



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 17 MAY 2022

5.30PM

ONLINE ZOOM MEETING

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

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

SENIOR LEADERSHIP TEAM

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

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

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1 OPENING AND WELCOME

Meeting opened at 5.43pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr Race)

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

1.2 Vale

Alex Atkins

On behalf of my Councillor colleagues, Shire staff and the broader community, I would like to pay respects to a man who was a major influence on the direction of the Shire for many years, Mr Alex Atkins.

Alex joined the then Shire of Flinders in 1989 as the Senior Planner.

Following local government amalgamation in 1995, he became the Economic Planner with the Service Planning team. In 1998 he was appointed as the Shire's Corporate Planner and in 1999 the Manager of Conservation and Environment.

In 2003 Alex became the Shire's first Director of Sustainable Environment. This range of positions gives some indication of the breadth of Alex's skills and expertise.

In 2010 he became Director of Sustainable Infrastructure, working with his colleagues to address the community's challenging infrastructure needs.

Whatever his official role, Alex was frequently seen as the 'go-to' person who knew the Shire and the issues, and whose advice was always highly valued. Alex retired from the Shire in September 2015, after more than 26 years of service.

Alex was a big man and a big presence. His voice and laugh could be heard anywhere in the office. He also established new standards for office attire – with the corporate polo being his shirt of choice even in the worst of Melbourne winters.

As a leader in the Shire, he entrenched the emphasis on sustainability and protecting the special values of the Peninsula. He is especially remembered for his commitment to the people who worked with him, providing encouragement and support and opportunities for development.

In his retirement Alex focussed on his family, taking trips with a number of his grandchildren. He listed his most recent position as 'International Man of Leisure'.

His passion for reading informed his perspective on the world, supported his nuanced approach to the complex problems facing the community and strengthened his gift for building relationships.

He has left a legacy in his professional and private life and was a shining example of the key role played by local government in striving for a sustainable and progressive future.

Alex passed away on 11 April 2022.

We take this opportunity to recognise Alex for all he did for the Peninsula community and to extend our condolences to his family. He truly made a difference.

Vale, Alex Atkins.

2 PROCEDURAL MATTERS

Present

Mayor, Cr Anthony Marsh (Chairperson)
Cr Susan Bissinger
Cr Antonella Celi
Deputy Mayor, Cr Lisa Dixon
Cr David Gill
Cr Steve Holland
Cr Debra Mar
Cr Kerri McCafferty
Cr Paul Mercurio
Cr Sarah Race

Mr John Baker, Chief Executive Officer

2.1 Apologies

Cr Despi O'Connor (Leave of Absence)

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

Nil.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of previous Council Meeting held on 3 May 2022, be confirmed.

COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Mar

That the recommendation be adopted.

Carried Unanimously

2.4 Councillor Briefing Sessions

Councillor Briefing Sessions – 26 April 2022

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 26 April 2022.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Holland

That the recommendation be adopted.

Carried Unanimously

2.5 Council Decision Register

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

PURPOSE

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

Attached are Summaries of the 2019-2022 Decision Registers (Attachments 1-4) as at 9 May 2022.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2022 (Attachments 1-4) as at 9 May 2022.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr McCafferty

That the recommendation be adopted.

Carried Unanimously

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 are received without notice and are responded to without research or reference to Council records.

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

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

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

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

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

Sunnyside North Clothing Optional Beach

Mr Simon Hicks, a resident of Prahan, asked the following question:

Council will soon decide on its position of the clothing optional status of Sunnyside North Clothing Optional Beach following a community survey. The survey included several text boxes that enabled respondents to provide information on their views and experiences, the full details of which will be crucial to enable Councillors to make a fully informed decision and understand the community's position (as opposed to the yes/no questions). Will the results of the survey, as will be presented to Councillors, provide the full written responses from the text boxes of all respondents in addition to the number of yes/no responses?

Ms Laura Crilly, Team Leader – Water and Coasts has provided the following answer:

Yes, all comments will be provided to Councillors along with yes/no responses. It will take some time to collate the data as over 4,000 responses have been received.

Mr Hicks asked a follow-up question:

There is concern that the survey did not appear to prevent a dedicated person from filling in the survey 100 times, for example, skewing the data. Council will be aware of a misleading 4-page brochure from an unknown source distributed to Mount Eliza residents. Whilst uncredited, it was created by one of the 92 people who received Council's notice in the mail as it contained a customised and unique survey link created for residents in the immediate area. Based on the printing, folding and distribution this is a brochure that would have cost thousands of dollars to produce and deliver. How will the survey identify if one individual has completed the survey many many times (for e.g. analysing unique IP addresses in the survey responses) to ensure the survey is truly reflective of the community's position?

Ms Laura Crilly, Team Leader – Water and Coasts has provided the following answer:

We acknowledge that members of the public may well have completed the survey on more than one occasion, however no widespread multiple survey responses from the same IP address were detected.

Mr Michael James, a resident of Frankston, asked the following question:

17 May 2022 was celebrated by Council as the international day against LGBTQIA+ discrimination (IDAHOBIT). Sunnyside North as a clothing optional beach is considered a safe space by the significant number of beach users who are members of the very diverse LGBTQIA+ community. If Council takes a decision to request to the Planning Minister to revoke the clothing optional status of Sunnyside North beach, and therefore removing that safe space for the LGBTQIA+ community, how would that decision of Council be consistent with removing discrimination against that community?

Mr Mike McIntosh, Director – Planning and Infrastructure, has provided the following response:

This is a speculative question which is best addressed following Council consideration of the matter.

Mr James has asked another question:

There is a private access ramp which is partially on Crown Land at Sunnyside North beach. We have photos of water part way up the ramp so definitely below the high water mark. The ramp is in poor repair and possibly hazardous to beach users. Council officers are aware of this ramp. Given that Council is aware of the existence of this private infrastructure on Crown land which is in poor repair and possibly hazardous in a public area, why has the Council not taken action to have this structure removed?

Ms Laura Crilly, Team Leader – Water and Coasts has provided the following answer:

Mornington Peninsula Shire and the Department of Environment, Land, Water and Planning are working to clarify and resolve longstanding Committee of Management and land title boundaries along the foreshore. The condition and management arrangements of the ramp will be considered as part of this process.

Hastings Office Opening Hours

Mr Fred Crump, a resident of Hastings, has asked the following question:

When COVID restrictions eased, the Shire offices in Rosebud and Mornington were opened five days a week full-time but the Hastings Shire Offices are only open four hours a day for the whole of Western Port. Why is there one set of rules for Mornington and Peninsula residents and a different set of rules for Western Port residents?

Ms Gen Quirk, Executive Officer to the Director – Community Strengthening has provided the following answer:

After many challenges during the last two years, there has been a decline in the number of visitors to each office, with many people now choosing to conduct their business online or over the phone. As a result, all of the office hours have been reviewed and each office has been opened to suit the needs to the specific area. In relation to the Hastings office, daily foot traffic is approximately seven times lower than both the Mornington and the Rosebud offices.

In order to service the Western Port residents outside of the Hastings office opening hours, the Somerville library offers a Customer Service centre, and Customer Service staff are available via telephone and webchat between the hours of 8.30 – 5.00pm.

Community Directory

Mr Crump asked another question:

One year ago at the Submission hearing, a question was asked as to why there had been no up-to-date Community Directory, and still we have an outdated Community Directory on display at the Shire offices. What's the Shire playing at?

Ms Gen Quirk, Executive Officer to the Director – Community Strengthening has provided the following answer:

Online resources relating to community directory information can be found via the following links:

[Community Information Directory - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](http://mornpen.vic.gov.au)

[MP Business Directory - Mornington Peninsula Business](#)

[Mornington Peninsula Child and Youth Directory \(mpchildand youthdirectory.com.au\)](http://mpchildandyouthdirectory.com.au)

Hard copies have not been in demand the last couple of years due to COVID-19. A service review team is currently considering the need for hard copy resources given a migration towards online demand. Hard copies are also available for distribution should they be requested.

3 MANAGEMENT REPORTS

OFFICE OF THE CEO

3.1 Quarterly Community Report January - March 2022

Prepared By	John Baker, Chief Executive Officer
Authorised By	Chief Executive Officer
Document ID	A10967340
Briefing Note Number	BN1578 – 10 May 2022
Attachment(s)	1. Quarterly Community Report January - March 2022

EXECUTIVE SUMMARY

The purpose of this report is to present the Quarterly Community Report (Attachment 1) to a meeting of Council which is open to the public, in accordance with section 97 of the *Local Government Act 2020* (the Act).

RECOMMENDATION

That the Quarterly Community Report January – March 2022 (Attachment 1) be received and noted.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr McCafferty

That the recommendation be adopted.

Carried Unanimously

COUNCIL & WELLBEING PLAN

The Quarterly Community Report outlines progress against each of the Council and Wellbeing Plan's Strategic Objectives.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION

Purpose

The Quarterly Community Report outlines progress against each of the Council Plan's Strategic Objectives and includes Service Highlights under each Theme. The report also includes sections on community engagement, highlighting some fast facts on how the community has engaged with the Mornington Peninsula Shire (the Shire) and the various 'have your say' activities for the quarter, as well as Key Achievements of the Climate Emergency Plan and updates on major projects, including Capital Works.

3.1 (Cont.)

Financial commentary is provided in the summary Finance Report at an organisational level in a Standard Financial Statements format. There is also financial commentary included regarding the status of key priority projects and capital works.

Background

The Quarterly Community Report is a key component of our accountability to the community. It provides a detailed overview of the Council's activities during the quarter, reporting items of achievement and progress in alignment with the Council and Wellbeing Plan 2021 – 2025.

The Quarterly Community Report also presents financial statements and commentary relating to the financial performance and position of Council. To that end, presentation of the Quarterly Community Report ensures compliance with section 97 of the *Local Government Act 2020* in relation to budget reporting.

Council and Wellbeing Plan Highlights

The activities outlined in the January – March 2022 Quarterly Community Report demonstrate the ways in which Council has not only sought to respond to the challenges presented by the COVID-19 pandemic but maintained its focus on service delivery more generally. Some highlights over the quarter include:

- Reactivated Outdoor Dining and Parklets Program.
- \$6.35 million in successful major projects grants including \$3 million in further Victorian Government funding to Peninsula Trail.
- Advocacy pack developed for Federal / State political candidates with Shire priorities.
- Better Buses – further route changes.
- Flinders Pier – Victorian Heritage Register nomination acceptance.
- Held inaugural 'Building Better Business Networks' event at Jimmy Rum Distillery in Dromana, which showcased some of our local Victorian Tourism Award winners and finalists.
- Opened round two of our Climate Action Grants with more than 30 applications received.
- Meals on Wheels – joined forces with Frankston City Council on a joint tender for a more cost-effective service.

Financial Highlights

- At the end of March our cash position is at \$145.6 million, which was driven by prior year Carry Forwards.
- Our Net Operating surplus is \$84 million year to date (YTD)
- YTD expenditure spent on Capital Works projects is \$26.4 million (net \$25 million)
- Priority Projects YTD expenditure is \$1.6 million (net \$0.5 million).

Options for consideration

Not applicable.

3.1 (Cont.)

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

On adoption, the Quarterly Community Report will be made available on the Shire's website. The report will also be promoted on the Shire's social media channels.

LEGAL AND REGULATORY FRAMEWORK

In accordance with section 97 of the Local Government Act 2020 (the Act) the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public (as soon as practicable after the end of each quarter of the financial year).

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.

3.2 Instruments of Appointment and Authorisation

Prepared By	Pam Vercoe, Team Leader - Governance Services
Authorised By	Manager - Legal and Governance
Document ID	A11169965
Briefing Note Number	Not applicable
Attachment(s)	1. Instruments of Appointment and Authorisation

EXECUTIVE SUMMARY

To allow for practical, efficient and effective delivery of services, a council can delegate or authorise staff and others, to undertake functions or exercise powers on its behalf. Council is granted these powers through the Delegations (clause 11) of the *Local Government Act 2020* and Authorised Officers (Clause 224 (1)) clauses of the *Local Government Act 1989*.

The attached Instruments of Appointment and Authorisation have been prepared to ensure the relevant Shire officers are properly authorised under the legislation.

RECOMMENDATION

1. In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instrument of Appointment and Authorisation, Council resolves that:
 - A. The member of Council staff referred to in Attachment 1 be appointed and authorised under the *Planning and Environment Act 1987*.
 - B. The Instrument comes into force upon the resolution of Council.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Gill

That the recommendation be adopted.

Carried Unanimously

COUNCIL & WELLBEING PLAN

Appointment of Authorised Officers supports all three strategic themes of the Council and Wellbeing Plan:

- 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.

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

The Appointment of Authorised Officers by Council occurs regularly to ensure new employees are appointed in a timely manner. The previous report was presented to Council for endorsement on 22 March 2022.

DISCUSSION**Purpose**

The purpose of this report is to authorise the Mornington Peninsula Shire (Shire) officers for the purposes of enforcing the *Planning and Environment Act 1987*. Appointments are formally made by a signed Instrument of Appointment and Authorisation (Attachment 1).

Background

Delegations involve a council giving its powers to staff, who then act on behalf of Council. When Council authorises an individual, that person has the power of the statutory position, i.e. they are not acting as delegates or on behalf of Council.

When Shire officers enter a property, make observations, or gather evidence, if the matter were to proceed to enforcement, their entry, observations and gathering of evidence is only lawful if the Shire officer is an Authorised Officer under the particular act.

In addition, there is a requirement for some administration staff to be Authorised Officers if they have a role in the issuing or review of Planning Infringement Notices issued pursuant to the *Planning and Environment Act 1987*.

The extent of authorisation is limited by the position description and operating procedure for each team.

Options for consideration***Planning and Environment Act 1987***

The Instrument of Appointment provides for Council to appoint Shire officers by a resolution, pursuant to section 147 (4) of the *Planning and Environment Act 1987*. This report recommends the following Shire officers be appointed and authorised under the *Planning and Environment Act 1987*:

- Jack Toce – Planner (new employee)
- Raghavendra Vasudeva Upadhyaya – Team Leader – Traffic and Transport (new employee)
- Rutu Parekh – Planner (new employee)
- Tom Scudamore – Planner (new employee).

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

3.2 (Cont.)**LEGAL AND REGULATORY FRAMEWORK**

Under Clause 224 (1) of the *Local Government Act 1989*, Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or Local Laws which relate to the functions and powers of the Council. This clause has been retained and was not repealed with the commencement of the *Local Government Act 2020*.

SUSTAINABILITY CONSIDERATIONS

There are no direct sustainability considerations.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations.

OFFICER DIRECT OR INDIRECT INTEREST

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

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

3.3 Future Maintenance Services - Extension of Existing Contracts

Prepared By	Liz Oswin, Senior Project Manager - Major Projects
Authorised By	Acting Director - Corporate Strategy & Business Improvement
Document ID	A11179338
Briefing Note Number	BN1570 – 26 April 2022
Attachment(s)	1. Forecast Contract Value (confidential)

EXECUTIVE SUMMARY

Mornington Peninsula Shire (Shire) currently delivers its maintenance services via six separate contracts, which are all due to expire on 30 June 2023. This report proposes a 12-month extension to the existing maintenance services contracts to 30 June 2024, in accordance with the Shire's Procurement Policy, whilst the proposed model for future maintenance service delivery is completed.

In considering the above, the Project Team considers that a 12-month extension to the project timelines, transitioning to the new model on 1 July 2024, is required in order to adequately manage the key project risks and ensure the successful implementation of the new model.

RECOMMENDATION

That Council:

1. Extends the following maintenance service contracts for a period of 12 months to 30 June 2024 (structured as two six-month contract extensions), in accordance with the Shire's Procurement Policy:
 - A. CN1218 Safer Local Roads
 - B. CN1743 SIMS2 Buildings Services
 - C. CN1745 SIMS2 Furniture and Signs Services
 - D. CN1746 SIMS2 Parks and Roadsides Services
 - E. CN2328 Cleansing and Drainage Cleaning Services
 - F. CN1906 Bushland Management Services.
2. Authorises the Chief Executive Officer to enter into negotiations to agree the contract extensions, with the gross contract sum not to exceed the total value detailed in Confidential Attachment 1.
3. Delegates the execution of the contract extensions to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

3.3 (Cont.)

Part B

That Council resolves that Attachment 1 to this report be retained as a confidential item pursuant to section 3 (1) (a) of the *Local Government Act 2020* as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

COUNCIL DECISION

Moved: Cr McCafferty

Seconded: Cr Mar

That the recommendation be adopted.

Carried Unanimously

COUNCIL & WELLBEING PLAN**Council and Wellbeing Plan 2021-2025 Strategic Theme**

The Future Maintenance Services Project relates to the following themes of the Council and Wellbeing Plan:

- A healthy natural environment and well-planned townships.
- A robust, innovative, and diverse economy.
- A flourishing, healthy and connected community.

The project also aligns strongly with many of the resulting principles from the shared Community Vision including Climate, Transport, Community, Economy, Opportunity, and Nature.

RELEVANT COUNCIL DECISIONS AND POLICIES

In accordance with the Shire's Procurement Policy Section 5.11 'Extensions of contracts while Council is at market', Council may 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.

DISCUSSION**Purpose**

The purpose of this report is to seek Council's endorsement to exercise a 12-month contract extension to each of the Shire's six maintenance service contracts, which are currently scheduled to expire on 30 June 2023.

3.3 (Cont.)

Background

The Shire is responsible for maintaining its existing \$2.3 billion asset base through the delivery of efficient, innovative, and timely infrastructure services.

These services are delivered at a cost of approximately \$55 million per year, around a quarter of the Shire's annual operating budget. There are currently six separate maintenance contracts in place that are all due to expire on 30 June 2023.

The Future Maintenance Services Project Team has been tasked with coordinating a process to assess, rethink and ultimately reshape how we best deliver our maintenance services to the community.

Following an Expression of Interest process undertaken to seek feedback from service providers, a preferred model for the delivery of future maintenance services has been defined, with tender and contract documentation for the new suite of contracts and supplier panels currently underway.

Transition to the new contracts and supplier panels was originally scheduled for 1 July 2023 in order to align with expiry of the existing maintenance contracts on 30 June 2023.

Following a series of internal and external reviews, the Project Team has identified the following risks associated with implementation of the new model under these timelines:

- **Systems Integration:** Asset Management Information System and Customer Relationship Management System, which will play a central role in improved delivery of maintenance services under the new contracts, are not fully implemented at the time of transition to the new contracts.
- **Internal capacity, capability, and processes to effectively manage contracts:** Insufficient time to adequately implement the resourcing, governance, and procedural arrangements required to effectively manage the new contracts and supplier panels and realise the benefits of the new model.
- **Affordability:** Insufficient time prior to tender and during the tender evaluation and BAFO stage to plan for and address affordability constraints should they arise.
- **Contract transition:** Insufficient time for service providers to transition to the new contracts. service delivery results in interruption to service delivery during transition to the new contracts.

In considering the above, the Project Team considers that a 12-month extension to the project timelines, transitioning to the new model on 1 July 2024, is required in order to adequately manage the key project risks and ensure the successful implementation of the new model. The extension of twelve months also provides the Project Team time to continue working with Council to further consider other innovative service delivery opportunities.

A 12-month extension to the existing maintenance service contracts to 30 June 2024 is therefore being sought. The Project Team has considered the risks associated with extension of the existing contracts and is comfortable that they can be effectively managed, including our ability to rigorously manage the existing contracts to ensure service standards are not compromised.

Options for consideration

The Project Team has considered the following alternative options and recommends Option C as the preferred option.

3.3 (Cont.)**A. Maintain original project timelines**

Implementation of the new model on 1 July 2023 with no contract extension as per the original project timelines. This option is not preferred. The Project Team has assessed the key project risks, as outlined above, and does not consider that they can be managed to an acceptable level of certainty under the original project timelines.

B. Procure interim short-term arrangement for maintenance services

Extend project timelines to implement the new model on 1 July 2024 and procure a short term (one year) arrangement to deliver maintenance services upon expiry of the existing maintenance contracts. This option is not considered feasible due to the resources required to procure a short-term arrangement, the time and cost for a new provider to establish the plant, resources, and systems to deliver maintenance services of this scale, and the increased risk of interruption to service delivery.

C. 12-month extension to existing maintenance services contracts (Preferred)

Extend project timelines to implement the new model by 1 July 2024 and extend the existing maintenance contracts to 30 June 2024 to align with these timelines. This option is preferred as it best manages the project risks and provides sufficient time to ensure successful implementation of the new model, but whilst also rigorously managing the existing contracts to ensure service standards are not compromised.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

The Council is required under sections 108 and 109 of the *Local Government Act 2020* to prepare, adopt and comply with its Procurement Policy.

SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

The Project Team will seek to negotiate the proposed contract extensions within the existing contract pricing structure and budget, as detailed at Confidential Attachment 1. Council approval will be sought in the event that the negotiated contract pricing exceeds the total contract sum detailed in Confidential Attachment 1.

OFFICER DIRECT OR INDIRECT INTEREST

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

PLANNING & INFRASTRUCTURE

3.4 CN2495 Collection, Transport, Recycling and Disposal of Landfill Leachate (Panel) - Contract Variation

Prepared By	Daniel Hinson, Team Leader - Waste Services
Authorised By	Director - Planning and Infrastructure
Document ID	A11184633
Briefing Note Number	Not applicable
Attachment(s)	Nil

***Addendum Agenda – Updated Report
Circulated Friday 13 May 2022***

EXECUTIVE SUMMARY

The purpose of this report is to seek approval for a contract over expenditure for CN2495 Leachate Disposal. In accordance with the Mornington Peninsula Shire (Shire) Procurement Policy, 14 December 2021, a contract over expenditure is required to be approved by Council, as the value of additional services now required is above 20% of the awarded contract value.

A contract over expenditure is requested for the value of \$550,000, excluding GST, for CN2495 Collection, Transport, Recycling and Disposal of Landfill Leachate, for the remainder of the current contract to 9 August 2022. The proposed over expenditure can be accommodated within the current Circular Economy and Waste operational budget for 2021/2022 following increased income and identified savings across the Circular Economy and Waste activities for 2021/2022.

RECOMMENDATION

That Council approves a contract over expenditure to the contract sum of \$550,000, plus \$55,000 GST, for CN2495 Collection, Transport, Recycling and Disposal of Landfill Leachate for the remainder of the current contract term.

COUNCIL DECISION

Moved: Cr Mar
Seconded: Cr Race

That the recommendation be adopted.

Carried Unanimously

COUNCIL & WELLBEING PLAN

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

3.4 (Cont.)

Strategic Objective 1.2: An accessible and unique natural environment that helps our community to be healthy and well.

RELEVANT COUNCIL DECISIONS AND POLICIES

This report is before Council in accordance with the Shire's Procurement Policy, 14 December 2021, as the value of additional services now required is above 20% of the awarded contract value.

DISCUSSION**Purpose**

The purpose of this report is to seek approval for a contract over expenditure for CN2495 Collection, Transport, Recycling and Disposal of Landfill Leachate in accordance with the Shire's Procurement Policy dated 14 December 2021.

Background

At the Shire's landfill site and transfer stations 'leachate' is generated by water percolating through the waste contained within the landfill (e.g. from rain water) and from the high moisture content of certain disposed wastes (e.g. food waste). The leachate is contaminated liquid that is captured and managed within our regulatory obligations and the best practice landfill management guidelines – Environment Protection Authority (EPA) publication 788.3, 'Siting, design, operation, and rehabilitation of Landfills' (Landfill BPEM). The volume of leachate generated at the sites is primarily associated with the volume of rain received at the landfill cell and transfer stations.

The leachate captured at the sites is currently managed through the following processes:

- Collected, transported, processed, and recycled at an off-site processing facility.
- Treated on-site and disposed to sewer for processing at South East Water's (SEW) Boneo Treatment Plant.

Council went to market in March 2020 for an experienced and suitably qualified organisation to participate in a panel of EPA certified liquid waste contractors for the collection, transport, recycling and disposal of untreated landfill leachate. The panel was awarded to two (2) providers under the CN2495 Collection, Transport, Recycling and Disposal of Landfill Leachate contract. This contract commenced on the 10 August 2020 and expires in August 2022.

Discussion

The process of treating the leachate on site and disposing via sewer to SEW is a relatively new process and we have experienced issues associated with the a) leachate treatment infrastructure and b) compliance with South East Water trade waste standards regarding certain materials/chemicals within the leachate to be reduced below or within limits stipulated by SEW prior to discharge to sewer. We are continuing to adjust the treatment process to speed up the treatment and allow a greater volume of leachate to be disposed via sewer to SEW. The leachate that cannot go to sewer requires an alternate management approach.

Over the last two years we have experienced a higher than forecast volume of leachate generation particularly associated with continued high rainfall. With the increased volumes of leachate generated at the site, and issues experienced with the implementation of the on-site leachate treatment process, greater volumes of leachate have had to be transported for off-site processing through CN2495 Collection, Transport, Recycling and Disposal of Landfill Leachate. This approach ensures we remain compliant with our regulatory obligations.

3.4 (Cont.)**FINANCIAL CONSIDERATIONS**

The proposed over expenditure to the contract value can be accommodated within the current Circular Economy and Waste operational budget for 2021/2022 without impacting on existing service levels. Identified savings will predominantly come from kerbside recycling, the uptake in green waste kerbside services, increased uptake of extra capacity garbage bins and reduced processing costs in kerbside recycling.

This contract ends in early August 2022 and is currently out for tender. The 2022/2023 Budget and tender value has been estimated in alignment with current trends and conditions regarding the contract.

Contract Term	Price (excluding GST)
Initial Contract Value	\$825,000
Contract Over Expenditure (to date)	\$150,000
Remainder of Contract Term	\$550,000
Total Revised Contract Value	\$1,525,000

OFFICER DIRECT OR INDIRECT INTEREST

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

OFFICE OF THE CEO

3.5 National General Assembly, Canberra - 19 to 22 June 2022

Prepared By	Christine Aslanidis, Team Leader Governance and Legal Support
Authorised By	Manager - Governance
Document ID	A11206038
Briefing Note Number	Not applicable
Attachment(s)	1. National General Assembly 2022 Registration Brochure

***Addendum – Additional Report
Circulated Tuesday 17 May 2022***

EXECUTIVE SUMMARY

This report seeks Council's endorsement for the Mayor, Cr Anthony Marsh to attend the National General Assembly (NGA) in Canberra to be held 19 to 22 June 2022.

In accordance with the Councillor Expenses Reimbursement, Resources and Facilities Policy 2020 (the Policy), Council approval in the form of a resolution is required for all Councillor training, conferences and seminars held interstate or overseas.

RECOMMENDATION

That Council approves Mayor, Cr Anthony Marsh's attendance to the National General Assembly in Canberra from 19 to 22 June 2022, and that any associated expenditure for his attendance be allocated from Mayor, Cr Anthony Marsh's Conference, Training, and Seminars account.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Dixon

That the recommendation be adopted.

Carried

COUNCIL & WELLBEING PLAN

The following operating principles that underpin our Council and Wellbeing Plan are relevant to this report:

- Good governance and financially sustainable.
- Transparent in our decision-making.

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

Councillor Expenses Reimbursement, Resources and Facilities Policy 2020.

DISCUSSION**Background**

The Australian Local Government Association's annual National General Assembly is Australia's largest, most influential local government conference.

Held in Canberra, the National General Assembly attracts more than 870 delegates from councils across the states and territories.

The NGA's theme for 2022 is 'Partners in Progress', recognising the vital role local government plays in building a stronger, more inclusive, and more sustainable Australia – and our willingness to work with other governments to achieve this goal.

As part of the NGA, attendees will hear from our federal leaders as they discuss Australia's recovery and interact with keynote speakers, local government representatives and panels of subject-matter experts.

A brochure including the provisional program, key speakers, and registration information is attached to this report.

FINANCIAL CONSIDERATIONS

Mayor, Cr Anthony Marsh's expenses to attend the National General Assembly in Canberra are estimated at between \$2,206 and \$2,424 and will be allocated from Mayor, Cr Anthony Marsh's Conference, Training and Seminars account.

Full registration to the National General Assembly costs \$1,424 and includes:

- Access to all assembly sessions.
- Entry into the exhibition hall.
- Welcome reception and exhibition opening ticket.
- Catered morning tea, lunch and afternoon tea.
- Networking dinner.
- General assembly dinner.
- General Assembly handbook and material.
- General Assembly satchel.

Early bird registration before 20 May 2022, can reduce the registration fee to \$1,314.

Accommodation costs have yet to be confirmed and are subject to the availability of conference partner hotels. However, it is estimated to cost between \$892 and \$1,000.

3.5 (Cont.)

Mayor, Cr Anthony Marsh intends to drive to Canberra and will not be seeking reimbursement for mileage or fuel costs, so that no travel expenses will be incurred.

Under the Policy, each Councillor is allocated \$16,000 per four-year term and an additional \$3,500 for the term of Mayor for training, conference, and seminars.

Mayor, Cr Anthony Marsh, has expended \$4,480.91 from his Conference, Training and Seminars account during the current Councillor term. Therefore, the total estimated cost for his attendance to the NGA in Canberra does not exceed the allocated budget.

OFFICER DIRECT OR INDIRECT INTEREST

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

4 COUNCILLORS AND DELEGATES REPORTS

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

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

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

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Inter Council Aboriginal Consultative Committee	Cr Dixon		Amanda Sapolu, Manager – Legal and Governance
Interface Councils	Mayor	Deputy Mayor	Randal Mathieson, Manager – Advocacy, Communications and Engagement
Koala Conservation Group	Cr Mar	N/A	
Literacy Advisory Committee	Cr Mar	Cr Celi	Amanda Sapolu, Manager – Legal and Governance
Metropolitan Transport Forum	Cr Dixon	Cr Mercurio	Claire Davey, Traffic and Road Safety Officer
Metropolitan Waste and Resource Recovery Forum	Cr Mar		Daniel Hinson, Team Leader – Waste Services
Mornington Liquor Industry Accord	Cr Holland	Cr Mercurio	Anita Buczkowsky, Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr McCafferty	Cr Race	Simon Thorning, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Celi Cr Dixon Cr Marsh	N/A	Nicole Young, Acting Manager – Property and Commercial Services
Mornington Peninsula Shire Council Tourism Advisory Forum	Cr Bissinger Cr Dixon Cr Mar	N/A	Anne-Marie Haluszka, Team Leader – Tourism Services
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Amanda Sapolu, Manager – Legal and Governance
MAV Emergency Management Committee			Brett Fletcher, Emergency Management Coordinator
Peninsula Advisory Committee for Elders	Cr Mar	Cr Dixon	Chris Munro, Manager – Community Partnerships
Point Nepean National Park Management Advisory Committee	Cr Bissinger	N/A	Allan Cowley, Strategic Planning Projects Manager
South East Councils Climate Change Alliance	Cr McCafferty	Cr Race	Chris Yorke, Acting Team Leader – Climate Change and Nicci Tsernjavski, Climate Change Partnerships Officer

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Triple A Housing Committee	Cr Bissinger	Cr Celi	Roz Franklin, Senior Social Planner, Housing Justice and Advocacy
Victorian Local Governance Association (VLGA)	Cr Race		Amanda Sapolu, Manager – Legal and Governance

Nil.

5 NOTICES OF MOTION

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

5.1 Notice of Motion 340 (Cr Bissinger)

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

That a report be brought to Council before the end of June 2022, outlining the Shire's progress toward the implementation of paid parking.

Officer Comment Prepared by	Nathan Kearsley – Acting Director Corporate Strategy and Business Improvement
Authorised by	Acting Director – Corporate Strategy and Business Improvement

OFFICER COMMENT

Officers note the request, and a special briefing will be prepared by the end of May 2022.

Legal Implications

There are no anticipated legal implications.

Financial and Resourcing Implications

There are no anticipated significant financial and resourcing implications.

Potential Alternative Wording

Nil.

The motion was withdrawn at the meeting by Cr Bissinger as a Councillor briefing has been scheduled on 2 June 2022.

5.2 Notice of Motion 341 (Cr Gill)

***Addendum Agenda – Officer Comment Provided
Circulated Friday 13 May 2022***

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

That Council officers bring a report to Council by August 2022 to update our community on the situation regarding combustible cladding of buildings on the Mornington Peninsula.

Officer Comment Prepared by	David Simon, Manager – Development Services
Authorised by	Director – Planning and Infrastructure

Background

On 27 January 2021 Council officers provided an update on the combustible cladding issue via Notice of Motion 275 (Cr Gill). This is effectively an update to the matter.

OFFICER COMMENT

Council officers are able to provide a brief update in relation to the matter by 19 July 2022.

Financial and Resourcing Implications

It will take approximately 1-3 hours of officer time to research, prepare and review the required information.

There are no other financial implications to this request.

Potential Alternative Wording

No alternate wording proposed.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Mercurio

That Council officers bring a report to Council by August 2022 to update our community on the situation regarding combustible cladding of buildings on the Mornington Peninsula.

Carried Unanimously

5.3 Notice of Motion 342 (Cr Gill)

***Addendum Agenda – Officer Comment Provided
Circulated Friday 13 May 2022***

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

That Council reconvenes the previously adopted public koala forum as soon as possible.

Officer Comment Prepared by	Josh Gunn, Natural Systems Operations Coordinator
Authorised by	Director – Planning and Infrastructure

Background

The Mornington Peninsula Shire had planned a public forum on koalas to occur in late March 2020, however due to COVID-19 and related restrictions the forum was put on hold. The forum was to include presentations by experts in the field of koala biology and ecology, fauna management and animal welfare. The aim of the forum was to help inform and generate conversation within the community to find ways to better support koala conservation on the Peninsula. The forum was to be a ticketed evening event (between 6.00pm and 10.00pm), open to the public and held at the Peninsula Community Theatre in Mornington.

OFFICER COMMENT

Council is currently advocating to the Department of Environment, Land, Water and Planning for the development of a Mornington Peninsula Wildlife Management Plan which would focus on addressing issues related to the management and conservation of the Mornington Peninsula's wildlife. Engagement opportunities like this koala forum would be required as part of the management plan development. This would provide an additional means for the community to engage and set direction for koala conservation on the Peninsula.

Legal Implications

Nil.

Financial and Resourcing Implications

Some cost would be associated with paying for delegates' time, Welcome to Country, function hire and catering. The estimated cost is \$7,000.

The resourcing to organise the forum could be covered within current levels.

Potential Alternative Wording

Not applicable.

5.3 (Cont.)

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Mar

That Council reconvenes the previously adopted public koala forum as soon as possible.

Carried Unanimously

5.4 Notice of Motion 343 (Cr Gill)

***Addendum Agenda – Officer Comment Provided
Circulated Friday 13 May 2022***

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

That Council continues to promote strategies and advocate for funding for a bike safety trial to be implemented on the Mornington Peninsula as a key part of our State Election advocacy on behalf of our resident and visitor community.

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

OFFICER COMMENT

Further detail would be needed to ascertain the purpose, objectives and outcomes for a bike safety trial to ensure alignment with relevant themes of the Council and Wellbeing Plan. Once established it is assumed that the task would be to simply promote existing aligned strategies.

Draft potential alternate wording has been provided in an effort to capture the sentiment of the Notice of Motion.

Legal Implications

None.

Financial and Resourcing Implications

Minimal financial resources would be anticipated. Officer time would be required as well as a re-prioritisation of existing work programs to address this task.

Potential Alternative Wording

That Council prepares an advocacy paper and undertakes advocacy as part of the upcoming State election on improving bike safety on the Peninsula, including the purpose, objective and desired outcomes.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr McCafferty

That Council continues to promote strategies and advocate for funding for a bike safety trial to be implemented on the Mornington Peninsula as a key part of our State Election advocacy on behalf of our resident and visitor community.

Carried Unanimously

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.

Nil.

7 CONFIDENTIAL ITEMS

Nil.

8 MEETING CLOSE

As there was no further business, the meeting closed at 6.55pm.

Confirmed this 31st day of May 2022

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Mayor, Cr Anthony Marsh, Chairperson - Council