery only)
- Hybrid – 70% hand cleaning and 30% mechanical raking (outsourced delivery only).

The following options extend beyond the current FY25 budget and the proposed FY26 budget, inclusive of anticipated disposal costs:

- 80% hand cleaning and 20% mechanical raking (inhouse delivery)
- 70% hand cleaning and 30% mechanical raking (inhouse delivery)

OFFICER DIRECT OR INDIRECT INTEREST

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

4.4 Dromana Arthurs Seat Escarpment Management Plan

Issued By	Manager Strategic and Infrastructure Planning
Authorised By	Director - Planning & Environment
Document ID	A13586269
Briefing Note Number	BN2007 – 4 March 2025
Attachment(s)	<ol style="list-style-type: none">1. Dromana Arthurs Seat Escarpment Management Plan - Consultant Brief2. Crown Allotment 2030, 191 Boundary Rd Dromana - EOI objectives

EXECUTIVE SUMMARY

In the 2023/2024 Adopted Budget, Council allocated \$225,000 towards the development of the Dromana Arthurs Seat Escarpment Management Plan (the Plan) with a view to guiding the future use and development of the subject land. The aim of the project is to produce a balanced plan that considers the wide-ranging needs and competing stakeholder objectives.

To advance the project, a consultant brief was developed, and 10 suitably qualified and experienced consultancies were invited to submit a quotation. The request for quotation identified a project budget of \$50,000 and closed on 23 October 2024. No quotations/submissions were received.

Regarding the lack of quotations received, this report considers 3 options for this project:

1. Update the consultant brief to identify a project budget of \$100,000 and undertake a formal Request for Quotation process to progress the development of the Dromana Arthurs Seat Escarpment Management Plan.
2. Undertake a public expression of interest to identify potential service providers/land managers capable of developing and managing the Parkdale Estate (Crown Allotment 2030, 191 Boundary Road, Dromana) in alignment with Council's strategic objectives (preferred approach).
3. Abandon the project in full and return the remaining budget back into general revenue.

The purpose of this report is to seek a Council decision regarding how to progress this project going forward.

RECOMMENDATION

That Council:

1. **Approves Shire officers not progressing the Dromana Arthurs Seat Escarpment Management Plan and instead progressing a public Expression of Interest process to identify potential service providers/land managers capable of developing and managing the Parkdale Estate (Crown Allotment 2030, 191 Boundary Road, Dromana) in alignment with Council's strategic objectives.**

4.4 (Cont.)

2. **Endorses the draft objectives for the development and management of Parkdale Estate (as per Attachment 2) for community consultation prior to inclusion in the expression of interest documentation.**

COUNCIL & WELLBEING PLAN

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

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.

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, D, G and H which are:

- 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.
- G. The ongoing financial viability of the Council is to be ensured.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

RELEVANT COUNCIL DECISIONS AND POLICIES

The Dromana Arthurs Seat Escarpment Management Plan was a project adopted by Council on 9 May 2023 to be funded by the prior year surplus funds. The 2023/2024 Council Budget was formally adopted on 30 May 2023.

Relevant Council policies include the:

- Asset Management Policy - Aims to deliver sustainable services underpinned by effective and efficient asset management practices.
- Community Engagement Policy - Requires Council to understand the views of its municipal community as a key consideration in decision making.
- Commercial Tenancies Policy - Determines the process and requirements for commercial tenancy of Council property (land and buildings).
- Procurement Policy – Applies to all contracting and procurement activities.

RELEVANT COUNCIL STRATEGIES

Relevant Council strategies include the:

- Green Wedge Management Plan (2019) – Supports conservation and sustainable land use outside the urban growth boundary.

4.4 (Cont.)

- Recreational Facilities for Mountain Bike and BMX Strategy (2023)– Relevant to outdoor recreational planning in the escarpment area. One of the recommendations in the Implementation Action Plan is to develop a regional BMX and mountain bike park in Hillview Community Reserve.
- Roadside Equestrian and Mountain Bike Trails Strategy (2014- 2019) – identifies a trail network and long distance rides on the Peninsula
- Dromana Township Plan and Shaping Greater Dromana Plan – Provides a planning framework relevant to land use and development in Dromana and Safety Beach.
- Sustainable Transport Strategy (2015 – 202) and Pedestrian Access Strategy (2024-2034) – Addresses transport and accessibility concerns within the area.
- Open Space Strategy (2003)– Supports strategic planning for green space use and development.
- Peninsula Trails Strategic Plan (2024) - a framework to guide the delivery of the Mornington Peninsula Trails concept

EXTERNAL PROJECTS AND DEVELOPMENTS

Parks Victoria's Mornington Peninsula National Park and Arthurs Seat State Park Management Plan (Amended 2016) sets strategic priorities for the conservation, recreational use, and overall management of all Crown land within Arthurs Seat State Park, guiding decision-making in alignment with broader environmental and community objectives. As relevant, this management plan highlights additional opportunities for enhanced enjoyment of the northern escarpment of Arthurs Seat, including the demand for further experiences, trail linkages, and loops that connect with the Mornington Peninsula Shire's trail network. It also supports the development of mountain bike facilities in the Hillview Community Reserve and the Parkdale Estate.

As of December 2021, Hillview Quarries, owned by the R E Ross Trust, announced it would no longer pursue plans for a fully operational quarry at the former Pioneer Quarry site on Boundary Road, Dromana. Instead, the company intends to explore rehabilitation options in accordance with Victorian Government-mandated requirements. The rehabilitation of the Boundary Road Quarry site is a significant consideration in the context of the Escarpment, presenting a valuable opportunity to enhance regional biodiversity, restore natural habitats, and improve both the visual and environmental quality of the landscape. However, despite its potential benefits, the site also introduces challenges to the development of the Plan due to its current degraded condition, the relatively low rehabilitation requirements under existing statutory approvals, complexities in land ownership, and associated financial implications.

Other external initiatives, projects, and development relevant to the escarpment area include:

- Dromana Association's Community Forest Proposal - A community-led initiative aimed at establishing a forested area within the Parkdale Estate (Crown Allotment 2030, 191 Boundary Road, Dromana) to support environmental conservation and public enjoyment. The Association has expressed interest in leasing the Parkdale Estate to progress this proposal.
- Arthurs Seat Eagle Expansion Plans - A planning application has been lodged with the Minister for Planning for an extension of the gondola ride to enhance tourism and recreational offerings within Arthurs Seat State Park.
- Parks Victoria's Additional Bike Trails - Plans to expand and improve bike trails within Arthurs Seat State Park to support outdoor recreation and tourism.

These projects highlight the need for a coordinated approach that integrates Council’s vision with broader stakeholder initiatives while acknowledging the limitations of Council’s direct influence over external developments.

While these initiatives present opportunities for enhanced community use and environmental conservation, they also introduce challenges for Council’s leadership in the Plan development due to limited control, ownership, and management authority over key parcels of land.

DISCUSSION

Purpose

The purpose of this report is to seek a Council decision regarding how to progress this project going forward.

Background

The Dromana Arthurs Seat Escarpment area is a key landmark on the Peninsula. The escarpment supports a diverse range of activities including habitat restoration, outdoor recreation, agriculture, and rock extraction. The escarpment holds deep cultural heritage significance and is a classified National Trust Landscape.

The escarpment area is approximately 573 hectares in size and includes Arthurs Seat State Park (managed by Parks Victoria), Hillview Quarries (owned by the Ross Trust) and Hillview Community Reserve and Parkdale Estate (both owned by the State Government and managed by Council as Committee of Management). The maps below identify the extent of the escarpment area, land ownership and management.





In the 2023/2024 Adopted Budget, Council allocated \$225,000 towards the development of the Plan with a view to guiding the future use and development of the subject land. The aim of the project is to produce a balanced Plan that considers the wide-ranging needs and competing stakeholder objectives.

To advance the project, a consultant brief (Attachment 1) was developed, and 10 suitably qualified and experienced consultancies were invited to submit a quotation. The request for quotation identified a project budget of \$50,000 and closed on 23 October 2024. No quotations/submissions were received.

Risk Considerations

The primary risk associated with developing the Plan relates to Council's inability to ultimately deliver the anticipated recommendations and actions as most of the land is not owned or directly managed by Council. This risk has the potential to result in the development of a Plan that has little capacity to be implemented by Council.

To mitigate this risk, it is recommended that the development of the Plan be abandoned, and that Council seeks Expressions of Interest (EOI) from potential proponents to lease and develop Parkdale Estate (Crown Allotment 2030, 191 Boundary Road, Dromana), in accordance with actions and recommendations contained in adopted Council strategies and in line with recently completed consultation and engagement. Under section 14(2) of the *Crown Land (Reserves) Act 1978*, Council was appointed committee of management of Parkdale Estate on 3 April 2023. The subject land is temporarily reserved for public recreation. This land is owned by State Government; therefore this approach is subject to the Department of Energy, Environment and Climate Change (DEECA) approval.

There is a political risk if the Plan is not progressed as there is likely to be an expectation by some members of the community that this Plan be completed. There may also be an expectation that a Master Plan be developed for Hillview Community Reserve and the Parkdale Estate, as this was to be undertaken following finalisation of the Plan.

To mitigate this risk, if the EOI option is progressed, information would be shared with the community about why this option has been chosen. In addition, consultation with the

4.4 (Cont.)

community would be undertaken on the draft objectives for the development and management of Parkdale Estate (as per Attachment 2) prior to inclusion in the EOI documentation.

Equally, there is a risk if the Plan is progressed that there will be frustration that decisions about the future use and management of the Parkdale Estate are being delayed until the Plan is completed.

People and Culture Considerations

As of 14 February 2025, the employment costs of a temporary position (Strategic Planning Project Officer) was expended, and this position is not anticipated to be extended or renewed.

The Project will be advanced using existing staff resources within the Community Infrastructure and Open Space Planning Team.

Options

There are 3 options for this project going forward:

Option 1

Update the consultant brief to identify a project budget of \$100,000 and undertake a formal Request for Quotation process to progress the development of the Plan.

This outcome is **not preferred** as Council will have limited capacity to ultimately deliver the various actions and recommendations contained in a management plan across such a large land holding which is not wholly owned or managed by Council. While the development of the Plan would help guide how the land is used, developed, and managed it is likely that implementation of the actions and recommendations would not occur in the short to medium term.

This approach would also likely delay any development of the Parkdale Estate for community uses (either by Council or another entity through an EOI), as the Plan, if undertaken, should be completed before any development of the Parkdale Estate occurs.

Option 2

Undertake a public Expression of Interest to identify potential service providers/land managers capable of developing and managing the Parkdale Estate (Crown Allotment 2030, 191 Boundary Road, Dromana), in alignment with Council's strategic objectives.

The intent of the EOI is to conduct market research and identify feasible options to advance the use, development, and management of Parkdale Estate for the benefit of the local community and with due regard to Council's limited financial ability to significantly invest in the larger escarpment area. The proposed use and development would need to support delivery of Council's strategic objectives relating to public access, environmental sustainability, recreation, leisure, revenue generation/cost savings (rental income or reduced operational costs through service provision and maintenance) and local economic development.

This is the **preferred option** going forward as it looks at innovative ways to develop Council managed land to meet the immediate needs of the community at a reduced cost and with reduced risk to Council.

4.4 (Cont.)

Should this option be pursued, consultation with the community would be undertaken on the draft objectives for the development and management of Parkdale Estate (as per Attachment 2) prior to inclusion in the EOI documentation. It is anticipated this consultation would be held in late April/May 2025. The objectives would then be finalised, along with the formal EOI documentation, and brought back to Council for endorsement prior to the formal EOI process commencing later this year.

If this option was to be pursued, there would not be a need to develop the Dromana Arthurs Seat Escarpment Management Plan or Master Plan for Hillview Community Reserve and Parkdale Estate.

Subject to the outcome of the EOI process, there may be an opportunity to return the remaining budget back into general revenue with the money to be used towards other priority projects.

Option 3

Abandon the project in full and return the remaining budget back into general revenue.

Another option is to abandon the project with the savings to be fully returned to general revenue with the money to be used towards higher priority projects. This is **not a preferred option** given the community demand for action.

ENGAGEMENT

During community consultation for the Shaping Greater Dromana Plan (20 May 2024 – 21 June 2024), initial feedback was sought to help guide the development of the Plan. Key themes included:

- Escarpment - More hiking and biking trails, increased tree planting, restoration of native forests, and ecosystem enhancement in connection with Arthurs Seat State Park.
- Hillview Community Reserve - Separate walking and bike tracks to improve pedestrian and dog safety, ensuring a family-friendly environment.
- Parkdale Estate - Expanded sports and recreational facilities, including sports ovals, and the development of a community hub for gatherings and activities.

COMMUNICATIONS PLAN

A Communications Plan will be developed post the Council decision pending the approach to be pursued going forward.

LEGAL AND REGULATORY FRAMEWORK

The Crown Land (Reserves) Act 1978 empowers a committee to issue leases and licences over the reserve if all legal and policy requirements are met, including:

- 'Approval in Principle' (AIP) from the Minister (or DEECA as Minister's delegate) is obtained before negotiations begin.
- The lease or licence is consistent with the law and the principles in Leasing policy for Victorian Crown land published on the DEECA website.
- DEECA's standard lease or licence template is used without alterations.

4.4 (Cont.)

- Market value is charged unless an exemption applies, for example, for certain community uses.
- Approval from the Minister (or DEECA as Minister’s delegate) is obtained for the final signed lease/licence.

Council would also need to get "approval in principle" from DEECA before undertaking an EOI process.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Climate and sustainability considerations will be further explored post resolution of the preferred option for progressing the project.

FINANCIAL CONSIDERATIONS

In the 2023/2024 Adopted Budget, Council allocated \$225,000 towards the development of the Plan.

Of this total, \$125,000 has been used to cover employment costs of a temporary 12 month position (Strategic Planning Project Officer) to progress the project and \$100,000 was to be used towards project costs. The 1-year temporary role has now ended. This role undertook background research and prepared the brief for quotation as well as supporting the development of the Shaping Greater Dromana Plan and representing Council in relation to the Victorian Renewable Energy Terminal Environmental Effects Statement process.

It is noted that the request for quotation envisaged that the project would not exceed a maximum budget of \$50,000 as this amount was considered sufficient to complete the tasks identified in the consultant brief.

Dromana Arthurs Seat Escarpment Management Plan	Status	Funding
Employment Costs (12-month temporary position).	Expended	\$125,000
Funds to be used towards development of Dromana Arthurs Seat Escarpment Management Plan.	Remaining	\$100,000

It is noted that there was a historical budget of \$46,000 to develop a Master Plan for the Hillview Community Reserve (and the Parkdale Estate). However, it was not expended because Council had not, at the time, become Committee of Management for the Parkdale Estate.

OFFICER DIRECT OR INDIRECT INTEREST

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

COMMUNITY STRENGTHENING

4.5 Briars Master Plan Implementation Report

Issued By	Manager - Destination, Recreation & Community Connection
Authorised By	Director - Community Strengthening
Document ID	A13605121
Briefing Note Number	BN2009 – 4 March 2025
Attachment(s)	<ol style="list-style-type: none">1. Briars Master Plan2. Briars Master Plan Summary3. Briars Master Plan Business Case

EXECUTIVE SUMMARY

At its meeting of 3 September 2024 Council resolved that a report on the progress of the Briars Master Plan (the Master Plan) delivery plan be provided to Council by March 2025.

This report details the status of the Briars Master Plan implementation program. The following initiatives have been completed or are in the process of being delivered:

- Sanctuary Expansion.
- Homestead Restoration.
- Restaurant Restoration.
- Activation of the Green Dreaming precinct - recycled water project.
- Activation of the Green Dreaming precinct – Food for Change.
- Increase in education programs.
- Increase in event and festivals.

The challenges, opportunities and key considerations which impact the progression of the Master Plan implementation are summarised in the report, as are general considerations which are important for Council to be aware of.

The report notes that most external grants which the Briars is eligible to apply for require that a project be “shovel ready”. Therefore, for Council to be able to seek external funding to implement the remainder of the Master Plan, completion of detailed designs and obtaining the necessary permits is required across a number of project areas.

RECOMMENDATION

That Council notes the Briars Master Plan Implementation Report.

4.5 (Cont.)

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.

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

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

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

Strategic Objective 1.3: A sustainable built environment that respects the natural

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.

Theme 2: A robust, innovative and diverse economy.

Strategic Objective 2.1: A community that has access to world class local learning opportunities through all stages of life.

Theme 2: A robust, innovative and diverse economy.

Strategic Objective 2.3: A thriving entrepreneurial economy, with a vibrant tourism sector, that provides accessible employment to our diverse community

Theme 2: A robust, innovative and diverse economy.

Strategic Objective 2.4: A diverse economy, with green and renewable opportunities, encouraging entrepreneurship, investment and innovation.

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.

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, C and G which are:

- 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.
- G. The ongoing financial viability of the Council is to be ensured.

4.5 (Cont.)**RELEVANT COUNCIL DECISIONS AND POLICIES**

1. Council resolved on 3 September 2024: That a report on the progress of the Briars Masterplan delivery plan be provided to Council by March 2025.
2. That any future not for profit and commercial requests relating to the licensing, leasing, pilot programs or any significant, long term third-party agreements with the Shire to use the land at the Briars be called in for a Council decision.

DISCUSSION**Background*****The Site***

The Briars is a historic property and conservation park located in Mount Martha on the Mornington Peninsula. The parcel of land, which originally spanned from Mornington to Mount Martha, was named “Tichin-Gorourke”, the Boon Wurrung word for Voice of Many Frogs – named for the many frogs inhabiting Balcombe Creek.

The homestead was originally established in 1846 by Alexander and Emma Balcombe, who named it after their family home on the island of St Helena. The Balcombe family had a connection to Napoleon Bonaparte, who was exiled to St Helena in 1815. Bonaparte gifted the family many items which they brought to Australia and which form part of the Dame Mabel Brookes Napoleonic Collection, which is due to return to the Briars for exhibition soon.

Additions were made to the homestead between the 1850s until 1976 when it was transferred to the National Trust of Australia (Victoria) (NT) and the Mornington Peninsula Shire (the Shire). The NT and the Shire co-own the approximately 8-hectare historic precinct which includes the homestead, while the remaining 220 hectares is owned and managed by the Shire.

Since commencing management of the Briars, several additions have been delivered at the site, including:

- Wildlife Sanctuary
- Visitor Centre
- Eco Living Display Centre
- Shire Nursery selling native and indigenous plants
- Picnic areas with free BBQs
- Josephine's Restaurant
- Angus and Rose children's workshop space
- Outdoor Education Camp
- Mornington Peninsula Astronomical Society.

The Master Plan

Council recognised that the Briars is a significant asset on the Peninsula – one of the largest parcels of green space available for recreation and conservation.

4.5 (Cont.)

While visitation to the site has grown to almost 200,000 per year (this reached over 320,000 during the 2024 Harry Potter Forbidden Forest Event), there are still many in the community not benefiting from this community asset as it is not accessible, nor does it currently offer the amenity many in our community need. The Briars has been identified as having huge potential to provide more benefits to the community, both through recreation activities and as a significant contributor to the local economy.

To realise the site's potential and increase community use, development of a Master Plan commenced in 2018. The Plan was built from significant community consultation and articulates both Council and the Community's vision for the site. The following provides a summary of the approach that was taken to develop the Master Plan:

Council was engaged early during this process to confirm the Plan's objectives and guiding principles. The initiatives in the Plan were assessed against their ability to deliver against these priorities.

The priorities identified by Council were:

- Financial – the Briars to become cost neutral at minimum, if not generate revenue to be used on other Council projects.
- Financial – the plan should enable Council to repay any borrowings within 10-15 years.
- Financial – wherever possible, seek funding for implementation through grants, partnerships and revenue generated at the Briars.
- Minimise additional significant infrastructure, with a preference to use existing infrastructure footprints for new developments.
- The Briars to become a hub of recreation, conservation and education – “a site of innovation and inspiration.”
- Provide an experience which attracts people from the coast to the hinterland during peak periods.
- Support the delivery of the Council Plan.

The adopted Briars Master Plan 2019 - 2029 (Attachments 1 and 2) is a comprehensive vision for the future enhancement of The Briars. The Plan aims to protect, enhance, and celebrate the natural, cultural, and heritage aspects of this beloved community space while introducing new experiences which were requested by the local community, and which are forecast to attract visitors to the region.

The accompanying business case that was prepared at the time (Attachment 3) demonstrated that the Briars can shift from being subsidised by Council at approximately \$1.7 million (2024 financial year operating budget) a year, to contributing an additional \$4.2 million (in 10 years) in revenue to the Shire's budget.

The business case demonstrated that the Plan could have an economic impact of \$14.49 million during construction and \$10.51 million per year on the Peninsula once operational.

Council requested that Scenario 1 (full plan delivery) be pursued. It is recognised that the underlying social and economic conditions within which this business case was completed (in 2020) have since changed significantly. A full review of the Master Plan and associated business case is planned to commence in mid-2025.

4.5 (Cont.)

Refer to Attachment 1 for the adopted Master Plan, and a summary of the key elements in Attachment 2.

Implementation Plan Progress

Elements Delivered and Underway

Sanctuary Expansion

Funding Source/s:

Regional Tourism Investment Fund – State Government of Victoria	\$2.3 million
Plant donations from major event	2390 plants donated

This project will increase the size of the existing Wildlife Sanctuary from 90 hectares to approximately 130 hectares.

Revegetation efforts have already begun – the community has already planted over 7,000 indigenous plants.

New walking trails, outdoor education nooks, quiet reflection nooks and educational signage (including Aboriginal Cultural stories) will all be installed.

Completed:

- Fencing of the new section of the Sanctuary is almost complete. Completion date will be confirmed by project delivery in March 2025.
- Over 7,000 plants have been planted in the expansion.

Pending:

- Finalisation of a Cultural Heritage Management Plan (CHMP) – date to be confirmed when the CHMP is submitted for approval.
- Detailed design and delivery of all paths and furniture
- Design and delivery of interpretive elements (signage, sculpture etc)

The Ark Program

The Ark Program was established in 2018 as part of the Master Plan and overall site strategy. This Plan aims to reintroduce locally endangered and extinct species to the site. Not only are these species precious in their own right, but they contribute valuable ecological services which enhance the health of the environment and create unique educational opportunities.

In 2021, the first Ark species was reintroduced, the Mount Martha Bundy (*Eucalyptus carolaniae*). At the time, only 300 could be found in small pockets on the Peninsula. The Briars now cares for over 800 trees.

Work to reintroduce Southern Brown Bandicoots commenced in 2017. Bandicoots play a critical ecosystem engineer role, improving soil health and water retention, invertebrate diversity and the health of old-growth trees. To be considered a site suitable for their

4.5 (Cont.)

reintroduction, eradicating all pests from the Sanctuary was required as was engaging with species recovery groups and consulting species experts. In partnership with Department of Energy, Environment and Climate Action (DEECA), Melbourne Uni and Cesar, the first bandicoot was released in 2024.

To date, 18 bandicoots have been reintroduced to the Sanctuary. In January 2025, the first photographic evidence of a bandicoot with young in the pouch was captured (see below), a great sign that the species is thriving at the site.



The Sanctuary Expansion will enhance our ability to reintroduce additional species as it expands the pest/predator-free area and enables us to revegetate with plants required for the species identified in the Ark plan.

Ongoing consultation with experts including recovery groups will confirm which species can be returned to the site.

Recycled Water Project / Green Dreaming Precinct

Funding Sources:

Externally funded	\$3,065,000
Mornington Peninsula Shire Council	\$375,000

The recycled water project is critical to the realisation of the Green Dreaming Precinct. This project will reduce the Briars' reliance on potable water for the expansion of agriculture and improvement of the historic gardens and landscapes. It will demonstrate to the community and visitors how recycled water can be used for regenerative agriculture purposes and supports the realisation of the peninsula as a significant Victorian food bowl.

Completed:

- Detailed design of the pipeline and tank locations
- Environmental Impact Assessments
- Design of an irrigation system to disperse the water across the Briars.
- Commencement of a CHMP

4.5 (Cont.)

Pending:

- Finalisation of a Cultural Heritage Management Plan – timelines to be confirmed once the CHMP commences in February 2025.
- Project Delivery

Homestead Restoration

Funding Source/s:

Stage 1 - Completed

Living Heritage Fund – Heritage Victoria	\$150,000
Mornington Peninsula Shire Council	\$800,000

During routine electrical works, significant termite damage was discovered in the Homestead. While no live termites were detected, it appeared that historic damage had never been fixed. Works to rectify this damage and restore parts of the Homestead which had not been maintained for a long time has now been completed.

Stage 2 - pending

A 2026 financial year budget bid for \$700,000 has been submitted and is pending Council budget deliberations.

To re-open the Homestead, further works to improve accessibility are required in order to be compliant with current legislation.

Experts have been engaged and have commenced scoping the works required. A final scope of works and associated costs will be received in March – April 2025. Funding will then be sought for completion of the work.

Upon completion of this project, several experience initiatives will be explored including:

- The reinstatement of guided tours
- Utilisation of the commercial kitchen and grounds for weddings, small functions and small events (e.g. quartets)

Restaurant Restoration

Funding Source/s:

Mornington Peninsula Shire Council	\$280,000
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Josephine’s Restaurant ran at the Briars until just prior to COVID. A heritage stable was leased to a restaurant provider, who made additions to the building to accommodate a growing audience. Minimal maintenance nor improvements were made to the historic building during this time.

We are now seeking to ensure the building is safe and to make the necessary improvements to enable it to be leased as a restaurant / café and function space.

4.5 (Cont.)

Detailed scoping of works requirements is underway. A budget bid for the 2026 financial year for \$400,000 has been submitted to cover any scope requirements which have not yet been identified and to accommodate a possible Cultural Heritage Management Plan (CHMP).

Social Enterprise / Green Dreaming

Within the Green Dreaming Precinct (agricultural land), spaces have been set aside for social enterprise activities. In 2021, the Briars welcomed its first such organisation to the site – Food for Change (F4C). F4C grows and rescues food and distributes it to people in need. The organisation is primarily run by volunteers who grow food at the Briars and collect and distribute food collected from local supermarkets.

Following the completion of the Recycled Water project, further social enterprises will be explored for the Green Dreaming Precinct and ideally, for the café/restaurant space.

Delivery of First Nations Stories

Funding Source/s:

National Indigenous Australians Agency (NIAA)	\$480,000
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The Traditional Custodians of the Land, the Bunurong People, cared for the Briars for thousands of years. Currently, their stories are somewhat missing from the site. Re-connecting First Nations People to this place and appropriately sharing First Nations Stories is a key objective of the Master Plan.

In 2024, the Shire obtained a grant from the National Indigenous Australians Agency (NIAA) to deliver a Junior Ranger Program. This program aims to connect First Nations youth to Country.

This grant is funding two First Nations positions who have commenced running programs for First Nations school children at the Briars.

Fostering Social Change – Passive site use and education programs

The Briars aims to foster social change, by inspiring our visitors to make big or small behavioural changes which will benefit the natural world. Connection to natural spaces, flora and fauna is a critical step in inspiring change. This can occur formally, through education or other experiences and informally, through simply spending time in natural spaces.

We foster social change several ways:

- Providing education programs is one of the ways we connect our audiences to the natural values of the site and inspire these changes. We have focused on continuing to grow school holiday programs while expanding the program offering for schools, community groups and others, both across the site and at the Nursery.
- Purchases of native and indigenous plants spread our influence beyond the walls of the Briars as visitors create more sustainable gardens.
- Passive use of the site gets people out into nature and creates opportunities for visitors to encounter wildlife, signage or our staff who might teach them something new and inspire them to return. Visitation to the site through events, celebrations and memorials has significantly increased, giving us more opportunities to engage with new audiences and expand our influence.

4.5 (Cont.)

The figures below demonstrate the increase in uptake of programs and retail items.

Nursery	FY17 \$160,000	FY24 \$240,000
Education programs and celebrations	FY15 \$8,000	FY24 \$64,000
Events	FY15 \$6,253	FY24 \$210,000

FINANCIAL OVERVIEW

Project	Amount funded externally	Amount funded by the Shire to date
Sanctuary Expansion	\$2.3 million	\$0
Recycled Water Project	\$3.065 million	\$375,000
Heritage Homestead	\$150,000	\$800,000
Restaurant	\$0	\$280,000
Briars Master Plan Implementation (design, miscellaneous infrastructure improvements)	\$0	\$400,000
Junior Ranger Program	\$480,000	
TOTAL	\$5.63 million	\$1.85 million

2024 Financial Year

Operating budget \$1.7 million.

CONCLUSION

Full implementation of the Briars Master Plan has the potential to:

- Create a significant Victorian destination, supporting the social and economic prosperity of the Peninsula.
- Provide an experience steeped in natural, cultural and heritage values which will be a place of pride for the community and enhance community wellbeing.
- Support the financial sustainability of the Shire.

NEXT STEPS

The Master Plan and Business Case are now 5 years old.

Significant changes to the underlying economic and social conditions have occurred during that time. It is critical that a review of the Master Plan be undertaken to confirm the underlying objectives, for example financial sustainability, and adjust the initiatives to meet these objectives.

4.5 (Cont.)

The review is currently scheduled to begin mid-2025. Pending a budget bid, tourism economics and landscape architects will be engaged to ensure the revised plan is deliverable and meets Council's objectives and community expectations.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.6 Briars Balcombe Creek Boardwalk Restoration

Issued By	Manager - Destination, Recreation & Community Connection;
Authorised By	Director - Community Strengthening
Document ID	A13609455
Briefing Note Number	BN2019 – 18 March 2025
Attachment(s)	<ol style="list-style-type: none"> 1. Briars Balcombe Creek Boardwalk Restoration Options (confidential) (separately circulated) 2. Briars Boardwalk Restoration Options - cost plan (confidential) (separately circulated) 3. Letter to Mayor Cr Marsh from Mount Martha Rotary (confidential)

PURPOSE

The purpose of this report is to present to Council options for the restoration of the damaged Balcombe Creek Boardwalk, within The Briars and the results of community consultation undertaken in 2024.

RECOMMENDATION**That Council:**

1. **Notes the Briars Balcombe Creek Boardwalk Restoration Report, including the results of the community engagement process.**
2. **Refers consideration for funding of Option 1 to the FY26 budget process as part of the Capital Works Program.**

Part B

Resolves that Attachments 1, 2 and 3 to this report be retained as confidential items pursuant to section 3 (1) (a) of the *Local Government Act 2020* as they pertain to Council business information that would prejudice the Council's position in commercial negotiations if it were prematurely released.

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.

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

- Strategic Objective 1.3: A sustainable built environment that respects the natural

Theme 3: A flourishing, healthy and connected community.

4.6 (Cont.)

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

Theme 3: A flourishing, healthy and connected community.

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

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, C and G which are:

- 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.
- G. The ongoing financial viability of the Council is to be ensured.

EXECUTIVE SUMMARY

In November 2022, a flooding event severely damaged sections of the Balcombe Creek Boardwalk within The Briars. This section has been closed to pedestrians since this time.

In the 2023/2024 financial year, funding was obtained to undertake surveying and assessment work to understand the scope of repair works required. Three options were developed by consultants with indicative costings provided by a quantity surveyor. The three options are noted below, listed in order of cost, highest to lowest:

- Option 1- Replacement in original location: (please note costs have not been included in this report to ensure a competitive process when the works go to tender).
- Option 2 - Partly in original location:
- Option 3 – New path between the creek and Briars' entry road:

The options were circulated among internal experts including Natural Systems, Project Delivery and Planning to understand the relevant impacts of the options.

Community consultation was undertaken in late 2024 to understand the community's preferred option. Of 647 responses, approximately 54% of the community voted for option 1.

At present, \$13,000 of a total cap ex budget of \$200,000 has been spent on consultants. A further \$350,000 has been submitted as a 2026 financial year budget bid. This bid intends to fund detailed design and the necessary permits, including a possible Cultural Heritage Management plans (CHMP), to prepare Option 1 for future grant applications. This bid will be considered by Councillors through the annual budgetary process.

STRATEGIC ALIGNMENT

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

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

4.6 (Cont.)

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

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

- Strategic Objective 1.3: A sustainable built environment that respects the natural

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.

Theme 3: A flourishing, healthy and connected community.

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

This aligns with the Organisational Plan, in particular:

- Goal 4 - Be trusted by our community.

DISCUSSION

Background

The Balcombe Creek Boardwalk is a much-loved walking trail which extends from Mt Martha to The Briars and connects with The Briars Wildlife Sanctuary and Harrap Creek walking trails. This beautiful walk meanders through natural bushland and creek systems, enabling visitors to immerse themselves in the natural environment of the Peninsula.

In November 2022, a flooding event severely damaged sections of the Balcombe Creek Boardwalk within The Briars (see images below). The damage included complete destruction of some areas and complete relocation of some sections (figure 1). Since this flooding event, the boardwalk has been closed to visitors.



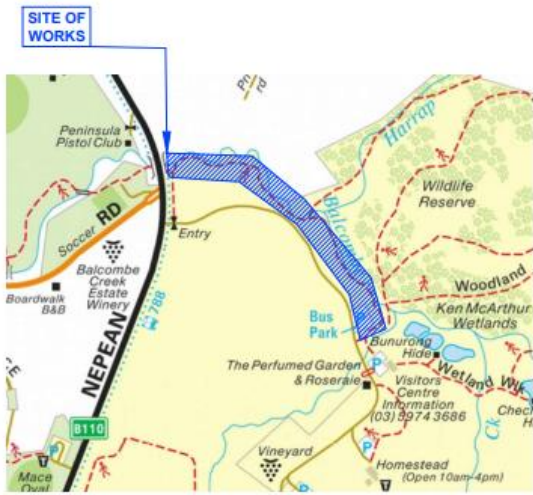


Figure 1 – section of boardwalk affected by floods.

This section of The Briars carries complex land ownership and planning overlays which will impact the approvals and permitting required to undertake this work. Figures 2 - 3 show the Cultural Heritage Sensitivity, Environmental Sensitivity and bushfire management overlays. Figure 4 highlights the Council-reported flood prone area. Figure 5 highlights that the area in question is owned by both the Shire and Department of Energy, Environment and Climate Action (DEECA).

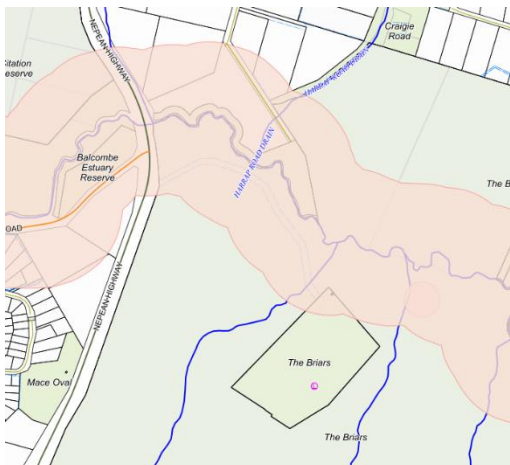


Figure 2 - Aboriginal Cultural Sensitivity Overlay

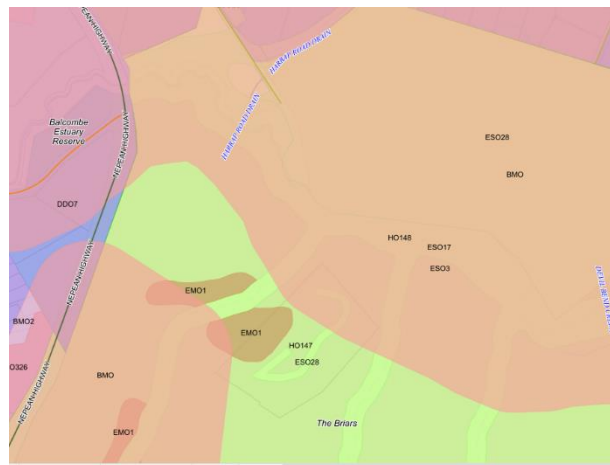


Figure 3- The site is subject to environmental sensitivity and bushfire management overlays.

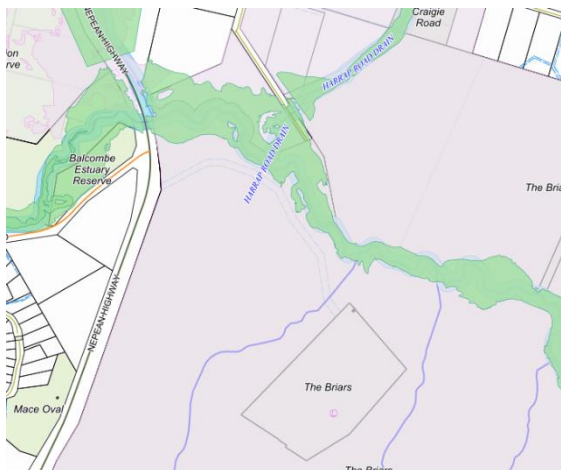


Figure 4 - Flood prone – Shire Referred.

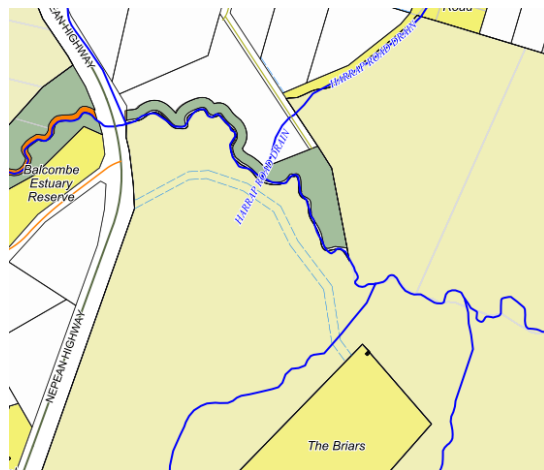


Figure 5- Public Land Ownership – Green (DEWLP); Yellow (Council Owned).

4.6 (Cont.)

As a result of the above overlays and land ownership, approvals and permits likely to be explored and/or required include:

- A Cultural Heritage Management Plan (CHMP)
- An aboricultural impact assessment
- Flora and Fauna assessment
- Building Permit
- Approval from Melbourne Water
- Planning permits will be required for all options
- Approval from DEECA
- Approvals under the *Water Act 2007*.

In the 2023 financial year, a budget bid was submitted by Shire officers to enable a review of the existing conditions and the provision of restoration options. In addition to exploring restoration of the boardwalk in its original location, officers requested that options to deliver a pathway away from the creek, between the creek and the entry road, be explored. The rationale behind requesting this work was:

- Recognition that replacement like-for-like may incur significant costs and environmental damage.
- To enable pedestrian access into The Briars, while also alleviating an existing risk of pedestrians walking into The Briars along the road, or beside the road, on uneven grassland.

Consultants were engaged to deliver the following scope of works:

- Review damage to boardwalk.
- Analysis of the environment, overlays, topography and project aims.
- Provision of recommendation(s) to a solution.
- Engaging appropriate specialised sub-consultants to achieve project deliverables.
- Management of subconsultant services for site investigations and design as required.
- Identification of any dispensations available.
- Obtain relevant authority approvals.

Discussion

Following extensive review of the damage, the area in question and the relevant planning overlays, consultants provided Shire officers with 3 options for restoration of the boardwalk including an overview of the pros and cons, an estimated cost plan and concepts. The options and costs are summarised below.

4.6 (Cont.)***Option 1 – Replace the Boardwalk along its original alignment***

This option would redevelop the boardwalk along its existing alignment, adjacent to the Balcombe Creek, from under the Nepean Highway to connect with the Briars Sanctuary.

Pros:

This Plan is most likely to meet community's expectations.

Cons:

- The most expensive option including construction and 3rd-party offset requirements.
- Will require a greater extent of vegetation removal than the other two options to facilitate the construction of the wider paths (increasing from 1.5 metres to 2.5 metres wide) and higher boardwalk with overhead bicycle clearance; as well as consequential losses due to construction access/impacts.
- To flood-proof the new infrastructure more significant footings are required, which may degrade both the natural environment and risk damaging cultural heritage.
- Likely to involve considerable loss as the Swamp Paperbarks and other trees such as Wattles. There are also some other squeeze points where remnant Eucalyptus trees are growing on either side and very close to the existing path and boardwalk.
- Will require a Flora and Fauna Assessment and offsets for vegetation to be removed or deemed lost.
- Normally, replacement of assets as per their previous footprint does not require a CHMP. However given the requirement for more significant footings and significant environmental disturbance, there may be a need for a CHMP, which currently takes around 12-18 months to complete.
- This is the Natural System's Teams least preferred option given it will involve extensive works within the vicinity of the creek and is heavily vegetated.

Option 2 – Deliver a combination of restored boardwalk and pathway

Option 2 would deliver a walkway which includes sections within the original boardwalk footprint and new sections of pathway adjacent to the tree line next to the creek. This option has been explored to find a balance between restoring the original experience and managing the environmental, cultural heritage and financial impacts.

Pros:

- Most of the new path is outside of the flood zone and therefore would not require the level of engineering nor infrastructure. As a result:
 - The cost would be reduced.
 - The impact on the environment and cultural heritage would be reduced.

Cons:

- There are sections of the boardwalk still within the flood zone, therefore the con's listed in Option 1 still apply here, however, they will be reduced.

4.6 (Cont.)

- Significantly less impact to vegetation than Option 1, however, this is the second most expensive impact to vegetation and 3rd-party offset costs.
- The experience at Day 1 would not be as immense as the original experience. This could be rectified over time with additional plantings.
- It is unlikely this would be treated as a renewal of an existing asset therefore a CHMP would be required.

Option 3 – Deliver a pathway outside of the creek areaPros:

- The least expensive option
- Addresses the need for clear and safe pedestrian access into The Briars.
- The proposed path largely avoids native vegetation impacts, as it runs through cleared land alongside The Briars entry drive. The grasses in this area are pasture grasses rather than native grasses.
- May not require a full Flora and Fauna Assessment, as the impacts to native vegetation are relatively small.
- It will be easy to demonstrate that impacts to native vegetation and biodiversity have been avoided and minimised.
- This is the Natural Systems Team's preferred option given:
 - It reduces the need for vegetation removal
 - Reduces incursions into Tree Protection Zones
 - Lowest 3rd-party offset costs.

Cons:

- The experience at Day 1 would not be as immerse as the original experience. While this could be rectified over time with additional plantings, it is likely that there will be negative community feedback regarding this option.

Considerations for all options

Regardless of whether the Shire is required to undertake a CHMP, Shire officers may recommend undertaking a voluntary CHMP given the sensitivity of the site and the presence of artefacts in other areas of The Briars. CHMP's currently take around 12-18 months to complete.

The existing, damaged boardwalk will need to be removed. If this was completed by machinery, which is quickest way to do this, the work will incur significant environmental damage. Removing the existing boardwalk by hand would reduce the risk of damage but likely increase the cost.

4.6 (Cont.)

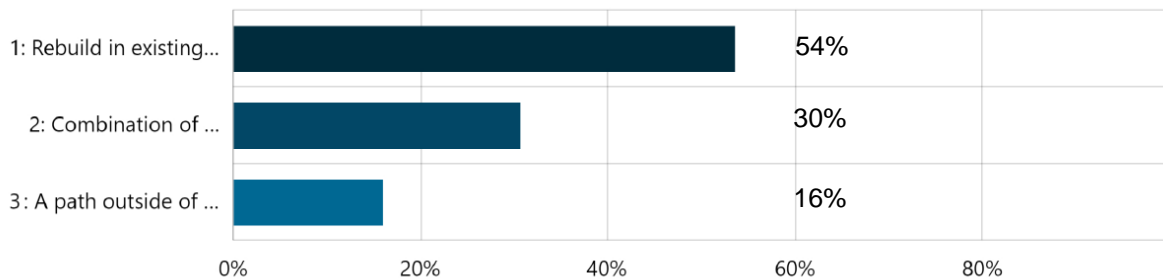
ENGAGEMENT

Community Consultation

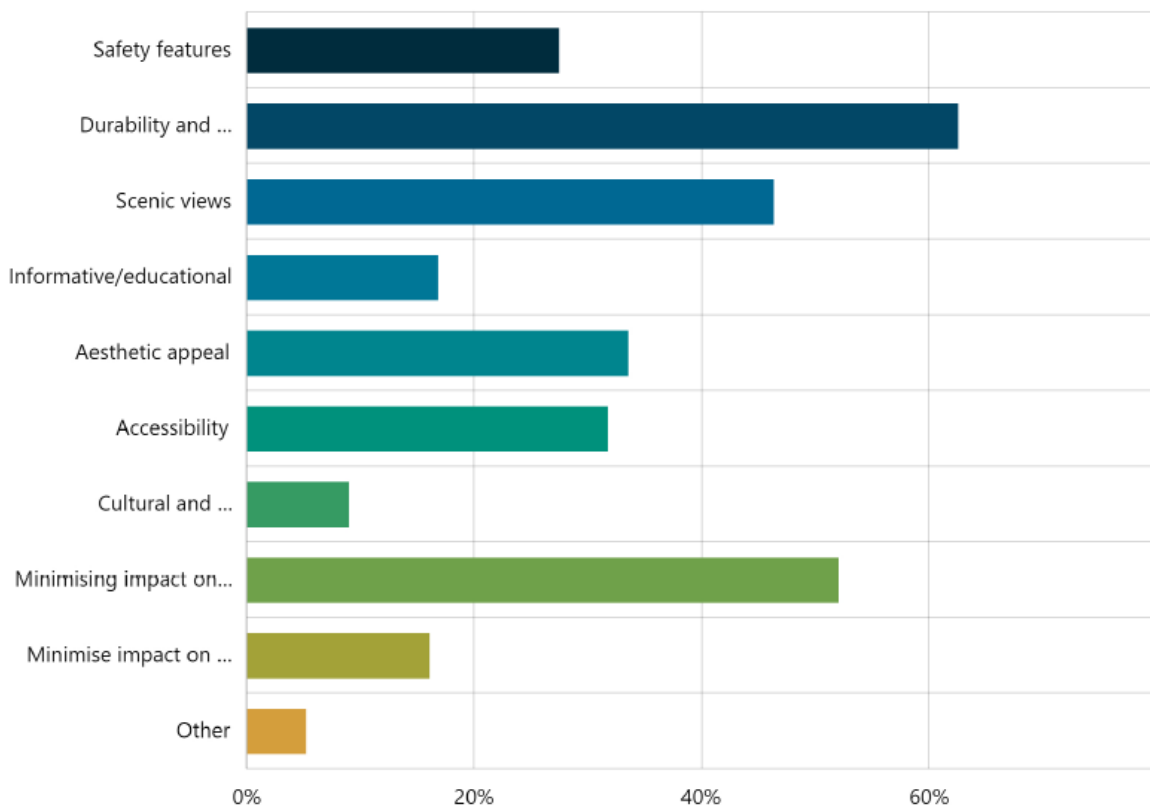
Community consultation was undertaken between 18 November and 20 December 2024. The following outreach sessions and channels were used:

- Pop-ups at The Briars and Mt Martha shops. Manned by the Shire’s Communications Team and Briars staff.
- Media release.
- Shape online page.

A huge 647 surveys were received from the community – a fantastic result. The following graphs show the option preferred by the community and the features the community felt are most important to the project.



3. Which features are important to you when we rebuild the new boardwalk? (Please tick your top 3)
 Multi Choice | Skipped: 85 | Answered: 562 (86.9%)



4.6 (Cont.)

Option 1 – Replace the Boardwalk along its existing alignment – was the community’s preferred option.

Option 4

Following the closure of the consultation period, the Rotary Club of Mount Martha sent a letter to Mayor Cr Marsh summarising a preferred option of replacing the boardwalk in its original location (Option 1) but reducing the width.

Officers have noted, with Councillors, that all cost-saving measures will be explored during the detailed design process. The width of the path will be dependent upon best practice including:

- The current topography of the creek, which may have been altered by weather events.
- Assessment of environmental and cultural heritage impacts and minimisation of harm.

With consideration given to:

- *Austroads* guidelines for shared walking / bike paths.
- The safety of pedestrians and cyclists – as a shared-use path the narrower option is the less safe option.
- Accessibility to ensure all in the community can safely enjoy the path. Improving the accessibility of this section creates an accessible path from the entry of the Briars, through the boardwalk and out along the wetland walk.

Expert Consultation

The Project Delivery and Infrastructure Services teams have managed this project. The Shire Natural Systems, Melbourne Water and the Shire Development Services teams were consulted to provide advice on the restoration options.

FINANCIAL IMPACTS

At this time, a budget bid has been submitted to complete detailed design of Option 1 and procure the necessary permits.

Upon completion of detailed design, Shire officers would seek to obtain funding for delivery of the works through relevant grant opportunities.

CONCLUSION

Given community’s preference for Option 1, a budget bid has been submitted for completion of detailed design of Option 1 and procurement of the necessary permits. All opportunities to find cost-saving measures will be explored. Funding availability for the project will be considered by Council through the 2025/2026 budget process.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.7 Footpath Trading Policy

Issued By	Manager Community Safety Health and Compliance
Authorised By	Director - Community Strengthening
Document ID	A13596581
Briefing Note Number	BN2011
Attachment(s)	1. Draft Footpath Trading Policy ⇒

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to place the draft Footpath Trading Policy (draft Policy) (Attachment 1) on public exhibition for a period of four weeks.

The Commercial Activities on Footpaths Policy governs commercial trading activities on Council-managed footpaths and was adopted in 2008. Shire officers have identified a number of opportunities for improvements within the current Policy which has resulted in the preparation of the revised draft Policy for Council's consideration.

RECOMMENDATION

That Council endorses the draft Footpath Trading Policy 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 2: A robust, innovative and diverse economy.

- Strategic Objective 2.2: A strong food economy, promoting growth to enhance community access.

Theme 2: A robust, innovative and diverse economy.

- Strategic Objective 2.3: A thriving entrepreneurial economy, with a vibrant tourism sector, that provides accessible employment to our diverse community

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 and C which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

RELEVANT COUNCIL DECISIONS AND POLICIES

4.7 (Cont.)

At the Council Meeting held on 13 October 2008, Council resolved to adopt the Commercial Activities on Footpaths Policy.

DISCUSSION**Purpose**

The revised draft Footpath Trading Policy aims to streamline the Permit Application process and fee structure, making it less time consuming and more accessible for traders.

The draft Policy will also allow for an integrated approach to a number of permit types, reducing the administrative burden and creating a more efficient process for both traders and officers.

Background

The Commercial Activities on Footpaths Policy was adopted by Council in 2008 and has not been updated or reviewed in detail since that time. Previously administered by the Property Team, responsibility for the Policy was moved to the Community Safety, Health and Compliance Unit in late 2024.

Shire officers have reviewed the current policy and identified a number of administrative challenges and opportunities for improvements to the Policy which has resulted in the preparation of the revised draft Policy for Council's consideration. This Policy applies to all individuals, organisations and businesses who seek to use public footpaths to conduct commercial activities within the municipality. Commercial activities on footpaths must comply with the Mornington Peninsula Planning Scheme and any other relevant act, regulation standard or guideline

Of note the current permit system allows for two types of permits - those who wish to serve liquor and those who do not. Each permit has its own method of fee calculation based on a number of factors. The draft Policy seeks to streamline these calculation methods by introducing a single calculation method. It is the Shire officers proposed option to adopt a per square metre fee structure.

Allowing a streamlined application process for the Applicant and a quicker assessment process for Shire officers, this option will result in shorter approval times than what is possible with the current fee structures.

It will also ensure fee consistency as businesses will be charged the same fee for using the same amount of space.

Once the permit has been approved, businesses will be afforded the flexibility to design their Trading Zone space according to their needs at any given time. It will also allow for straightforward compliance inspections by Authorised Officers to ensure the space is being used in accordance with the permit conditions and the Policy.

Options for consideration

Option 1: That Council endorses the draft Footpath Trading Policy to be placed on public exhibition for a period of four weeks.

Placing the draft Policy on public exhibition for a period of four weeks will allow businesses and/or community members with a vested interest in the draft Policy the ability to review the policy, ask questions of Shire officers and provide feedback. Feedback is vital to ensure Shire officers have captured all pertinent information, and to ensure continued support of Council activities related to footpath trading and compliance.

4.7 (Cont.)

It is Shire officer's recommendation that Council endorse the draft Footpath Trading Policy to place on public exhibition for a period of four weeks.

ENGAGEMENT

As part of the development of the draft Policy, Shire officers conducted a number of benchmarking activities across 15 metropolitan Council's looking at similar policies, fee structures, allowances and restrictions.

It is recommended that the draft Policy be placed on public exhibition for a period of four weeks. Following this consultation period, Shire officers will prepare a report detailing any community feedback received and identify if there are any further recommended adjustments to the draft policy.

This will be provided to Councillors at a future briefing and subsequent Council meeting for adoption of the new draft Policy.

COMMUNICATIONS PLAN

In conjunction with the Communications Team, Shire officers have developed a Communications Plan to ensure the draft Policy and engagement, reaches the widest audience possible.

Shire officers will send out a notification to all current Footpath Trading permit holders, advising of the consultation and provide information on how they can access the draft and participate in the survey.

Digital and social media tools will also be utilised to ensure community feedback is included.

LEGAL AND REGULATORY FRAMEWORK

Shire officers have drafted the draft Policy in accordance with its obligations pursuant to the *Disability Discrimination Act 1992*.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

N/A

FINANCIAL CONSIDERATIONS

The cost required to undertake the public exhibition and community consultation has been factored into the current 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.

ASSETS & INFRASTRUCTURE

4.8 CN2174 - Building Trades and Specialist Services Panel - Contract Extension

Issued By	Manager, Assets, Property and Building Management
Authorised By	Director - Assets & Infrastructure
Document ID	A13596515
Briefing Note Number	BN2010 – 4 March 2025
Attachment(s)	<ol style="list-style-type: none"> 1. CN2174 Council Meeting Minutes 26 March 2019 2. CN2174 Council Meeting Minutes 7 June 2022 3. CN2174 Council-Meeting-Minutes-31-October-2023 4. CN2174 Council-Meeting-Agenda-31-October-2023

EXECUTIVE SUMMARY

Council awarded CN2174 – Building Trades and Specialist Services Panel on 26 March 2019 (Attachment 1 - Council Meeting Minutes 26 March 2019) with an initial contract term of two years, plus an option to extend for a further two x 2-year periods. The contract is now coming to the end of the full term; however, the contract services are still required to be provided while a market approach for a revised scope of services is undertaken.

As the Future Maintenance Services (FMS) project progressed, it was identified that the services currently provided by CN2174 – Building Trades and Specialist Services Panel should be reviewed, and its use extended beyond buildings renewal / maintenance works. The proposed revised scope includes the ability to efficiently engage builders to provide principal contractor functions along with engaging trades to assist with maintenance items not covered in the FMS contracts, renewals, and capital works.

Due to the timing of the conclusion of the FMS project, Shire officers are unable to complete the review of the contract services and specification, procure and award a new contract prior to the current contract completion date of 31 March 2025. As such, Shire officers are seeking to extend the CN2174 – Building Trades and Specialist Services Panel for a period of six months to 30 September 2025, as allowed for in Council's Procurement Policy 2021 – 2025.

5.11 – Exemptions and Breaches.

- Extension of contracts while Council is at market - Allows the Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or have taken longer than expected. This exemption may be used when the establishment of an interim short-term arrangement is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality. Contract extensions applied during a procurement period should not exceed 6 months.

By extending the contract, Council will be able to continue to deliver the building renewal program with no interruptions in service.

Should the extension not be approved, the delivery of all renewal and maintenance projects would require an individual competitive tender process prior to commencement, resulting in considerable impact due to procurement delays and exposure to market price fluctuations.

4.8 (Cont.)

RECOMMENDATION**That Council:**

1. Approves the extension of the CN2174 – Building Trades and Specialist Services Panel to 30 September 2025.
2. Delegates the execution of the contract extension to the panel of contractors to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

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 A, G and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- 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 held 26 March 2019, Council resolved to:

- Award the CN2174 – Building Trades and Specialist Services Contract Panel to a panel of contractors. (Refer Attachment 1 - Council Meeting Minutes 26 March 2019).

At the Council meeting held 7 June 2022, Council resolved to:

- Approve the extension of CN2174 – Building Trades and Specialist Services Contract Panel until 31 March 2025. (Refer Attachment 2 - Council Meeting Minutes 7 June 2022).

At the Council meeting held 31 October 2023, Council resolved to:

- Extend the utilisation of CN2174 – Buildings Trades and Specialist Services Panel to a lifetime value of \$45 million. (Refer Attachment 3 and 4 - Council Agenda, inclusive of report, and Meeting Minutes 31 October 2023).

DISCUSSION

- The purpose of this report is to seek approval from Council for the extension of CN2174 – Building Trades and Specialist Services Panel to 30 September 2025 whilst we undertake a market approach for a revised scope of services.

4.8 (Cont.)

- Programs and projects that have been adopted by Council through the budget process will be delivered through this panel arrangement. On average, Council spends around \$4 - \$5 million per annum via this panel. Individual engagements do not exceed that of the public tender threshold as outlined in the Procurement Policy 2021-2025.
- The extension of CN2174 – Building Trades and Specialist Services Panel does not require Council to allocate additional funds. Works undertaken by the panel are funded by Capital Works projects approved as part of the budget adoption process each year.

Background

- Council awarded CN2174 – Building Trades and Specialist Services Panel on 26 March 2019 with an initial contract term of two years, plus an option to extend for a further two x 2-year periods.
- The current panel arrangement ensures that contractors being engaged for building renewal and maintenance work have been pre-approved and registered for building renewal works. Pre-qualification compliance is a prerequisite of the current suppliers on the CN2174 – Building Trades and Specialist Services Contract Panel.
- This pre-qualification mitigates Council's exposure to risk.

If an extension to CN2174 – Building Trades and Specialist Services Contract Panel is not supported, the teams primarily impacted include:

- Buildings Management Team
- Infrastructure Projects – Project Delivery Team
- Property Team
- Climate Change Team

Options for consideration

- Option 1 - (Recommended) – That Council support the approach to extend CN2174 – Building Trades and Specialist Services Panel whilst undertaking a market approach for a new panel. This will allow various teams across the Shire to continue to utilise the existing panel until 30 September 2025 to deliver renewal and project work.
- Option 2 – Council does not support the approach to extend CN2174 – Building Trades and Specialist Services Panel. Shire officers will be required to approach the market via tender process and engage with individual contractors that have not been pre-qualified. This would have considerable impacts on the Shire's ability to deliver renewal and project work until the commencement of the revised panel which is currently scheduled to be awarded and commence in September 2025.

CONFLICTS OF INTEREST

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

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.9 Review of Instrument of Delegation - Council to Chief Executive Officer

Issued By	Acting Manager, Governance and Risk
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13661509
Briefing Note Number	Not Applicable
Attachment(s)	<ol style="list-style-type: none">1. s5 - Instrument of Delegation - Council to Chief Executive Officer - track changes2. s5 - Instrument of Delegation - Council to Chief Executive Officer - final

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopts the Instrument of Delegation from Council to Chief Executive Officer (CEO) and revoke the previously adopted Instrument of Delegation from Council to Chief Executive Officer.

This report is presented to Council to review the Chief Executive Officers delegations.

The function of delegating powers, duties, and functions of Council to the Chief Executive Officer allows for the effective operation of the organisation. The Chief Executive Officer may on-delegate certain powers duties and functions to staff.

RECOMMENDATION

That in the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020* (the Act), Mornington Peninsula Shire (Council) resolves that:

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately upon Council resolution and being signed by the Chief Executive Officer.**
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

COUNCIL & WELLBEING PLAN

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

4.9 (Cont.)

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

The current section 5 Council to CEO Instrument of Delegation was adopted by Council on 25 June 2024.

DISCUSSION**Purpose**

The purpose of this report is to seek endorsement from Council for the attached draft Council to CEO Instrument of Delegation and the draft Council to Council Officer Instrument of Delegation following the latest updates provided by Maddocks Lawyers.

Background

The power of delegation under section 11 of *Local Government Act 2020* (the Act) is a power to delegate Council's powers under *the Act* or any other act to the CEO who then may sub-delegate those powers pursuant to section 47 of *the Act*.

Delegation of powers is generally considered essential to enable day to day decisions to be made. Some general features are set out in the *Interpretation of Legislation Act 1984*. The following should be noted:

- The decision, once made, is for all legal purposes, a decision of Council.
- The 'delegate' is in much the same position as the Council in terms of making decisions. For example: where the decision requires that opinion be formed, the delegate's opinion can be basis for the decision.
- The fact that a delegation is being made does not affect the Council's power in relation to the issue concerned. This is subject of course, to the rule that the delegate's decision is taken to be the decision of Council. Council is therefore bound by a decision, which it may not have made.

The instruments provides that the delegations are subject to any conditions or limitations set out in the schedule and must be exercised in accordance with any guidelines or policies adopted by Council from time to time.

4.9 (Cont.)

In addition, the delegate must not act if the matter has previously been designated as an issue which must be the subject of a Council resolution, or the decision is likely to be inconsistent with a policy or strategy adopted by Council.

Options for consideration

The Council to CEO Instrument of Delegation was amended to change the CEO delegation from \$1,000,000 inclusive of GST, to \$1,000,000 exclusive of GST.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Once approved, the public register of delegations required under section 11 (8) of the *Act* will be updated on the Shire website and the Instrument of Delegation will be made available to Shire officers.

LEGAL AND REGULATORY FRAMEWORK

The power of delegation under section 11 of *the Act* is a power to delegate Council's powers under *the Act* or any other act to the CEO who then may sub-delegate those powers pursuant to section 47 of *the Act*.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

OFFICER DIRECT OR INDIRECT INTEREST

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

PLANNING & ENVIRONMENT

4.10 Report on Climate Emergency Financial Expenditure and Associated Outcomes

Prepared By	Manager - Climate Change and Sustainability
Authorised By	Acting Director - Planning & Environment
Document ID	A13567177
Briefing Note Number	BN2014 – 18 March 2025
Attachment(s)	1. NOM 472 Report on Climate Emergency financial expenditure and associated outcomes ↓

EXECUTIVE SUMMARY

The purpose of this report is to provide Council a report on Climate Emergency financial expenditure and associated outcomes following the Notice of Motion 472, adopted 28 January 2025, for consideration at an April 2025 Council Meeting.

RECOMMENDATION

That Council notes the report in response to Notice of Motion 472.

COUNCIL & WELLBEING PLAN

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

Theme 1: A healthy natural environment and well-planned townships.
<ul style="list-style-type: none"> Strategic Objective 1.2: A healthy ecosystem, in which our coastline, bushland, wildlife and green wedge is resilient to the climate emergency and development. Strategic Objective 1.3: A sustainable built environment that respects the natural
Theme 2: A robust, innovative and diverse economy.
<ul style="list-style-type: none"> Strategic Objective 2.4: A diverse economy, with green and renewable opportunities, encouraging entrepreneurship, investment and innovation.
Theme 3: A flourishing, healthy and connected community.
<ul style="list-style-type: none"> Strategic Objective 3.2: A resilient and confident community where everyone connects and is supported. Strategic Objective 3.5: A community that is well connected through sustainable, accessible and integrated transport options.

4.10 (Cont.)**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,D,E,F,G, H 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;
- D. The municipal community is to be engaged in strategic planning and strategic decision making;
- E. Innovation and continuous improvement is to be pursued;
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought;
- G. The ongoing financial viability of the Council is to be ensured;
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- I. I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

- Carbon Neutral Policy, adopted October 2016
- Climate Emergency Declaration, adopted 13 August 2019
- Climate Emergency Plan – ‘*Our Climate Emergency Response, from 2020 to 2030, Ensuring Our Future*’, adopted 25 August 2020

DISCUSSION**Purpose**

This report provides detailed information in response to Notice of Motion 472.

Background

This report responds to Notice of Motion 472 (NOM), adopted on the 28 January 2025. The Report including Appendix A, B, C and D (Attachment 1) form the response to each section of the NOM. Note, Part B, 2. of the resolution is complete. SECCCA briefed Council on 4 March 2025.

COUNCIL DECISION (28 January 2025)

That Council resolves to prepare a report for consideration at an April 2025 Council Meeting. This report will provide detailed information to assist Councillors in making informed strategic and budgetary decisions regarding the Climate Emergency Declaration.

1. *Financial Impact Analysis including:*

4.10 (Cont.)

- A. *A breakdown of total costs associated with the Climate Emergency Declaration over the past three budget cycles.*
 - B. *Specific budget allocations, including associated staff and consultant costs, programs, and initiatives.*
 - C. *A comprehensive assessment of community grants and their outcomes.*
 - D. *A full review of any state and federal grants or programs and their achieved outcomes.*
 - E. *Projections or case studies on the cost-saving of households when carrying out recommendations related to decarbonisation and impact on their cost of living and health.*
 - F. *Estimates of financial impact of climate-related weather events, coastal hazard impact, and adaption programs on Council.*
 - G. *A detailed insert from the Audit and Risk Committee, reporting on Risk Assessments related to climate change and associated mitigations.*
2. *Community Outcomes*
- A. *An evaluation of tangible benefits, traceable back to the relevant investment, demonstrating the return on the specific investment made for the Mornington Peninsula community resulting from climate-related initiatives and expenditures.*
 - B. *A summary of measurable environmental or social benefits delivered by these initiatives.*
 - C. *Refer a list of coastal structures and budget costing for replacement or repair of projects that can be attributed to climate change.*
3. *Legislative Context*
- A. *A comparison of the Shire's Climate Emergency actions with existing state and federal government legislation.*
 - B. *An assessment of potential overlaps or redundancies with higher levels of government.*
4. *Memberships and Subscriptions*
- A. *A detailed list of climate-related associations, networks, and groups to which the Shire subscribes.*
 - B. *The annual costs, associated benefits, and tangible outcomes of these memberships.*
 - C. *Case studies or examples of the cost and viability of undertaking policy or programs internally without the assistance of external membership entities.*

Part B

That Council:

4.10 (Cont.)

1. *Recognises that many of the benefits of Council-funded initiatives, including climate action are not immediately tangible or measurable, and acknowledges and values these long-term and intangible outcomes. These include fostering community resilience, reducing future risks, and meeting ethical obligations to future generations.*
2. *Requests a Briefing from the South East Councils Climate Change Alliance (SECCCA) to be attended by Councillors in February.*

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Key legislation relating to Local Government responsibilities on climate change include:

1. Climate Change Act 2017;
2. Local Government Act 2020; and
3. Public Health and Wellbeing Act 2008.

See section 3 in the Report NOM 472 on legislative context.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

This report details the outcomes of the programs and projects relating to Climate Change for Mornington Peninsula Shire Council (MPSC) and the community since the adoption of the Climate Emergency Plan, '*Our Climate Emergency Response, from 2020 to 2030, Ensuring Our Future*', August 2020. Climate and sustainability considerations are detailed throughout the report with key sections including:

- Financial impact analysis, detailing grants, return on investment, and greenhouse gas / carbon reductions.
- Community outcomes, detailing reduced energy and emissions, increased renewables, increased resilience, and less tangible outcomes such as health and education.

FINANCIAL CONSIDERATIONS

The report provides a financial impact analysis for climate change costs as follows:

- A. Breakdown of total costs associated with the Climate Emergency Declaration over the past three budget cycles. A cost breakdown of climate change projects, led by the climate change team, through the operating budget and other specified funding sources.
- B. Specific budget allocations, including associated staff and consultant costs, programs, and initiatives. Many projects delivering climate change outcomes also deliver

4.10 (Cont.)

significant operating cost savings for the organisation, with savings achieved to date estimated at \$2.4 million annually.

- C. A comprehensive assessment of community grants and their outcomes. For every \$1 invested by MPSC through Climate Action Grants approximately \$1.95 has been invested by community which over the life of the program to date equates to \$948,666 of added value.
- D. Full review of any state and federal grants or programs and their achieved outcomes. The total value of state and federal grants/rebate programs received for climate related projects in the last 3 years is \$1.2 million.

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

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

5.1 Notice of Motion 479 (Cr Pingiaro) - Service Reviews

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

That Council receives a report by the end of April 2025 detailing:

1. *Details of all service reviews completed to date, including those undertaken since the establishment of the new service review team two years ago.*
2. *Since establishing this new team, the total savings and efficiencies for each Service Review.*
3. *The total cost of resourcing the Service Reviews internally (e.g. employees) and externally (e.g. consultants).*
4. *Information about the methodology used to complete Service Reviews and clarification of whether the services identified for review are determined by the service review team or the relevant service delivery team, or by legislative requirements that may already mandate a reduction or cessation of services (e.g., aged care, valuations, etc).*
5. *Any key findings or outcomes from the completed Service Reviews that have influenced operational or financial decision-making.*

Background

Council has been undertaking service reviews with no reports presented to Council. The Council was advised by the previous Chief Executive Officer (CEO) that a dedicated team was established to restart the service review process due to our increasing financial challenges.

We must assess the effectiveness of such reviews in delivering financial and operational efficiencies. Transparency around the decision-making process for identifying services for review is also critical to ensure that resources are directed towards areas where tangible improvements can be made.

Issued By	Manager - Transformation & ePMO
Authorised by	Director – Corporate Strategy and Business Improvement

OFFICER COMMENT

Overview

The Service Review Program represents a key strategic initiative to support Council's commitment to continuous improvement and long-term financial sustainability. Following the establishment of the Customer & Transformation Unit in June 2023, the Service

5.1 (Cont.)

Management Framework (SMF) was developed in-house and adopted by the Executive Leadership Team in November 2023.

The program has progressed through the development of appropriate methodologies to the current active phase where nine Level 1 service reviews are underway across the organisation. Regular updates on this program are provided to Councillors through multiple established reporting mechanisms, ensuring ongoing oversight and transparency.

The Service Review Program directly supports Council's proposed Community Vision theme of 'Our Performance' which calls for:

- A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Furthermore, the program aligns with Council's two strategic objectives that underpin this theme in the draft 2025-2029 Council Plan:

- A financially sustainable, high-performing and well-governed Council
- Community-centred, responsive and fit-for-purpose services.

Program Status

The SMF established a structured approach to service management with five key components:

1. Strategic Service Plans
2. Service Catalogue
3. Service Profiles
4. Service Reviews
5. Service Redesign

The approach to service management and service reviews has been deliberately comprehensive to build a secure methodology that provides a strong foundation designed to withstand resistance and continuation of the status quo. The methodology ensures any future reviews have options contained in them that present Council with a realistic prospect of achieving the Service Review Program's goals and outcomes of strategic alignment, service improvement, customer experience enhancement, and financial savings.

This robust approach is designed to deliver value through the entire review process, with efficiencies in processes identified through systematic mapping exercises, ensuring recommendations are evidence-based and implementable.

Currently, nine service reviews are underway across multiple units. The reviews are being conducted according to the adopted methodology and schedule, with financial benefits anticipated to align with the long-term financial planning timeframes previously shared with Councillors.

Service reviews are prioritised based on specific triggers rather than an arbitrary schedule, considering factors such as legislative changes, community expectations, financial

5.1 (Cont.)

considerations, and strategic alignment. This approach ensures reviews are conducted where they will add the most value to the community and organisation.

Current Reporting Mechanisms

Councillors currently receive information about the Service Management Framework and Service Review Program through multiple established channels:

1. **Quarterly Organisational Performance Reports:** These reports provide regular updates on the development and implementation of the Service Management Framework and Service Review Program.
2. **Corporate Strategy & Business Improvement Monthly Updates:** Since the announcement of the Customer & Transformation Unit's formation in May 2023, this newsletter has included specific updates on the Service Management Framework and/or Service Reviews/Improvement on nine occasions.
3. **Audit & Risk Committee:** In February 2025, the Committee requested a standing report on Council's financial sustainability approach, including the Service Review Program.

Additionally, the governance framework for service reviews maintains a clear delineation of roles. While operational improvements are managed within the administration, any decisions that would materially change the future direction of a community-facing service proceed to a Council Briefing and then a Council Meeting for a Council decision.

Report Preparation

A report as requested can be prepared by the end of April 2025, noting that it would primarily include:

- Information on program establishment and methodology
- Status updates on reviews currently in progress
- Details of any completed reviews (noting these are limited at present)
- Program costs and resourcing
- Preliminary findings where available.

It is important to note that most reviews currently underway will not be completed in time to demonstrate substantial financial outcomes in the April report. While the program can report on potential efficiency opportunities identified to date, realised financial benefits typically lag behind review completion as the implementation of changes requires careful planning and execution.

This is consistent with Council's indicative financial sustainability modelling for its 10 year Financial Plan, substantial financial returns are projected to materialise from the 2026 financial year onwards, subject to future Council decisions on individual programs and services.

5.1 (Cont.)**Legal Implications**

The Notice of Motion relates to reporting on an existing operational program. Some aspects of service review findings may have industrial relations implications or contractual considerations that would need to be appropriately managed in any public reporting.

The *Local Government Act 2020* provides guidance on Council and administrative roles, and contains specific provisions regarding service performance:

Part 5—Council operations Division 1—Service performance

106 Service performance principles

- (1) A Council must plan and deliver services to the municipal community in accordance with the service performance principles.
- (2) The following are the service performance principles—
 - (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
 - (b) services should be accessible to the members of the municipal community for whom the services are intended;
 - (c) quality and costs standards for services set by the Council should provide good value to the municipal community;
 - (d) a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;
 - (e) service delivery must include a fair and effective process for considering and responding to complaints about service provision.

The Service Review Program supports Council's fulfillment of these legislative requirements, particularly regarding continuous improvement and providing good value to the community.

Financial and Resourcing Implications

Preparing the requested report will require staff time from the Service Improvement team and other units to compile the information. This will be accommodated within existing resources but may impact the progress of ongoing service reviews.

It should be noted that the Service Review Program was established with a timeline that projected financial benefits commencing in the 2026 financial year, as reflected in scenario planning previously presented to Councillors. Accelerating financial outcomes beyond this timeline may compromise the quality and sustainability of review outcomes.

As requested, the report will include details of program costs to date, including internal staffing and any external consultant costs associated with the program.

Potential Alternative Wording

That Council:

1. Notes that the Service Review Program is currently in active implementation phase with several reviews underway across the organisation.
2. Requests a report by the end of April 2025 detailing:

5.1 (Cont.)

- a) The Service Review Program structure, methodology and governance
 - b) Status of all service reviews completed and in progress
 - c) Any financial outcomes achieved to date and process for measuring future benefits
 - d) Program costs and resourcing
 - e) Key findings that have influenced operational decision-making.
3. Notes that service reviews systematically evaluate operational efficiency and strategic alignment with Council's proposed 'Our Performance' Community Vision theme and the draft strategic objectives of 'A financially sustainable, high-performing and well-governed Council' and 'Community-centred, responsive and fit-for-purpose services.' While recommendations require implementation time before financial benefits are fully realised, based on Council's indicative financial sustainability modelling for its 10-year Financial Plan, substantial financial returns are projected to materialise from FY2026 onwards, subject to future Council decisions on individual programs and services.
4. Notes that:
- a) Council's Audit & Risk Committee has requested standing reports on Council's financial sustainability approach, including the Service Review Program.
 - b) Quarterly Organisational Performance reports provided to Councillors include information on service management and service review activities.
 - c) The existing governance framework ensures that any decisions requiring material changes to community-facing services proceed to Council for decision.
 - d) Requests that high-level information from these existing reporting mechanisms be incorporated into the April 2025 report.
 - e) Notes that future reporting on the Service Review Program will align with and support the proposed 'Our Performance' theme in the Community Vision and related draft strategic objectives in the Council Plan, with reporting to be incorporated into the proposed Annual Action Plan reporting process.

5.2 Notice of Motion 480 (Cr Allen) - Tennis and Bowls Club Leases

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

Council resolves that

1. *Officers undertake additional engagement with representatives from relevant clubs and associations by May 2025, to gather feedback on outstanding issues and concerns regarding proposed tennis and bowls club leases.*
2. *Officers provide a report to Council by early September 2025 following the engagement and relevant existing leases remain in overholding until then.*

Background

Council resolved at its Ordinary Meeting of 23 July 2024, to enter into new leasing agreements with a range of community tennis and bowls clubs operating on Council owned or managed land. Councillors were assured on multiple occasions at that meeting that the clubs had been consulted on these leases. The Clubs have reported not receiving any prior information from the Council as to any increase in rent payable, nor did Council or its representatives meet and/or discuss the general concerns held by the Clubs.

As outlined in a letter from Tennis Victoria - clubs feel they have not been afforded input or discussion into the lease restructure process.

Two of our State MPs also raised concerns with regards to these leases in November 2024.

The 18 tennis clubs requested that the Peninsula Tennis Association (PTA) represent them in discussions with Council on these concerns and Council received correspondence from lawyers representing the PTA which details the concerns with the leases.

On 22 November 2024, a meeting was held between the Clubs, PTA and Council officers to discuss these concerns. As a result of that meeting there was an expectation that the new leases would not be implemented, and officers would be coming back to a Council meeting early in 2025 with recommendations to address the concerns.

Since that November meeting there has been no communication with the PTA and a recent update from officers indicated that “Council remains committed to implementing the new lease agreements in fulfillment of the Council resolution.”

Issued By	Manager - Assets Property and Building Management
Authorised by	Director – Assets and Infrastructure

OFFICER COMMENT

Shire officers have liaised with Cr Allen on the wording of the proposed notice of motion. The motion allows for a formal pause to the implementation of the current Council resolution, while additional engagement and preparation of a report for Councillors consideration is undertaken.

Shire officers have committed resources to undertaking additional engagement with impacted tennis and bowls clubs and related stakeholders. It should be note that most bowls clubs have already signed up to the new lease agreements and so the focus of the additional engagement will primarily be with tennis clubs in the Shire.

5.2 (Cont.)

Council officers have contacted the PTA to re-establish lines of communication.

By way of background, in 2022 the Property Operations team in collaboration with the Community Sport Development and Community Infrastructure and Open Space Planning teams engaged a consultancy firm, Sports Wise, to review tennis and bowling club lease agreements. The review process incorporated bench marking, consultative workshops with clubs, as well as recommendations and feedback from internal teams such as Building Maintenance, and Open Space Maintenance.

In June 2023 Council received the final report from the consultant inclusive of the club consultation and benchmarking with other Councils. A Council briefing was then held on 8 November 2023, where officers presented the recommendations based on their assessment and findings.

Legal Implications

All overdue leases will remain in overholding with the existing rights and obligations until the completion of the additional engagement and the provision of a report to Councillors.

The PTA has been asked by the eighteen impacted tennis clubs to represent their interests. The PTA has engaged legal advice to review the proposed Council leases.

Financial and Resourcing Implications

On the basis of the Council resolution on 23 July 2024, Council officers have projected 2025/26 budget income from tennis and bowls clubs' leases based on the revised rental charges proposed. These income figures may require revision following completion of the proposed actions in the NOM.

Potential Alternative Wording

Nil.

5.3 Notice of Motion 481 (Cr Gill) - Illegal Encroachment

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

That:

1. *Council publicly lists all identified structure or other similar encroachments on Council owned property unless confidential legal action is underway*
2. *Councillors be immediately informed of any reasons why enforcement action has not been undertaken regarding each property known to have been encroached*
3. *Council investigate and report on encroachments on Council managed property*
4. *Councillors be immediately informed of any potential disposal of individual properties subject to encroachment.*

Background

There have been ongoing issues related to encroachment related to public land on the Mornington Peninsula.

As much as possible the public should be fully informed about any loss of public land.

There are a number of legal avenues to acquire public land with very few checks and balances to protect the public from loss of their land including ‘backdating’ dates of intention.

Issued By	Manager - Assets Property and Building Management
Authorised by	Director - Assets and Infrastructure

OFFICER COMMENT

Shire officers have developed a framework and approach to addressing encroachments on Council land. Council works in conjunction with Department of Energy, Environment and Climate Action (DEECA) when encroachments are detected on Crown Land. Council have funded a dedicated resource within the Property Strategy and Operations team to identify, investigate and address significant encroachments on public land where a financial settlement and transfer of land is deemed appropriate and feasible.

The current NOM wording requiring Councillors to be immediately informed of encroachment actions and potential land disposals is impracticable and unachievable. Encroachment issues are complex and require a range of investigations and external advice to determine the most appropriate resolution. Providing immediate notice of these actions to Councillors risks the advice being incomplete. Timeframes for encroachment resolution are also substantial i.e. 12-18 months and so immediate reactive reporting would be a less effective use of Council resources.

Shire officers suggest the preparation of an annual report to Council listing all identified encroachments on Council owned property, including progress towards resolution. This would be an appropriate way to address this NOM to ensure Councillors and the public are informed of the actions the Shire is taking to address identified encroachments.

Legal Implications

Where encroachments are identified on Council owned land any recommendation involving the sale of public land will be subject to the approval of Council by a formal resolution.

5.3 (Cont.)

Exclusive use of public land (Crown Land) for a private activity is illegal under the *Crown Land Reserves Act 1978*, where encroachments are identified on Crown Land and Council is the appointed committee of management officers work with the Department of Climate, Energy, Environment and Climate Action (DEECA) to resolve.

Any identified encroachment that is subject to legal action is considered legally privileged and will not be made public.

Financial and Resourcing Implications

Nil

Potential Alternative Wording

That Shire officers prepare an annual report to Council listing all identified encroachments on Council owned property, including progress towards resolution. Such report to include:

1. Listing all identified structure or other similar encroachments on Council owned property unless confidential legal action is underway.
2. Informing Councillors of any reasons why enforcement action has not been undertaken regarding each property known to have been encroached.
3. Progress of investigations and resolution of encroachments on Council managed property.
4. Informing Councillors of any potential disposal of individual properties subject to encroachment.

5.4 Notice of Motion 482 (Cr Gill) - Drowning Prevention Strategies

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

As a follow up to the recent launch of the local area ‘Drowning Prevention Strategies Framework’, Council requests Shire officers coordinate a meeting of all Surf Lifesaving Clubs on the Mornington Peninsula to discuss urgent and priority needs of these clubs and strategies, including Council support and advocacy for increased levels of Government funding, in order to tackle the comparatively high drowning rates on the Mornington Peninsula.

Background

The Mornington Peninsula has either the highest drowning toll or close to the highest toll historically of any municipality in Victoria.

Funding from State and Federal Governments does not match the requirements to help prevent drownings outlined in the proposed Prevention Strategies.

State grants are available to regional newspapers to promote annual water safety campaigns, but this does not apply to the Peninsula which is classified as Metropolitan.

Issued By	Manager – Community Safety, Health & Compliance
Authorised by	Director – Community Strengthening

OFFICER COMMENT

Life Saving Victoria (LSV) were engaged by the Bass Coast and Mornington Peninsula Shires cross Council working group as part of a suite of actions to address the ongoing high numbers of drowning fatalities recorded across the region. The intention of the framework is to provide an overview of the drowning incidents that have been recorded in the local government areas over the past decade. This will help guide water safety and drowning prevention efforts to address trends and risk factors.

Following the frameworks launch, Council’s Community Resilience and Emergency Management team are aiming to facilitate the development of a localised plan with our community partners including relevant local agencies (including LSV), Surf Lifesaving Clubs and community groups, each with a focus on reducing drowning across the Mornington Peninsula.

Shire officers are currently working with Life Saving Victoria who are extremely interested in collaborating on this project to advocate for funding opportunities, in addition to the current water safety initiatives. That intent of the Notice of Motion is underway.

Legal Implications

Nil.

Financial and Resourcing Implications

Life Saving Victoria has historically had a Memorandum of Understanding with the Mornington Peninsula Shire for funding support to cover professional life savers at high-risk locations including Point Leo, Gunnamatta, Sorrento, and Portsea. The State has identified the locations to help minimise drowning prevention service for tourists and residents.

5.4 (Cont.)

Council provides an annual subsidy of \$87,975 to support the service across the summer period, when volunteer club services are not patrolling.

The funding is a direct cost shift from the State Government, as they hold the responsibility to for funding of these emergency management service functions.

As this Notice of Motion is currently underway by the Community Resilience and Emergency Management team it is resourced, no additional funding required to action the motion.

Potential Alternative Wording

Nil.

5.5 Notice of Motion 483 (Cr Gill) - Cost Shifting

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

That:

1. *All matters pertaining to cost shifting be referred to the FY25/26 Budget with a determination to remove cost shifting items from the Council budget as referenced in Notice of Motion (NOM) 439 16 April 2024.*
2. *The setting up of a community watch dog budget panel suggested by NOM 434, 11 December 2024 be brought to a public council meeting for decision on 6 May 2025 with a proposed budget to be decided between \$0 and \$9000.*

Background

Nil.

Issued By	Acting Chief Financial Officer
Authorised by	Acting Chief Executive Officer

It is not recommended that all matters pertaining to cost shifting be referred to the FY2025/2026 Financial Budget process with a determination to remove cost-shifting items, as outlined in Point 1 of the Notice of Motion.

Many of the affected services—such as libraries, foreshore management, and school crossings—are essential to the well-being of the community. Any decision to reduce or remove these services requires a thorough assessment of the community impact, which should be undertaken through a structured service review process rather than within the budget process.

A service review allows for a comprehensive evaluation of service effectiveness and community needs, ensuring informed decision-making that aligns with Council’s strategic objectives. The timing and implementation of service reductions must be carefully considered, and addressing such matters solely through the budget process is not recommended.

With respect to Point 2, the establishment of a community budget watchdog panel is not recommended due to the significant Shire officer time required and the potential for costs exceeding \$10,000.

Council already has comprehensive financial oversight mechanisms, including statutory financial reporting, the Audit and Risk Committee, and public consultation processes, all of which provide strong governance and transparency as outlined in the briefing report dated 10 December 2024.

The introduction of an additional panel may lead to duplication of efforts and inefficiencies, without providing additional value beyond existing oversight structures.

Given these considerations, it is recommended that Council does not support the Notice of Motion as proposed.

5.5 (Cont.)

Legal Implications

N/A

Financial and Resourcing Implications

The financial and resource impact will need to be further assessed, depending on the scope and frequency of the proposed community budget watchdog panel.

Potential Alternative Wording

N/A

6 URGENT BUSINESS

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

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

7 CONFIDENTIAL ITEMS

Advice to the Public

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

MEETING CLOSED TO THE PUBLIC

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

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

RECOMMENDATION

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

7.1 CN2735 Legal Services Panel

This matter is considered to be confidential under 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.

7.2 Community Housing Expression of Interest (EOI)

This matter is considered to be confidential under section 3 (1) a, b, c and g (ii) of the *Local Government Act 2020* as it:

- A) 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.**
- B) Contains information in relation to Council business information, security information, land use planning information and (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage**