



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 7 JUNE 2022

5.30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL**WARDS AND COUNCILLORS**

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

SENIOR LEADERSHIP TEAM

Mr John Baker Ms Pauline Gordon 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 will be available on the Shire's website.

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1 OPENING AND WELCOME

Meeting opened at 5.30pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr Celi)

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.

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 Despi O'Connor
Cr Sarah Race

2.1 Apologies

Nil

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 the previous Council Meetings held on 10 and 17 May, 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 – 10 May 2022

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 10 May 2022.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr Dixon

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 23 May 2022.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2022 (Attachments 1-4) as at 23 May 2022.

COUNCIL DECISION

Moved: Cr McCafferty
Seconded: Cr Celi

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.

Affordable Housing

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

We are seeing a homeless crisis getting worse by the hour, despite the fact there are empty solid buildings owned by the Shire and the Department of Housing, e.g. Kit McCulloch House, Point Nepean Park, Sister of the Good Shepherd Convent empty in Collingwood, empty houses in Dandenong, Mornington, Frankston, Western Port and Doveton. Would it be a fair assumption when millions of dollars are spent on warships, arts and useless advertising that the social housing system is now in the hands of philanthropic hypocrites?

Mr Chris Munro, Manager – Community Partnerships provided the following answer:

This Council has declared that it is a housing crisis and is advocating to Federal and State Governments for urgent investment in sustainably built social and affordable housing. It is seeking a Peninsula commitment of at least \$100 million from the Big Housing Build program, in line with investment commitments in other regional areas. As you might be aware Council has embarked on an Affordable Housing Partnership project to seek expressions of interest for the development and management of social and affordable housing on Council owned land, including parcels in Hastings, Mornington, Rosebud and Capel Sound. The long term future use of Kit McCulloch House is yet to be determined by Council, however the building is unfit, even in the interim, for housing that is the only Shire owned facility in your letter.

Council acknowledges that the primary responsibility for the provision of social and affordable housing, matched with funding capability, lies with Federal and State Governments. However, Council acknowledges that it has an important, although limited, role to play and is actively working to advocate for and facilitate sustainable housing options for our community that are affordable, appropriate and available.

3.1 (Cont.)**Rubbish in Victoria**

Mr Crump asked another question:

Rubbish in car parks, on vacant land, down railway lines, in creeks, down freeways and country roads, down passageways and in bushlands. All Government Ministers and department lazy bureaucrats and the Shire were notified years ago via a report from the Environment Protection Authority. Each time rubbish was reported I was told it was not their concern. If rubbish is no concern of Police, councils, EPA, Department of Environment, Land, Water and Planning or politicians, then whose concern is it?

In regards to dumped rubbish, Ms Mel Burrage, Manager – Climate Change and Sustainability and Mr Tom Sutherland, Manager – Infrastructure Services provided the following response:

To aid the prevention of dumped rubbish and respond to community concerns in relation to litter on Council managed land, a litter prevention team was recently created to investigate instances of dumped rubbish. The team enforces the Shire's Local Laws and State Government legislation and assist with the identification and implementation of appropriate strategies for litter prevention. There have been a number of successful investigations resulting in the removal of dumped waste and the issuing of substantial penalty notices to offenders. Since 30 June 2021, the Shire has actioned around 3,500 requests to clean up litter and unidentifiable waste (where prosecution is not possible) and in response disposed of almost 2,000 cubic metres of dumped waste.

In regards to rubbish on private land, Mr Shannon Maynard, Manager – Community Safety and Compliance has provided the following answer:

Council officers respond to complaints of unsightly properties pursuant to Clause 27 of Council's General Purpose Local Law – Unsightly Land and Buildings – which states that an owner or occupier of land must not allow that land to be kept in a manner which is unsightly; or detrimental to the general amenity of the neighbourhood in which it is located. Penalty: 20 Penalty Units. The owner or occupier of land must not allow a building located on the land to be kept in a manner which is unsightly or ruinous or detrimental to the general amenity of the neighbourhood in which it is located; or become dilapidated or further dilapidated so that the features of the building are not reasonably maintained. Penalty: 20 Penalty Units. We would encourage residents with specific complaints regarding properties which they believe breach this local law to contact Community Safety.

Removal of Funding for Carbon Offsetting

Ms Rachel Coffey, Mr Ian Coffey and Ms Deborah Coffey all residents of Red Hill and Paul Saunders a resident of Balnarring submitted questions in relation to the removal of funding for Carbon offsetting. As per the Procedural guidelines these questions have been grouped together and summarised as:

The Mornington Peninsula Shire declared a climate emergency in 2016. The Shire will be the first Council to abandon its carbon neutral status. Why has the \$200,000 allocation for carbon neutrality Climate Active Certification and Carbon Offsetting (carbon credits) been removed from the budget without any consultation with the public?

Ms Pam Vercoe, Manager of Governance and Ms Melissa Burrage, Manager – Climate Change & Sustainability provided the below response:

While Council determined on 10 May to remove funding for Carbon Neutrality certification and offsetting in the 21/22 financial year draft budget, all other Climate Emergency related budgets remain and Shire officers will continue to deliver on the adopted Climate Emergency Plan as a priority, in line with community sentiment.

3.1 (Cont.)

The 2022/2023 Budget will be the subject of debate at tonight's Council Meeting and will be addressed at that point.

Ms Julia McCarthy, a resident of Mount Eliza, asked the following question:

Is there background to the decision to remove the \$200,000 allocation for Carbon Credits from the Annual Budget? Where does this decision lead the Council next? Do we have a plan for decarbonising a different way? If so, how?

Ms Melissa Burrage, Manager – Climate Change & Sustainability, provided the following answer:

The work associated with purchasing and retiring suitable carbon offsets is complex and dynamic as increasingly organisations are seeking to achieve Carbon Neutral status. The demand for offsets is growing faster than the supply. The types of projects, the locality, the cost and co-benefits of the projects, benefits beyond reduced carbon emissions, are some of the key variables being managed in the decision making. These are considered alongside Council's preferences, the budget allocated and procurement standards. Without the 22/23 FY \$200,000 carbon neutrality budget, the Shire is unable to fund the purchase of suitable and verified offsets. Hence, Council's carbon neutral commitment cannot be achieved for 20/21FY.

At this stage there are no local offsets currently available for purchase. However, officers are working closely with community to build local capacity and opportunities for future years. These opportunities will take some time to develop as it is still a relatively new market. In addition to this, Australian offsets cost significantly more than many overseas offsets. The cost of offsets required to balance Council's current residual emissions with only Australian offsets would be approximately \$1 million.

The commitment by the Shire to actively reduce carbon emissions from its operations remains evidenced by the upgrading of street lights to energy efficient lights, installation of rooftop solar on Shire buildings and improvements to waste management. Shire Officers will continue to deliver tasks within the adopted Climate Emergency Plan and will remain focussed on continuing to actively reduce the Shire's operational emissions, where possible. Investment in local carbon reduction opportunities is a long-term objective of the Shire and remains a priority in achieving carbon emission reductions within the municipality.

Affordable Housing re 11A Allambi Street, Capel Sound

Ms Betty Preston, a resident of Capel Sound, asked the following question:

Would it be possible for Council to issue a precise map showing the site for the proposed affordable housing project in relation to the Rosebud West Reserve.

Mr Chris Munro, Manager – Community Partnerships provided the following answer:

A link is available to the map for site in question that is part of 11A Allambi Avenue on the Shire's website (Shape platform). Officers will also send the link directly to Ms Preston via contact details provided.

The site is located south of the Seawinds Community Hub and is partly bounded by the Eastbourne Primary School, residential development along Wingara Crescent and Currawong Court and land set aside for the freeway.

We understand that the community is interested in precisely where any affordable housing would be located on this site, however at this stage in the process there is no concept plan showing the layout of the proposed parkland and affordable housing. Noting that the Expression of Interest process advised that: "An open space area of at least 1 hectare that is

3.1 (Cont.)

connected to pathways from Eastbourne Primary School and Seawinds Hub and surrounding residential areas is expected”.

If after considering expressions of interest proposals from proponents and the views of the community, and Council decides to proceed with the project on this site, the community would be invited to have a say on a more detailed plan of the parkland and affordable housing on the site.

Planning Permit Decisions regarding Climate-related Risks

Mr Dale Stohr, a resident of Crib Point, asked the following question:

The Mornington Peninsula Planning Scheme provides a framework for decisions about the use and development of land in our region. Esso/ExxonMobil is applying to the Minister for Planning to build ethane gas-fired turbines at Hastings that would increase carbon emissions on the Mornington Peninsula. How does the Council's Planning Department consider climate-related risks (such as greenhouse gas emissions) when making decisions on planning permit applications on the Mornington Peninsula?

Mr David Simon, Manager – Development Services, provided the following response:

Planning policy within the Mornington Peninsula Planning Scheme is mostly focussed on adaptation to climate impacts, including sea level rise and bushfire. Policy relating to the potential climate change impacts resulting from an application is limited in scope. Victoria's commitment to net zero by 2050 is not referenced in the Planning Scheme, and decisions under the *Planning and Environment Act 1987* are exempt from the *Climate Change Act 2017*. The Municipal Planning Strategy seeks to ensure that the Shire is a leader in climate change mitigation and adaptation. Specific to Esso/ExxonMobil's application, Clause 19.01-1S (Energy supply) of the Planning Scheme seeks to support transition to a low-carbon economy with renewable energy and greenhouse emission reductions. In making decisions, the Shire's planning officers can also have reference to Council's adopted Climate Emergency Response Plan ('Our Climate Emergency Response From 2020 to 2030').

With respect to the Esso gas generation development in particular, Council has received formal notification from the Minister and will be issuing a submission in response, following consideration of the matter by Councillors at the 20 June Planning Services Committee Meeting.

Questions without notice

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

As no documents would seem to exist at Council involving the two Briars Ward Councillors for any of 2021 indicating problems at Sunnyside North Beach, what evidence was there or problems significant enough to consider having the clothing optional status of the beach revoked?

Mr Gerard Cook, Coastal Planner, took the question on notice and advised a written response will be provided to Mr James.

3.1 (Cont.)

3 MANAGEMENT REPORTS

OFFICE OF THE CEO

3.1 2022 General Valuation Return and Valuers' Report

Prepared By	Lauren Ashley, Team Leader – Valuations
Authorised By	Chief Executive Officer
Document ID	A11205748
Briefing Note Number	BN1586 – 24 May 2022
Attachment(s)	Nil

EXECUTIVE SUMMARY

The current provisions of the *Valuation of Land Act 1960* (the Act) require rating valuations used by the Mornington Peninsula Shire (the Shire) to be updated annually. This report returns the 1 January 2022 General Valuation of the Municipality for use by Council for the levying of Municipal Rates and Fire Service Property Levy charges for the 2022/2023 rating year.

In addition, this report returns the valuations on 151 French Island properties for which Council is the collection agency for Fire Service Property Levy purposes on behalf of State Government.

This report also provides an update of the undertaking of 2022 level of valuation supplementary valuations, and commencement of the 2023 General Valuation under the Valuation Authority of the Valuer-General Victoria, which comes into effect 1 July 2022.

RECOMMENDATION

1. That Council receives the General Valuation of the Municipality, the prescribed date being 1 January 2022, resulting in the following valuation totals for rateable land:

General Valuation of Rateable Land effective 1 July 2022	
Site Value	\$90,987,393,500
Capital Improved Value	\$136,963,886,900
Net Annual Value	\$6,885,932,345

2. That Council receives the General Valuation of the Municipality, the prescribed date being 1 January 2022, resulting in the following valuation totals for non-rateable leviable land:

General Valuation of Non-Rateable Leviable Land effective 1 July 2022	
Site Value	\$1,673,946,300
Capital Improved Value	\$1,999,493,800
Net Annual Value	\$103,210,790

3.1 (Cont.)

3. That Council receives the General Valuation of the French Island properties, the prescribed date being 1 January 2022, resulting in the following valuation totals for non-rateable leviable land:

General Valuation of Non-Rateable Leviable French Island Properties effective 1 July 2022	
Site Value	\$97,737,000
Capital Improved Value	\$121,944,000
Net Annual Value	\$6,097,000

4. That pursuant to sections 13DA and 13J of the Act, the 1 January 2022 General Valuation of all rateable and non-rateable leviable land within the Mornington Peninsula Shire and on French Island be made and returned by Lauren Ann Ashley and David Michael Kenny, being Valuers appointed by Council and who hold the appropriate qualifications under sections 13DA and 13J of the Act.

COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Mar

That the recommendation be adopted.

Carried Unanimously

COUNCIL & WELLBEING PLAN

This report aligns with all the themes as follows:

- 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

RELEVANT COUNCIL DECISIONS AND POLICIES

This report returns the recommendations adopted by Council 22 June 2021, in particular the following recommendations:

That Council resolves, pursuant to sections 11 and 13H of the Act, that a General Valuation of all rateable and non-rateable leviable land within the Mornington Peninsula Shire and on French Island be made, such valuation to be returned not later than 30 April 2022.

That pursuant to section 6 (2) of the Act, the appointed Valuers be required to return the Site Value, the Capital Improved Value, and the Net Annual Value of all rateable and non-rateable leviable land within the Mornington Peninsula Shire and on French Island.

That pursuant to sections 13DA and 13J of the Act, the 1 January 2020 General Valuation of all rateable and non-rateable leviable land within the Mornington Peninsula Shire and on French Island be made and returned by Lauren Ann Ashley and David Michael Kenny, being Valuers appointed by Council and who hold the appropriate qualifications under sections 13DA and 13J of the Act.

3.1 (Cont.)**DISCUSSION****Purpose**

This report returns the 1 January 2022 General Valuation of the Municipality for use by Council for the levying of Municipal Rates and Fire Service Property Levy charges for the 2022/2023 rating year.

In addition, this report returns the valuations on 151 French Island properties for which Council is the collection agency for Fire Service Property Levy purposes.

This report also provides an update of the undertaking of 2022 level of valuation supplementary valuations, and commencement of the 2023 General Valuation under the Valuation Authority of the Valuer-General Victoria, which comes into effect 1 July 2022.

Background

The Shire comprises 103,814 rateable assessments of which:

- 91.55% are residential properties
- 1.12% are farm rate properties
- 3.20% are commercial properties
- 2.25% are industrial properties
- 1.26% are boat sheds.

In addition, there are a further 1,181 non-rateable properties valued for Fire Service Property Levy purposes. As directed by the State Government, our municipality remains responsible for the valuation of 151 properties on French Island for Fire Services Property Levy purposes only.

Shire-wide, between the years 2021 and 2022, there has been an overall increase in site value (SV) of 36.41%, an increase in capital improved value (CIV) of 32.65% and an increase in net annual value (NAV) of 32.0%.

The General Valuation re-establishes equity between ratepayers by updating valuations, thereby redistributing the rating burden. The 2022 General Valuation results in a swing of the rate burden towards the boatshed properties and vacant residential land, and to those residential properties where the CIV moved at a higher rate than the average increase of 32.65%. The proportions of the rate burden levied on the Residential sectors will be largely unchanged.

Residential Properties

The CIV of residential properties has increased on average 33.7% between January 2021 and January 2022. This increase is marginally higher than the Shire average and forms the largest class of rateable properties.

The Mornington Peninsula residential real estate market saw a significant increase in value with the major influencing factors being the continuation of low interest rates, lifestyle choices as more people work from home and repressed demand after the series of lockdowns over 2020 and 2021. All these factors cultivated together saw the demand for property on the Mornington Peninsula remain strong throughout 2021, which is consistent with elevated prices in regional areas within three hours of the city. As the reality of flexible working

3.1 (Cont.)

arrangements are here to stay, we continue to see this movement as people recognise the benefits of a regional lifestyle.

The greatest increase in valuation movement has occurred in the townships which are predominately located on the southern end of Port Phillip Bay and Western Port including Point Leo, Rye, Merricks Beach, Tootgarook, Blairgowrie, and Balnarring Beach.

Further analysis of the revaluation results showed the smallest growth in value were in the localities of Tuerong, Hastings, Somerville, and Mornington.

As a result of the increase in value of the residential sector being almost the same as that for the Shire as a whole, the rate burden for this sector will remain relatively unchanged in 2022/2023. However, the rate change for a particular property will depend entirely on the relative change in valuation for that individual property, comparative the overall average value change.

Boatsheds

Boatsheds have experienced higher than average value growth over the last decade. The Mornington Peninsula has 1,303 rateable boatsheds of which 60 sold during 2021.

They are generally a tightly held asset often retained by families and handed down over generations. Boatshed values have increased in value largely driven by increased buyer demand as people change their lifestyles choices, opting for a sea or tree change. Restrictions on international travel has also turned local holidaymakers to the boatshed market, again increasing buyer demand and ultimately values.

Commercial and Industrial Properties

Commercial properties have increased in value for 2022 by 17.3%. The commercial sector across the Mornington Peninsula resulted in few transactions of commercial properties throughout 2021 calendar year despite high buyer demand. The few properties listed for sale returned strong sale prices. Values for commercial properties now exceed the pre COVID levels for both rentals and capital improved values.

Vacancies also decreased with most retail spaces which became vacant during the lockdowns now reoccupied.

Industrial CIV values have increased for 2022 by 16.8%. This increase in value is largely as a result of increasing demand, with most industrial areas close to capacity. Occupancy rates across all bayside industrial estates are near 100% with very few vacancies, apart from the newly constructed warehouses advertised for lease or sale.

There is a continuing change in tenancy type with an increased presence of beverage industry and boutique businesses positioning themselves in these estates rather than the traditional commercial precincts.

Limited future supply of industrial land has also contributed to the increase in value.

Because of these valuation changes, there will be a swing away from the Commercial and Industrial sector compared to the overall Shire valuation change.

Rural Properties

The properties classified as MPAR showed an increase in value movement of 31.9%, although they do only represent approximately 1.12% of the total rateable properties.

3.1 (Cont.)

The high growth in value within this property sector continues on from 2020 as a result of buyers pursuing space and better lifestyle/work balances. The proximity to the Melbourne Central Business District and amenities offered on the Mornington Peninsula has attracted exceptional demand for rural properties.

The 607 properties classified as Conservation Land also increased in value, showing an average increase of 30.2%.

2022 General Valuation

In 2021, Council authorised the Shire Valuers to undertake the 2022 General Valuation of the Municipality. Upon return of this General Valuation to Council, that task is complete.

Sections 11 and 13H of the Act require the valuation of rateable land and non-rateable leviable land within Municipalities to be conducted each calendar year. The valuation currently being returned to Council as part of this report is at a date of valuation of 1 January 2022. This valuation will be used by Council from 1 July 2022 and will remain in force until 30 June 2023.

In addition, the Shire continues as the collection agency for Fire Service Property Levy on French Island properties, as per Ministerial Direction under section 21(2) of the *Fire Service Property Levy Act 2012*. This task involves the valuation of an additional 151 properties.

Supplementary Valuations

Supplementary valuations resulting from property changes such as new houses, new shops, building additions and new subdivisions are still required to be completed for the life of the 2022 valuation. These valuations are required to be completed as if the changes to property status had occurred at the valuation date of the General Valuation, that being 1 January 2022.

Options for consideration

Not Applicable

ENGAGEMENT

Not Applicable

COMMUNICATIONS PLAN

Not Applicable

LEGAL AND REGULATORY FRAMEWORK

Pursuant to sections 11 and 13H of the Act, the 2022 General Valuation of all rateable and non-rateable leviable land within the Shire is hereby returned to Council. The valuation return will enable its use by the Municipality for the levying of Municipal Rates and Fire Services Property Levy charges for the 2022/2023 rating year.

The new valuation increases total SVs, CIVs and NAVs by 36.41%, 32.65% and 32.0% respectively, above those currently applying for the 1 January 2021 General Valuation. The General Valuation is based on the level of values as at 1 January 2022 and will be also used by the State Revenue Office for Land Tax purposes.

From 1 July 2022, in accordance with legislation the Valuation Authority will be centralised to the Valuer-General Victoria. All future General Valuations, Supplementary Valuations and

3.1 (Cont.)

Valuation Objection for all municipalities throughout Victoria will be the responsibility of the Valuer-General Victoria.

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 Adoption of the 2022/2023 Budget and Declaration of the Rates and Charges for 2022/2023

Prepared By	Mark Schubert, Finance Manager
Authorised By	Chief Financial Officer
Document ID	A11157650
Briefing Note Number	
Attachment(s)	1. Proposed 2022/2023 Budget

EXECUTIVE SUMMARY

Inclusive of community consultation, Council has developed the 2022/2023 Budget through many briefings and discussions, to ensure the most equitable outcome for the community. We have addressed the many requests for service and responded to the demands of maintaining and enhancing our infrastructure, as well as accommodating a number of external challenges regarding levels of funding. Statutory procedures have been followed and our Budget for 2022/2023 has been developed in accordance with the Council and Wellbeing Plan 2021-2025.

The Community submissions identified a number of issues or initiatives that Council believes can be addressed, either through its current programs and plans, or through additional funding provided.

The purpose of this report comprises two related matters for consideration by Council, being:

1. Adoption of the Proposed 2022/2023 Budget (Attachment 1)
2. Declaration of the Rates and Charges for the year 2022/2023.

These matters are dealt with together as Council is required to adopt a Budget and declare the rates before the 30 June in accordance with *Local Governance Act 2020 Section 94*.

It is proposed to issue rate notices during August with the first instalment due by 30 September 2022.

This report recommends adoption of the 2022/2023 Budget and Declaration of Rates and Charges as outlined in the report.

RECOMMENDATION

That Council:

Part A

The Budget

1. That Council adopts the proposed Fees and Charges as contained in Appendix A of the proposed 2022/2023 Budget (Attachment 1) with an effective date of 1 July 2022. These Fees and Charges were previously endorsed on 15 March 2022 and include the following changes:
 - i. Aquatics and Recreation

3.2 (Cont.)

1. Casual Gym & Swim / Group Fitness Class – All Access – FY23
reduce from \$9.50 down to \$8.25 (FY22 is \$7.50)
2. 10 Session - Gym & Swim / Group Fitness Class – All Access – FY23
reduce from \$85.50 down to \$74.25 (FY22 is \$67.50)
- ii. Mount Martha Golf Course Fees:
 1. 18-hole social group (group of 12 or more) (weekday only, no public holidays) \$32 (FY22 is \$32)
 2. 9-hole social group (group of 12 or more) (weekday only, no public holidays) \$19.20 (FY22 is \$24)
 3. 50 round pass (Valid 7 days, expires 12 months from date of issue) (FY24 \$1,400)- REMOVED
 4. 5-day 12 Month (Concession) (FY24 \$937.50) (Suspensions/refunds not permitted) (Not valid weekends/public holidays) \$750
 5. 5-day 12 month (Full) (FY24 \$1,125) (Suspensions/refunds not permitted) (Not valid weekends/public holidays) \$937.50
 6. 7-day Concession Membership (FY24 \$1,250) (Suspensions/refunds not permitted) \$1,000
2. That Council resolves, pursuant to section 94 of the *Local Government Act 2020*, to adopt the 2022/2023 Annual Budget.

Part B

Declaration of Rates and Charges – Amount to be Raised

3. That it is intended to raise the amount of \$206,482,000 for the rating year commencing 1 July 2022 to 30 June 2023 by application of Rates and Charges detailed as follows:

Type or Class of Land	2022/2023 \$'000
General land	\$151,350
Vacant residential land/rural land	\$5,379
Vacant commercial land	\$83
Vacant industrial land	\$159
Mornington Peninsula Agricultural Rate land	\$2,131
Conservation Land Rate	\$1,102
Trust for nature land	\$14
Cerberus land	\$47
Steel works	\$840

3.2 (Cont.)

Cultural and recreational land	\$167
Supplementary Rates	\$950
Heritage Rebate	\$(90)
Valuations objections	\$(100)
Total amount to be raised by General Rates	\$162,034
Waste Service Charge	\$37,982
Green Waste Charge (optional)	\$6,467
Total Rates and Charges	\$206,482

Basis of Valuation

4. That Capital Improved Value (CIV) be used as the basis for rating of all properties within the Mornington Peninsula Shire for 2022/2023.
5. That the determination of the 2022/2023 rates for all properties be based on 1 January 2022 levels of property valuations returned to Council on 31 May 2022 and as subsequently amended by supplementary valuations.

General Rates

6. A General Rate be declared for the 2022/2023 financial year.
7. It be further declared that the General Rate be raised by the application of Differential Rates.

Differential Rate Percentages

8. That each Differential Rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in the section 4.1 of Attachment 1), by the relevant percentages indicated in table below:

Type or Class of Land	2022/2023 Cents/\$ Capital Improved Value (CIV)
General Rate for rateable general properties	0.11929
General Rate for rateable vacant residential properties	0.16701
General Rate for rateable vacant commercial properties	0.16701
General Rate for vacant industrial properties	0.16701
General Rate for rateable Mornington Peninsula Agricultural Rate properties	0.04175
General Rate for rateable Conservation Land Rate properties	0.08947

3.2 (Cont.)

General Rate for Trust for Nature properties	0.04175
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9. That units in Retirement Villages that are not on 'Strata Title' will receive a bulk discount to the CIV. The following discounts are applied for those units that are on:
- Loan/Lease arrangement – ~20%
 - Loan/Licence arrangement – ~20%
 - Residents owning the unit and leasing the land ongoing – ~15%
 - Strata – no discount.
10. It be recorded that Council considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions, and that:
- 10.1 The respective objectives of each Differential Rate be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.2 The respective types or classes of land which are subject to each Differential Rate be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.3 The respective uses and levels of each Differential Rate in relation to those respective types or classes of land be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.4 The relevant:
- A. Uses of
 - B. Geographical locations of
 - C. Planning Scheme zonings of
 - D. Types of buildings on the respective types or classes of land be those identified in the Statutory Disclosures, within the attached 2022/2023 Budget as adopted.

Curtilage on Properties Classified as Farmland and Conservation Land

11. That pursuant to sections 158 and 158A of the *Local Government Act 1989*, the General Rate in the dollar on CIV for general properties be levied for the 2022/2023 rating year on the curtilage component of all properties classified as farmland and conservation land.

Rebates

12. That pursuant to section 169 of the *Local Government Act 1989*:
- 12.1 A Heritage Rebate of 25% (with a minimum of \$100) on the rates levied on the improvements of heritage properties listed in the Mornington Peninsula Planning Scheme

3.2 (Cont.)

- 12.2 A Heritage Rebate of 12.5% (with a minimum of \$50) on the rates levied on the improvements of properties within a designated heritage precinct that meet the criteria of the Heritage Rate Rebate for the 2022/2023 rating year.

Services Charges

13. An annual Waste Service Charge be declared for the collection and disposal of municipal refuse.
14. The annual Service Charge be the sum of \$366 for each rateable property with the only exceptions being:
- 14.1 Properties rated under the Cultural and Recreational Lands Act 1963
- 14.2 Properties subject to the Western Port (Steel Works Rating) Act 1971.
15. An annual Service Charge be declared for the collection and disposal of refuse taking the form of green waste.
16. The annual Service Charge be the sum of \$145 for each service of one 240 litre green waste bin for each rateable land (or part) located within the eligible service areas in respect of which the owner has given notice to Council that the collection and disposal of green waste from the land is desired.

Cultural and Recreation Lands Act

17. That pursuant to the provisions of the Cultural and Recreation Lands Act 1963, the following rates be levied on the listed properties for the 2022/2023 rating year:

Property No.	Property	Rates
12018	Sorrento Golf Club	\$33,168.05
136374	Portsea Golf Club	\$26,843.57
54951	Rosebud Country Club Ltd	\$19,900.82
61372	Mornington Country Golf Club	\$11,608.82
87869	Devil Bend Golf Club	\$5,447.51
123392	Flinders Golf Club	\$13,267.23
15902	Flinders Yacht Club	\$1,704.27
17439	Rosebud Yacht Club Inc	\$1,420.31
26463	Rye Sailing Club	\$1,619.09
28769	McCrae Yacht Club	\$1,831.37
39007	Sorrento Sailing Club	\$4,796.65
46019	Safety Beach Sailing Club	\$1,904.53
46705	Blairgowrie Yacht Squadron	\$3,396.41
78645	Mount Martha Yacht Club	\$1,912.42

3.2 (Cont.)

78974	Somers Yacht Club	\$2,086.21
80020	Rosebud Motorboat Squadron	\$889.32
80912	Western Port Yacht Club	\$1,515.68
84465	Merricks Yacht Club	\$1,636.46
85013	Point Leo Boat Club	\$1,551.54
88027	Hastings Yacht Club	\$1,054.66
118429	Mornington Yacht Club	\$964.88
111616	Davey's Bay Yacht Club	\$3,328.86
98964	Canadian Bay Club	\$2,460.46
88029	Western Port Angling Club	\$344.36
84471	Merricks Beach Residents Association	\$653.53
62833	Mornington Racing Club	\$19,297.78
89370	Peninsula Aero Club	\$2,817.47
Total		\$167,422.26

Consequential

18. The rate of 10 per centum be specified as the Rate of Interest set by Council for the purpose of section 172(2) of the *Local Government Act 1989* and be so set until a new rate is set in accordance with the *Local Government Act 1989*.
19. The Chief Executive Officer be authorised to levy and recover the General Rates and annual Service Charges in accordance with the *Local Government Act 1989*.

MOTION

Moved: Cr McCafferty

Seconded: Cr O'Connor

That Council:

Part A

The Budget

1. That Council adopts the proposed Fees and Charges as contained in Appendix A of the proposed 2022/2023 Budget (Attachment 1) with an effective date of 1 July 2022. These Fees and Charges were previously endorsed on 15 March 2022 and include the following changes:
 - i. Aquatics and Recreation
 1. Casual Gym & Swim / Group Fitness Class – All Access – FY23 reduce from \$9.50 down to \$8.25 (FY22 is \$7.50)

3.2 (Cont.)

2. 10 Session - Gym & Swim / Group Fitness Class – All Access – FY23 reduce from \$85.50 down to \$74.25 (FY22 is \$67.50)
- ii. Mount Martha Golf Course Fees:
 1. 18-hole social group (group of 12 or more) (weekday only, no public holidays) \$32 (FY22 is \$32)
 2. 9-hole social group (group of 12 or more) (weekday only, no public holidays) \$19.20 (FY22 is \$24)
 3. 50 round pass (Valid 7 days, expires 12 months from date of issue) (FY24 \$1,400)- REMOVED
 4. 5-day 12 Month (Concession) (FY24 \$937.50) (Suspensions/refunds not permitted) (Not valid weekends/public holidays) \$750
 5. 5-day 12 month (Full) (FY24 \$1,125) (Suspensions/refunds not permitted) (Not valid weekends/public holidays) \$937.50
 6. 7-day Concession Membership (FY24 \$1,250) (Suspensions/refunds not permitted) \$1,000
2. That Council resolves, pursuant to section 94 of the *Local Government Act 2020*, to adopt the 2022/2023 Annual Budget.

Part B**Declaration of Rates and Charges – Amount to be Raised**

3. That it is intended to raise the amount of \$206,482,000 for the rating year commencing 1 July 2022 to 30 June 2023 by application of Rates and Charges detailed as follows:

Type or Class of Land	2022/2023 \$'000
General land	\$151,350
Vacant residential land/rural land	\$5,379
Vacant commercial land	\$83
Vacant industrial land	\$159
Mornington Peninsula Agricultural Rate land	\$2,131
Conservation Land Rate	\$1,102
Trust for nature land	\$14
Cerberus land	\$47
Steel works	\$840
Cultural and recreational land	\$167

3.2 (Cont.)

Supplementary Rates	\$950
Heritage Rebate	\$(90)
Valuations objections	\$(100)
Total amount to be raised by General Rates	\$162,034
Waste Service Charge	\$37,982
Green Waste Charge (optional)	\$6,467
Total Rates and Charges	\$206,482

Basis of Valuation

4. That Capital Improved Value (CIV) be used as the basis for rating of all properties within the Mornington Peninsula Shire for 2022/2023.
5. That the determination of the 2022/2023 rates for all properties be based on 1 January 2022 levels of property valuations returned to Council on 31 May 2022 and as subsequently amended by supplementary valuations.

General Rates

6. A General Rate be declared for the 2022/2023 financial year.
7. It be further declared that the General Rate be raised by the application of Differential Rates.

Differential Rate Percentages

8. That each Differential Rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in the section 4.1 of Attachment 1), by the relevant percentages indicated in table below:

Type or Class of Land	2022/2023 Cents/\$ Capital Improved Value (CIV)
General Rate for rateable general properties	0.11929
General Rate for rateable vacant residential properties	0.16701
General Rate for rateable vacant commercial properties	0.16701
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General Rate for rateable Conservation Land Rate properties	0.08947

3.2 (Cont.)

General Rate for Trust for Nature properties	0.04175
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That units in Retirement Villages that are not on 'Strata Title' will receive a bulk discount to the CIV. The following discounts are applied for those units that are on:

- Loan/Lease arrangement – ~20%
 - Loan/Licence arrangement – ~20%
 - Residents owning the unit and leasing the land ongoing – ~15%
 - Strata – no discount.
10. It be recorded that Council considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions, and that:
- 10.1 The respective objectives of each differential Rate be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.2 The respective types or classes of land which are subject to each Differential Rate be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.3 The respective uses and levels of each Differential Rate in relation to those respective types or classes of land be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.4 The relevant:
- A. Uses of
 - B. Geographical locations of
 - C. Planning Scheme zonings of
 - D. Types of buildings on the respective types or classes of land be those identified in the Statutory Disclosures, within the attached 2022/2023 Budget as adopted.

Curtilage on Properties Classified as Farmland and Conservation Land

11. That pursuant to sections 158 and 158A of the *Local Government Act 1989*, the General Rate in the dollar on CIV for general properties be levied for the 2022/2023 rating year on the curtilage component of all properties classified as farmland and conservation land.

Rebates

12. That pursuant to section 169 of the *Local Government Act 1989*:
- 12.1 A Heritage Rebate of 25% (with a minimum of \$100) on the rates levied on the improvements of heritage properties listed in the Mornington Peninsula Planning Scheme

3.2 (Cont.)

- 12.2 A Heritage Rebate of 12.5% (with a minimum of \$50) on the rates levied on the improvements of properties within a designated heritage precinct that meet the criteria of the Heritage Rate Rebate for the 2022/2023 rating year.

Services Charges

13. An annual Waste Service Charge be declared for the collection and disposal of municipal refuse.
14. The annual Service Charge be the sum of \$366 for each rateable property with the only exceptions being:
- 14.1 Properties rated under the Cultural and Recreational Lands Act 1963
- 14.2 Properties subject to the Western Port (Steel Works Rating) Act 1971.
15. An annual Service Charge be declared for the collection and disposal of refuse taking the form of green waste.
16. The annual Service Charge be the sum of \$145 for each service of one 240 litre green waste bin for each rateable land (or part) located within the eligible service areas in respect of which the owner has given notice to Council that the collection and disposal of green waste from the land is desired.

Cultural and Recreation Lands Act

17. That pursuant to the provisions of the Cultural and Recreation Lands Act 1963, the following rates be levied on the listed properties for the 2022/2023 rating year:

Property No.	Property	Rates
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123392	Flinders Golf Club	\$13,267.23
15902	Flinders Yacht Club	\$1,704.27
17439	Rosebud Yacht Club Inc	\$1,420.31
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46705	Blairgowrie Yacht Squadron	\$3,396.41

3.2 (Cont.)

78645	Mount Martha Yacht Club	\$1,912.42
78974	Somers Yacht Club	\$2,086.21
80020	Rosebud Motorboat Squadron	\$889.32
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84465	Merricks Yacht Club	\$1,636.46
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88027	Hastings Yacht Club	\$1,054.66
118429	Mornington Yacht Club	\$964.88
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98964	Canadian Bay Club	\$2,460.46
88029	Western Port Angling Club	\$344.36
84471	Merricks Beach Residents Association	\$653.53
62833	Mornington Racing Club	\$19,297.78
89370	Peninsula Aero Club	\$2,817.47
Total		\$167,422.26

Consequential

18. The rate of 10 per centum be specified as the Rate of Interest set by Council for the purpose of section 172(2) of the *Local Government Act 1989* and be so set until a new rate is set in accordance with the *Local Government Act 1989*.
19. The Chief Executive Officer be authorised to levy and recover the General Rates and annual Service Charges in accordance with the *Local Government Act 1989*.

Part C

1. That Council resolves to reinstate the \$200,000 for carbon offsetting in the 2022/2023 Budget. Further that a thorough review of the Carbon Neutral policy is conducted by Councillors. The policy review is to be comprehensive and supported by additional briefings on climate risk governance and the Carbon markets and is to be followed by a community consultative process before returning to Council for consideration.

3.2 (Cont.)**AMENDMENT****Moved: Cr Holland**Part D

That Council notes the following community projects and initiatives for future priority consideration:

1. Asphalt sealing of Hopetoun Avenue, Mount Martha
2. Asphalt sealing of John Butler Reserve car park, Mount Eliza
3. Grading and resurfacing of Hargreaves Street, Mornington
4. Resurfacing and traffic calming measures, Daveys Bay Road, Mount Eliza
5. Resurfacing the Canadian Bay Road beach car park, Mount Eliza
6. Car park construction, Watson Road, Mount Martha (implementation of the Mount Martha Foreshore Masterplan/Village Parking Review)
7. Roundabout construction, Emil Madsen Reserve, Wooralla Drive, Mount Eliza
8. Construction of dedicated tractor overtaking lanes in key agricultural areas (e.g. Balnarring Road and Frankston Flinders Road)
9. Dedicated road signage promoting road safety in agricultural areas
10. LED lighting upgrade, Mornington Tennis Club, Mornington
11. Detailed design works, Mount Eliza Bowling Club upgrade, Mount Eliza
12. Drainage upgrade and rectification works, Hawker Beach, Mount Martha
13. Footpath construction, Baden Powell Drive, Mount Eliza
14. Footpath construction, Albatross Avenue, Mount Eliza
15. Footpath construction, Canadian Bay Road, Mount Eliza
16. Footpath construction, Dominion Road, Mount Martha
17. Footpath construction, Beatty Parade, Mornington
18. Footpath construction, Tower Road, Mount Eliza
19. Footpath construction, Bungower Road, Mornington
20. Footpath construction, Cnr Wimborne Avenue & Mount Eliza Way, Mount Eliza
21. Playground upgrade, Rupert White Reserve, Mount Eliza
22. Playground upgrade, Mount Eliza Park, Mountain View Road, Mount Eliza
23. Operational initiative, Mount Eliza Parking Strategy (20+ years)
24. Operational initiative, Tree Canopy Target policy + localised trial

3.2 (Cont.)

25. Operational initiative, glow-in-the-dark road line marking trial
26. Operational initiative, light pollution study/draft policy
27. Operational initiative, development of an advocacy action plan to resolve coastal erosion and coastal infrastructure degradation issues

Amendment Lapsed due to no seconder

AMENDMENT

Moved: Cr Celi

Part D

That the following items be directly funded through the 2022/2023 Budget:

1. Caroline Chisholm SMP/WMP Scholarship Fund (Submission 31) for \$40,000.
2. Peninsula Short Film Festival (Submission 19) for \$40,000.
3. Peninsula Chamber Musicians (Submission 20) for \$30,000.

Amendment Lapsed due to no seconder

ADJOURNMENT

Moved: Cr O'Connor

Seconded: Cr Mercurio

That the meeting be adjourned at 6.24pm for a short recess.

RESUMPTION OF MEETING

Moved: Cr Celi

Seconded: Cr O'Connor

That the meeting be resumed at 6.32 pm.

With the agreement of Council, Mayor Marsh allowed Cr Holland and Cr Celi to move their respective amendments again.

AMENDMENT

Moved: Cr Holland

Seconded: Cr Gill

Part D

That Council notes the following community projects and initiatives for future priority consideration:

1. Asphalt sealing of Hopetoun Avenue, Mount Martha
2. Asphalt sealing of John Butler Reserve car park, Mount Eliza
3. Grading and resurfacing of Hargreaves Street, Mornington
4. Resurfacing and traffic calming measures, Daveys Bay Road, Mount Eliza

3.2 (Cont.)

5. Resurfacing the Canadian Bay Road beach car park, Mount Eliza
6. Car park construction, Watson Road, Mount Martha (implementation of the Mount Martha Foreshore Masterplan/Village Parking Review)
7. Roundabout construction, Emil Madsen Reserve, Wooralla Drive, Mount Eliza
8. Construction of dedicated tractor overtaking lanes in key agricultural areas (e.g. Balnarring Road and Frankston Flinders Road)
9. Dedicated road signage promoting road safety in agricultural areas
10. LED lighting upgrade, Mornington Tennis Club, Mornington
11. Detailed design works, Mount Eliza Bowling Club upgrade, Mount Eliza
12. Drainage upgrade and rectification works, Hawker Beach, Mount Martha
13. Footpath construction, Baden Powell Drive, Mount Eliza
14. Footpath construction, Albatross Avenue, Mount Eliza
15. Footpath construction, Canadian Bay Road, Mount Eliza
16. Footpath construction, Dominion Road, Mount Martha
17. Footpath construction, Beatty Parade, Mornington
18. Footpath construction, Tower Road, Mount Eliza
19. Footpath construction, Bungower Road, Mornington
20. Footpath construction, Cnr Wimborne Avenue & Mount Eliza Way, Mount Eliza
21. Playground upgrade, Rupert White Reserve, Mount Eliza
22. Playground upgrade, Mount Eliza Park, Mountain View Road, Mount Eliza
23. Operational initiative, Mount Eliza Parking Strategy (20+ years)
24. Operational initiative, Tree Canopy Target policy + localised trial
25. Operational initiative, glow-in-the-dark road line marking trial
26. Operational initiative, light pollution study/draft policy
27. Operational initiative, development of an advocacy action plan to resolve coastal erosion and coastal infrastructure degradation issues

Carried

The Amendment became part of the Substantive Motion

3.2 (Cont.)

AMENDMENT**Moved: Cr Celi****Seconded: Cr Mar****Part E**

That the following items be directly funded through the 2022/2023 Budget:

1. Caroline Chisholm SMP/WMP Scholarship Fund (Submission 31) for \$40,000.
2. Peninsula Short Film Festival (Submission 19) for \$40,000.
3. Peninsula Chamber Musicians (Submission 20) for \$30,000.

Carried

The Amendment became part of the Substantive Motion

PROCEDURAL MOTION**Moved: Cr Gill****Seconded: Cr Dixon**

That Cr Gill be granted leave to move a further amendment.

Carried**AMENDMENT****Moved: Cr Gill****Seconded: Cr Mercurio****Part F**

That the following items be directly funded through the 2022/2023 Budget:

1. Construction of a walking trail along Cape Schanck Rd and Boneo Rd from Fingal Picnic Reserve to the Bushrangers Bay car park stage 1 \$30,000
2. Investigation of a multi-purpose trail – Boneo Road (Cape Schanck to Rosebud) preparation for grant applications \$25,000
3. Peninsula Mountain Bike Centre on Arthurs Seat escarpment / Dromana Master plan and Community engagement \$70,000
4. Womin djeka Balnarring, First Nations festival – ongoing community project \$15,000
5. Racecourse Reserve Dromana, Recreation Masterplan, concept design \$80,000
6. Balnarring Beach / Library Road traffic design plan and works stage one \$150,000
7. Endeavour Fern Gully, Arthurs Seat Road, National Trust property Education and Environment Centre - part funding request \$30,000
8. De sexing Cats subsidy \$7,000
9. Dump points to encourage Caravan Tourists – develop as part of Tourism plan, stage 1 Hastings \$10,000

3.2 (Cont.)

10. MP Music Network funding to help run events for musicians on the Peninsula \$33,000
11. Informal community small bike pump tracks shire wide for young bike riders \$90,000
12. Waiver the tree removal permit fee on roadsides for dangerous and nominated pest plants where adjacent landholders pay the cost of removal \$6,000
13. Community Garden consultation and policy development \$9,000
14. Peninsula Wildlife Hospital, preliminary investigation, and concept development \$20,000
15. First Nations Historical interpretive signage trial area before development of history trails shire wide in consultation with the Bunurong Land Council \$10,000
16. A Fenton Hall redevelopment concept plan in conjunction with community and potential user groups to develop this unused well sited space into a productive resource for the Peninsula \$35,000
17. Boneo Tennis Club safety replacement of eroding electrical conduit for lighting around the perimeter of courts \$8,000
18. A feasibility study for traffic works in Arthurs Seat Road, Red Hill to enable safe pedestrian crossing adjacent to Focus Assisted Living / disability centre and opposite shops \$20,000
19. Trial road pavement warning markings for wildlife in rural areas \$15,000
20. Increased digital mobile wildlife warning signage, two new sets \$14,000
21. Next stage of development of Flinders Common concept plan \$20,000
22. Continue koala monitoring program in conjunction with Deakin University \$12,000
23. Community strengthening to address economic and social disadvantage and improve social connection point 5 staff bid \$75,000
24. Design / stage 1 pedestrian path along Nepean Highway near Aldi, Dromana \$25,000
25. Shoreham Tennis Club rehabilitation of Courts 3 and 4 \$90,000
26. Landcare Network to provide biolinks through private land and road verges \$50,000
27. Somers, Camp Hill Road footpath stage 2 implementation - \$380,000
28. Angel Archers club grant for facilities at Balnarring Racecourse \$20,000
29. And that listed items, Chaplaincy in Schools program and the Future of Parking Management and Paid Parking be deleted and that the listing for Sorrento Surf Life Saving Club be limited to \$330,000 per year over the next three years.
30. That Council reduce expenditure employee costs by \$1,000,000.

Amendment Lost

AMENDMENT

Moved: Cr Race

Part F

1. Reallocate the \$100,000 currently allocated to the Hastings Soundshell as follows: \$50,000 to Concept design for Rosebud SPLASH redevelopment and \$50,000 to concept plan for redeveloped of Rye Skate Park.
2. Defer consideration of the Hastings Soundshell to the 23/24 budget.

PROCEDURAL MOTION

Moved: Cr Gill
Seconded: Cr Celi

That Cr Gill, be granted leave to second a further amendment.

Carried

Seconded: Cr Gill

Vote by Division on Amendment (Requested by Cr Race)

For: Cr O'Connor, Cr Mercurio, Cr Race, Cr Mar and Cr McCafferty

Against: Cr Gill, Cr Holland, Cr Dixon, Cr Bissinger, Cr Celi and Cr Marsh

Lost

ADJOURNMENT OF MEETING

That the meeting be adjourned at 7.31pm for a short recess.

RESUMPTION OF MEETING

Moved: Cr Mercurio
Seconded: Cr Celi

That the meeting be resumed at 7.40pm.

AMENDMENT

Moved: Cr Bissinger

Part F

1. That the following be amended in the 2022/2023 Budget:
 - A. Remove \$200,000 from the Outdoor Dining allocation leaving a budget of \$331,000.
 - B. Remove \$350,000 from the Shire offices Renovations and upgrades leaving a budget of \$500,000 to be spent on the Mornington Office only.
 - C. Remove \$865,000 from the Library Budget leaving \$100,000 for a feasibility study.

3.2 (Cont.)

2. That the following items be removed entirely from the 2022/2023 Budget:
 - A. 1,000 seat Performing Arts Centre Feasibility Study.
 - B. Smoke Free Environments Policy Implementation.
3. That the \$1 million allocated to Alma Street, Tootgarook be redistributed to improve dangerous pedestrian spots in the Nepean Ward.
4. That \$100,000 be allocated to the Emergency Humanitarian Fund to assist the homeless currently situated on the foreshore.
5. That \$68,000 be included for works around the Sorrento Foreshore Cenotaph including Seating.
6. That \$50,000 be included for planning works for public toilets on the Sorrento Foreshore.
7. That the budget for Height Controls for C219 be deferred for consideration at the 23/24 Budget.
8. That any surplus funds be retained as such until further decision of Council.

PROCEDURAL MOTION

That Cr Holland, be granted leave to second a further amendment.

Moved: Cr Holland
Seconded: Cr O'Connor

Carried

Seconded: Cr Holland

Amendment Lost

That the Substantive Motion be voted on in parts: Parts A, B, D and E first, Part C second.

Part A, B, D and E

That Council:

Part A**The Budget**

1. That Council adopts the proposed Fees and Charges as contained in Appendix A of the proposed 2022/2023 Budget (Attachment 1) with an effective date of 1 July 2022. These Fees and Charges were previously endorsed on 15 March 2022 and include the following changes:
 - i. Aquatics and Recreation
 1. Casual Gym & Swim / Group Fitness Class – All Access – FY23 reduce from \$9.50 down to \$8.25 (FY22 is \$7.50)

3.2 (Cont.)

2. 10 Session - Gym & Swim / Group Fitness Class – All Access – FY23 reduce from \$85.50 down to \$74.25 (FY22 is \$67.50)
- ii. Mount Martha Golf Course Fees:
 1. 18-hole social group (group of 12 or more) (weekday only, no public holidays) \$32 (FY22 is \$32)
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 3. 50 round pass (Valid 7 days, expires 12 months from date of issue) (FY24 \$1,400)- REMOVED
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 5. 5-day 12 month (Full) (FY24 \$1,125) (Suspensions/refunds not permitted) (Not valid weekends/public holidays) \$937.50
 6. 7-day Concession Membership (FY24 \$1,250) (Suspensions/refunds not permitted) \$1,000
2. That Council resolves, pursuant to section 94 of the *Local Government Act 2020*, to adopt the 2022/2023 Annual Budget.

Part B**Declaration of Rates and Charges – Amount to be Raised**

3. That it is intended to raise the amount of \$206,482,000 for the rating year commencing 1 July 2022 to 30 June 2023 by application of Rates and Charges detailed as follows:

Type or Class of Land	2022/2023 \$'000
General land	\$151,350
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Supplementary Rates	\$950
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Total Rates and Charges	\$206,482

Basis of Valuation

4. That Capital Improved Value (CIV) be used as the basis for rating of all properties within the Mornington Peninsula Shire for 2022/2023.
5. That the determination of the 2022/2023 rates for all properties be based on 1 January 2022 levels of property valuations returned to Council on 31 May 2022 and as subsequently amended by supplementary valuations.

General Rates

6. A General Rate be declared for the 2022/2023 financial year.
7. It be further declared that the General Rate be raised by the application of Differential Rates.

Differential Rate Percentages

8. That each Differential Rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in the section 4.1 of Attachment 1), by the relevant percentages indicated in table below:

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3.2 (Cont.)

General Rate for Trust for Nature properties	0.04175
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That units in Retirement Villages that are not on 'Strata Title' will receive a bulk discount to the CIV. The following discounts are applied for those units that are on:

- Loan/Lease arrangement – ~20%
- Loan/Licence arrangement – ~20%
- Residents owning the unit and leasing the land ongoing – ~15%
- Strata – no discount.

10. It be recorded that Council considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions, and that:

10.1 The respective objectives of each differential Rate be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted

10.2 The respective types or classes of land which are subject to each Differential Rate be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted

10.3 The respective uses and levels of each Differential Rate in relation to those respective types or classes of land be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted

10.4 The relevant:

- A. Uses of
- B. Geographical locations of
- C. Planning Scheme zonings of
- D. Types of buildings on the respective types or classes of land be those identified in the Statutory Disclosures, within the attached 2022/2023 Budget as adopted.

Curtilage on Properties Classified as Farmland and Conservation Land

11. That pursuant to sections 158 and 158A of the *Local Government Act 1989*, the General Rate in the dollar on CIV for general properties be levied for the 2022/2023 rating year on the curtilage component of all properties classified as farmland and conservation land.

Rebates

12. That pursuant to section 169 of the *Local Government Act 1989*:

12.1 A Heritage Rebate of 25% (with a minimum of \$100) on the rates levied on the improvements of heritage properties listed in the Mornington Peninsula Planning Scheme

3.2 (Cont.)

- 12.2 A Heritage Rebate of 12.5% (with a minimum of \$50) on the rates levied on the improvements of properties within a designated heritage precinct that meet the criteria of the Heritage Rate Rebate for the 2022/2023 rating year.

Services Charges

13. An annual Waste Service Charge be declared for the collection and disposal of municipal refuse.
14. The annual Service Charge be the sum of \$366 for each rateable property with the only exceptions being:
- 14.1 Properties rated under the Cultural and Recreational Lands Act 1963
- 14.2 Properties subject to the Western Port (Steel Works Rating) Act 1971.
15. An annual Service Charge be declared for the collection and disposal of refuse taking the form of green waste.
16. The annual Service Charge be the sum of \$145 for each service of one 240 litre green waste bin for each rateable land (or part) located within the eligible service areas in respect of which the owner has given notice to Council that the collection and disposal of green waste from the land is desired.

Cultural and Recreation Lands Act

17. That pursuant to the provisions of the Cultural and Recreation Lands Act 1963, the following rates be levied on the listed properties for the 2022/2023 rating year:

Property No.	Property	Rates
12018	Sorrento Golf Club	\$33,168.05
136374	Portsea Golf Club	\$26,843.57
54951	Rosebud Country Club Ltd	\$19,900.82
61372	Mornington Country Golf Club	\$11,608.82
87869	Devil Bend Golf Club	\$5,447.51
123392	Flinders Golf Club	\$13,267.23
15902	Flinders Yacht Club	\$1,704.27
17439	Rosebud Yacht Club Inc	\$1,420.31
26463	Rye Sailing Club	\$1,619.09
28769	McCrae Yacht Club	\$1,831.37
39007	Sorrento Sailing Club	\$4,796.65
46019	Safety Beach Sailing Club	\$1,904.53
46705	Blairgowrie Yacht Squadron	\$3,396.41

3.2 (Cont.)

78645	Mount Martha Yacht Club	\$1,912.42
78974	Somers Yacht Club	\$2,086.21
80020	Rosebud Motorboat Squadron	\$889.32
80912	Western Port Yacht Club	\$1,515.68
84465	Merricks Yacht Club	\$1,636.46
85013	Point Leo Boat Club	\$1,551.54
88027	Hastings Yacht Club	\$1,054.66
118429	Mornington Yacht Club	\$964.88
111616	Davey's Bay Yacht Club	\$3,328.86
98964	Canadian Bay Club	\$2,460.46
88029	Western Port Angling Club	\$344.36
84471	Merricks Beach Residents Association	\$653.53
62833	Mornington Racing Club	\$19,297.78
89370	Peninsula Aero Club	\$2,817.47
Total		\$167,422.26

Consequential

18. The rate of 10 per centum be specified as the Rate of Interest set by Council for the purpose of section 172(2) of the *Local Government Act 1989* and be so set until a new rate is set in accordance with the *Local Government Act 1989*.
19. The Chief Executive Officer be authorised to levy and recover the General Rates and annual Service Charges in accordance with the *Local Government Act 1989*.

Part D

That Council notes the following community projects and initiatives for future priority consideration:

1. Asphalt sealing of Hopetoun Avenue, Mount Martha
2. Asphalt sealing of John Butler Reserve car park, Mount Eliza
3. Grading and resurfacing of Hargreaves Street, Mornington
4. Resurfacing and traffic calming measures, Daveys Bay Road, Mount Eliza
5. Resurfacing the Canadian Bay Road beach car park, Mount Eliza
6. Car park construction, Watson Road, Mount Martha (implementation of the Mount Martha Foreshore Masterplan/Village Parking Review)

3.2 (Cont.)

7. Roundabout construction, Emil Madsen Reserve, Wooralla Drive, Mount Eliza
8. Construction of dedicated tractor overtaking lanes in key agricultural areas (e.g. Balnarring Road and Frankston Flinders Road)
9. Dedicated road signage promoting road safety in agricultural areas
10. LED lighting upgrade, Mornington Tennis Club, Mornington
11. Detailed design works, Mount Eliza Bowling Club upgrade, Mount Eliza
12. Drainage upgrade and rectification works, Hawker Beach, Mount Martha
13. Footpath construction, Baden Powell Drive, Mount Eliza
14. Footpath construction, Albatross Avenue, Mount Eliza
15. Footpath construction, Canadian Bay Road, Mount Eliza
16. Footpath construction, Dominion Road, Mount Martha
17. Footpath construction, Beatty Parade, Mornington
18. Footpath construction, Tower Road, Mount Eliza
19. Footpath construction, Bungower Road, Mornington
20. Footpath construction, Cnr Wimborne Avenue & Mount Eliza Way, Mount Eliza
21. Playground upgrade, Rupert White Reserve, Mount Eliza
22. Playground upgrade, Mount Eliza Park, Mountain View Road, Mount Eliza
23. Operational initiative, Mount Eliza Parking Strategy (20+ years)
24. Operational initiative, Tree Canopy Target policy + localised trial
25. Operational initiative, glow-in-the-dark road line marking trial
26. Operational initiative, light pollution study/draft policy
27. Operational initiative, development of an advocacy action plan to resolve coastal erosion and coastal infrastructure degradation issues.

Part E

That the following items be directly funded through the allocated community investment funding in the 2022/2023 Budget:

1. Caroline Chisholm SMP/WMP Scholarship Fund (Submission 31) for \$40,000.
2. Peninsula Short Film Festival (Submission 19) for \$40,000.
3. Peninsula Chamber Musicians (Submission 20) for \$30,000.

3.2 (Cont.)

Vote by Division (Requested by Cr Gill)

For: Cr Gill, Cr O'Connor, Cr Mercurio, Cr Dixon, Cr Mar, Cr McCafferty, Cr Celi and Cr Marsh

Against: Cr Holland, Cr Bissinger and Cr Race

Carried

Part C

1. That Council resolves to reinstate the \$200,000 for carbon offsetting in the 2022/2023 Budget. Such funds should not be spent until such a time that a thorough review of the Carbon Neutral policy is conducted by Councillors. The policy review is to be comprehensive and supported by additional briefings on climate risk governance and the Carbon markets and is to be followed by a community consultative process before returning to Council for consideration.

Vote by Division (Requested by Cr O'Connor)

For: Cr Gill, Cr O'Connor, Cr Race, Cr McCafferty and Cr Celi

Against: Cr Holland, Cr Mercurio, Cr Dixon, Cr Bissinger, Cr Mar and Cr Marsh

Lost

For Clarity the Council Decision has been repeated below.

COUNCIL DECISION

Moved: Cr McCafferty

Seconded: Cr O'Connor

That Council:

Part A

The Budget

1. That Council adopts the proposed Fees and Charges as contained in Appendix A of the proposed 2022/2023 Budget (Attachment 1) with an effective date of 1 July 2022. These Fees and Charges were previously endorsed on 15 March 2022 and include the following changes:
 - i. Aquatics and Recreation
 1. Casual Gym & Swim / Group Fitness Class – All Access – FY23 reduce from \$9.50 down to \$8.25 (FY22 is \$7.50)
 2. 10 Session - Gym & Swim / Group Fitness Class – All Access – FY23 reduce from \$85.50 down to \$74.25 (FY22 is \$67.50)
 - ii. Mt Martha Golf Course Fees:
 1. 18-hole social group (group of 12 or more) (weekday only, no public holidays) \$32 (FY22 is \$32)

3.2 (Cont.)

2. 9-hole social group (group of 12 or more) (weekday only, no public holidays) \$19.20 (FY22 is \$24)
 3. 50 round pass (Valid 7 days, expires 12 months from date of issue) (FY24 \$1,400)- REMOVED
 4. 5-day 12 Month (Concession) (FY24 \$937.50) (Suspensions/refunds not permitted) (Not valid weekends/public holidays) \$750
 5. 5-day 12 month (Full) (FY24 \$1,125) (Suspensions/refunds not permitted) (Not valid weekends/public holidays) \$937.50
 6. 7-day Concession Membership (FY24 \$1,250) (Suspensions/refunds not permitted) \$1,000
2. That Council resolves, pursuant to section 94 of the *Local Government Act 2020*, to adopt the 2022/2023 Annual Budget.

Part B**Declaration of Rates and Charges – Amount to be Raised**

3. That it is intended to raise the amount of \$206,482,000 for the rating year commencing 1 July 2022 to 30 June 2023 by application of Rates and Charges detailed as follows:

Type or Class of Land	2022/2023 \$'000
General land	\$151,350
Vacant residential land/rural land	\$5,379
Vacant commercial land	\$83
Vacant industrial land	\$159
Mornington Peninsula Agricultural Rate land	\$2,131
Conservation Land Rate	\$1,102
Trust for nature land	\$14
Cerberus land	\$47
Steel works	\$840
Cultural and recreational land	\$167
Supplementary Rates	\$950
Heritage Rebate	\$(90)
Valuations objections	\$(100)
Total amount to be raised by General Rates	\$162,034

3.2 (Cont.)

Waste Service Charge	\$37,982
Green Waste Charge (optional)	\$6,467
Total Rates and Charges	\$206,482

Basis of Valuation

4. That Capital Improved Value (CIV) be used as the basis for rating of all properties within the Mornington Peninsula Shire for 2022/2023.
5. That the determination of the 2022/2023 rates for all properties be based on 1 January 2022 levels of property valuations returned to Council on 31 May 2022 and as subsequently amended by supplementary valuations.

General Rates

6. A General Rate be declared for the 2022/2023 financial year.
7. It be further declared that the General Rate be raised by the application of Differential Rates.

Differential Rate Percentages

8. That each Differential Rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in the section 4.1 of Attachment 1), by the relevant percentages indicated in table below:

Type or Class of Land	2022/2023 Cents/\$ Capital Improved Value (CIV)
General Rate for rateable general properties	0.11929
General Rate for rateable vacant residential properties	0.16701
General Rate for rateable vacant commercial properties	0.16701
General Rate for vacant industrial properties	0.16701
General Rate for rateable Mornington Peninsula Agricultural Rate properties	0.04175
General Rate for rateable Conservation Land Rate properties	0.08947
General Rate for Trust for Nature properties	0.04175

That units in Retirement Villages that are not on 'Strata Title' will receive a bulk discount to the CIV. The following discounts are applied for those units that are on:

- Loan/Lease arrangement – ~20%

3.2 (Cont.)

- Loan/Licence arrangement – ~20%
 - Residents owning the unit and leasing the land ongoing – ~15%
 - Strata – no discount.
10. It be recorded that Council considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions, and that:
- 10.1 The respective objectives of each differential Rate be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.2 The respective types or classes of land which are subject to each Differential Rate be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.3 The respective uses and levels of each Differential Rate in relation to those respective types or classes of land be those specified in the Statutory Disclosures within the 2022/2023 Budget as adopted
- 10.4 The relevant:
- A. Uses of
 - B. Geographical locations of
 - C. Planning Scheme zonings of
 - D. Types of buildings on the respective types or classes of land be those identified in the Statutory Disclosures, within the attached 2022/2023 Budget as adopted.

Curtilage on Properties Classified as Farmland and Conservation Land

11. That pursuant to sections 158 and 158A of the *Local Government Act 1989*, the General Rate in the dollar on CIV for general properties be levied for the 2022/2023 rating year on the curtilage component of all properties classified as farmland and conservation land.

Rebates

12. That pursuant to section 169 of the *Local Government Act 1989*:
- 12.1 A Heritage Rebate of 25% (with a minimum of \$100) on the rates levied on the improvements of heritage properties listed in the Mornington Peninsula Planning Scheme
- 12.2 A Heritage Rebate of 12.5% (with a minimum of \$50) on the rates levied on the improvements of properties within a designated heritage precinct that meet the criteria of the Heritage Rate Rebate for the 2022/2023 rating year.

Services Charges

13. An annual Waste Service Charge be declared for the collection and disposal of municipal refuse.

3.2 (Cont.)

14. The annual Service Charge be the sum of \$366 for each rateable property with the only exceptions being:
- 14.1 Properties rated under the Cultural and Recreational Lands Act 1963
- 14.2 Properties subject to the Western Port (Steel Works Rating) Act 1971.
15. An annual Service Charge be declared for the collection and disposal of refuse taking the form of green waste.
16. The annual Service Charge be the sum of \$145 for each service of one 240 litre green waste bin for each rateable land (or part) located within the eligible service areas in respect of which the owner has given notice to Council that the collection and disposal of green waste from the land is desired.

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17. That pursuant to the provisions of the Cultural and Recreation Lands Act 1963, the following rates be levied on the listed properties for the 2022/2023 rating year:

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3.2 (Cont.)

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89370	Peninsula Aero Club	\$2,817.47
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19. The Chief Executive Officer be authorised to levy and recover the General Rates and annual Service Charges in accordance with the *Local Government Act 1989*.

Part D

That Council notes the following community projects and initiatives for future priority consideration:

1. Asphalt sealing of Hopetoun Avenue, Mount Martha
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3. Grading and resurfacing of Hargreaves Street, Mornington
4. Resurfacing and traffic calming measures, Daveys Bay Road, Mount Eliza
5. Resurfacing the Canadian Bay Road beach car park, Mount Eliza
6. Car park construction, Watson Road, Mount Martha (implementation of the Mount Martha Foreshore Masterplan/Village Parking Review)
7. Roundabout construction, Emil Madsen Reserve, Wooralla Drive, Mount Eliza
8. Construction of dedicated tractor overtaking lanes in key agricultural areas (e.g. Balnarring Road and Frankston Flinders Road)
9. Dedicated road signage promoting road safety in agricultural areas
10. LED lighting upgrade, Mornington Tennis Club, Mornington
11. Detailed design works, Mount Eliza Bowling Club upgrade, Mount Eliza

3.2 (Cont.)

12. Drainage upgrade and rectification works, Hawker Beach, Mount Martha
13. Footpath construction, Baden Powell Drive, Mount Eliza
14. Footpath construction, Albatross Avenue, Mount Eliza
15. Footpath construction, Canadian Bay Road, Mount Eliza
16. Footpath construction, Dominion Road, Mount Martha
17. Footpath construction, Beatty Parade, Mornington
18. Footpath construction, Tower Road, Mount Eliza
19. Footpath construction, Bungower Road, Mornington
20. Footpath construction, Cnr Wimborne Avenue & Mount Eliza Way, Mount Eliza
21. Playground upgrade, Rupert White Reserve, Mount Eliza
22. Playground upgrade, Mount Eliza Park, Mountain View Road, Mount Eliza
23. Operational initiative, Mount Eliza Parking Strategy (20+ years)
24. Operational initiative, Tree Canopy Target policy + localised trial
25. Operational initiative, glow-in-the-dark road line marking trial
26. Operational initiative, light pollution study/draft policy
27. Operational initiative, development of an advocacy action plan to resolve coastal erosion and coastal infrastructure degradation issues.

Part E

That the following items be directly funded through the allocated community investment funding in the 2022/2023 Budget:

1. Caroline Chisholm SMP/WMP Scholarship Fund (Submission 31) for \$40,000.
2. Peninsula Short Film Festival (Submission 19) for \$40,000.
3. Peninsula Chamber Musicians (Submission 20) for \$30,000.

Carried

ADJOURNMENT OF MEETING

That the meeting be adjourned at 8.42pm for a short recess.

RESUMPTION OF MEETING

Moved: Cr Holland

Seconded: Cr Dixon

That the meeting be resumed at 8.52pm.

3.2 (Cont.)**Attendance**

Cr McCafferty left the meeting at 8.52pm and did not return to the meeting.

COUNCIL & WELLBEING PLAN

The Budget process is the determination of competing priorities of the community for the use of Council's limited resources considering the best interests of the Mornington Peninsula Shire community and to achieve the Council and Wellbeing Plan objectives and themes below:

- 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.

DISCUSSION**Purpose**

The purpose of this report comprises two related matters for consideration by Council, being:

- Adoption of the 2022/2023 Budget
- Declaration of the Rates and Charges for the year 2022/2023.

Background

The proposed 2022/2023 Budget was presented to Council at its briefing on 24 May 2022. Feedback from Councillors throughout the budget process for 2022/2023 have been incorporated into the proposed budget document attached.

Engagement with the community has occurred throughout the Budget process with officers receiving:

- 232 written community suggestions.
- 2,379 contributions to the 16 Budget themes.

Council has had to accommodate a number of external challenges in developing the Budget whilst still maintaining its commitment to achieve the status of a low rating Council and meeting the expectations set under the Victorian State Government's Fair Go Rates System (FGRS). The rate cap for 2022/2023 has been set at 1.75% and Council is in compliance with the cap.

Notwithstanding this and other challenges, Council projects a surplus of \$16.8 million (Comprehensive Income Statement).

Other challenges include:

1. COVID recovery
2. Ongoing cost shifting from other branches of Government
3. Unexpected costs such as storm damage and flooding

3.2 (Cont.)

4. Increased costs in Waste Management Services due to increased level of services and increased landfill levy costs.

Proposed Rates and Charges

The average rate will rise by 1.75% in line with the order by the Minister for Local Government in December 2020 under the Fair Go Rates System. Council did not seek a variation to the cap for 2022/2023.

In relation to Rates and Charges, the following rate in the dollar to be levied as General Rates under section 94 of the *Local Government Act 2020* include:

Table 1

Type or Class of Land	2022/2023 Cents/\$ Capital Improved Value (CIV)
General Rate for rateable general properties	0.11929
General Rate for rateable vacant residential properties	0.16701
General Rate for rateable vacant commercial properties	0.16701
General Rate for vacant industrial properties	0.16701
General Rate for rateable Mornington Peninsula Agricultural Rate properties	0.04175
General Rate for rateable Conservation Land Rate properties	0.08947
General Rate for Trust for Nature properties	0.04175

The estimated total amount to be raised by General Rates in relation to each type or class of land, and the estimated total amount to be raised by General Rates include:

Table 2

Type or Class of Land	2022/2023 \$'000
General land	\$151,350
Vacant residential land/rural land	\$5,379
Vacant commercial land	\$83
Vacant industrial land	\$159
Mornington Peninsula Agricultural Rate land	\$2,131
Conservation Land Rate	\$1,102
Trust for nature land	\$14

3.2 (Cont.)

Cerberus land	\$47
Steel works	\$840
Cultural and recreational land	\$167
Supplementary Rates	\$950
Heritage Rebate	\$(90)
Valuations objections	\$(100)
Total amount to be raised by General Rates	\$162,034

Options for consideration

In the council briefing on 28 April 2022, Councillors discussed a number of alternatives with officers and were provided with a list of projects not included in the capital works program or operating initiatives.

ENGAGEMENT

Engagement with the community has occurred throughout the Budget process with officers receiving:

- 232 written community suggestions.
- 2,261 contributions to the 16 Budget themes.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

The recommendation from officers ensures that the Council is presenting a balanced Budget for 2022/2023.

OFFICER DIRECT OR INDIRECT INTEREST

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

PLANNING AND INFRASTRUCTURE

3.3 CN2174 - Building Trades and Specialist Trades Panel - Contract Extension

Prepared By	Chad Henry, Team Leader - Buildings Management
Authorised By	Director - Planning and Infrastructure
Document ID	A11208879
Briefing Note Number	BN1571 – 26 April 2022
Attachment(s)	1. Council Minutes extract 26 March 2019 (confidential)

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement for the extension of CN2174 – Building Trades and Specialist Services Contract Panel for the full period up to 31 March 2025.

A Council resolution is required to exercise the optional contract extension to ensure the continuous delivery of the building renewal program with no gaps in service, in addition to the continued support in delivering community capital and infrastructure projects.

RECOMMENDATION

That Council approves the extension of CN2174 – Building Trades and Specialist Services Contract Panel until 31 March 2025.

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 Gill
Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

COUNCIL & WELLBEING PLAN

Council and Wellbeing Plan 2021-2025 Strategic Theme

The Building Trades and Specialist Services contract panel has provided Mornington Peninsula Shire (Shire) Project Managers with the delivery mechanism to carry out building renewals which are of high quality, competitively priced and completed in a safe manner. This feeds directly into Strategic 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.

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

At the Council Meeting held on 26 March 2019, Council accepted the tender submissions of 28 building trades and specialist service contractors. The contractors chosen formed a panel with 10 specialist work categories required to complete renewal works on Shire buildings.

DISCUSSION**Purpose**

To seek a Council resolution to exercise the optional contract extension periods for CN2174 – Building Trades and Specialist Services Contract Panel up to 31 March 2025.

Background

The establishment of this panel has supported the delivery of community capital projects and the renewal of existing buildings. Additionally, this program continues to support community need, as well as increased longevity for Council facilities. This has been achieved by providing the Shire's project managers with access to a pool of vetted contractors capable of delivering high quality works at competitive pricing.

The selection criteria used for establishing this panel included a customer-centric approach weighted towards locally based businesses. As a result, over half of the panel is made up of Mornington Peninsula-based businesses. This has proven mutually beneficial to both the Shire and local panel members with the Shire benefitting from the responsiveness provided by local panel members, and adversely local panel members benefitting of both local economic support and experience working within a local government platform.

To date, panel contractors have delivered over 500 renewal projects on Council buildings and in addition throughout Covid and on an ongoing basis the panel has supported the Infrastructure Projects team to deliver many building-related projects and the contract has delivered all benefits identified in the business case presented to Council.

Due to the success and benefit to the community over the initial contract term it is of benefit to continue using the contract panel to ensure efficient delivery of Council's building renewal and to further support the expedited delivery of capital works projects.

By extending the contract, this enables Council to continue to deliver the Building Renewal program with no gaps in service. The extension will continue the service through the first year of the future maintenance services contract, which is important as the service provided is considered complimentary to the maintenance contracts and ensures a consistent service through the transition.

Approval of the contract extension will not preclude Council exploring an in-house minor works service complimenting the Future Maintenance Services contracts currently under review. Further, under this contract Council is under no obligation to use the panel should it choose to divert funds and resources to programs and services elsewhere.

Options for consideration

The options available are:

Option 1 (not recommended): Do not proceed with contract extension and terminate CN2174 – Building Trades and Specialist Services Contract Panel. This would add substantial pressure along with extensive wait times to deliver community projects that would result in increased costs and a poor community outcome. The timeframe for establishing a new panel is approximately 12 months. The timeframe for tendering each project individually without a panel is between two and five months per project, depending on size.

3.3 (Cont.)

Option 2 (recommended): Extend CN2174 – Building Trades and Specialist Services Contract Panel up to 31 March 2025. This would enable Council to continue to deliver the building renewal program and capital works projects with no gaps in service and in a cost-effective manner.

ENGAGEMENT

Internal consultation has been undertaken with:

- Customer Service
- Infrastructure Projects
- Contracts and Procurement.

External consultation is not applicable to this matter.

COMMUNICATIONS PLAN

Not Applicable. Communication would be undertaken directly with the suppliers involved.

LEGAL AND REGULATORY FRAMEWORK

The recommendation is in accordance with Council's Procurement Policy.

SUSTAINABILITY CONSIDERATIONS

Not applicable. Sustainability considerations will be made on a project-by-project basis according to Council's Environmentally Sustainable Design Policy.

FINANCIAL CONSIDERATIONS

Only programs and projects that have been adopted by Council through the budget process will be delivered through this contractor panel. On average Council spend in the order of four to five million per annum via this panel. Works are generally in the order of \$10,000 to \$100,000 per project.

OFFICER DIRECT OR INDIRECT INTEREST

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

COMMUNITY STRENGTHENING

3.4 Community Investment Funding Policy - Public Exhibition

Prepared By	Tricia Folvig, Team Leader - Community Strengthening; Chris Munro, Manager Community Partnerships
Authorised By	Director - Community Strengthening
Document ID	A11189440
Briefing Note Number	Not applicable
Attachment(s)	1. Draft Community Investment Funding Policy 2. Victorian Auditor-General's Office Report - Local Government Grants

***Addendum Agenda – Updated Report
Circulated Friday 3 June 2022***

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of the Community Investment Funding Policy to go on public exhibition for a period of three weeks. The Policy has been updated to the current Council policy template and reviewed in the context of the key findings and recommendations of the:

1. Internal Audit undertaken by Pitcher Partners January 2022 Report.
2. Key findings of the Community Grants and Subsidies Review.
3. Letters sent in 2021 to recipients of the Shire's Annual Funding Scheme advising the Scheme was to be reviewed.
4. Feedback from Councillors from workshops held on the 27 April and 5 May 2022.
5. Victorian Auditor-General's Office – Fraud Control Over Local Government Grants – May 2022.

Key changes to the Policy include:

1. The Policy Statement.
2. The Policy is underpinned by the principles of:
 - transparency
 - equity and accessibility
 - proportionality
 - good governance

3.4 (Cont.)

- accountability
 - probity.
3. Alignment to the Council and Wellbeing Plan themes:
 - Theme 1: A healthy environment and well-planned townships
 - Theme 2: A robust, innovative and diverse economy
 - Theme 3: A flourishing, healthy and connected community.
 4. Policy Definitions include a definition of: Outcomes, Outputs and Probity.
 5. Removal of Negotiated Grants.
 6. Amendment of contested to competitive as this is better understood by the community and across the sector for grant makers.
 7. Replacement goals and objectives with outcomes and outputs in the definition of 'Grant'.
 8. Community Investment Funding Lifecycle (refer page 8 of the Policy) stages requirements have included 'engage' as well as the replacement of the requirement for a business case with a requirement for a Program Logic
 9. Development of a Framework and Guidelines to support whole of Shire implementation of Grants and Subsidies.
 10. All competitive Grant streams and subsidies open in the new financial year at the same time and close within a 6–8 week period to enable community groups, business and organisations, if successful, time to complete their projects. However, Flexigrants, Youth Development and a new grant stream: Community Events will remain open throughout the year, closing in early June of the financial year to enable Council to be responsive to community needs.
 11. Applications for Grants and Subsidies shall be opened at the commencement of the financial year (subject to budget), assessed, and approved on merit by officer assessment panels against eligibility and application criteria together with reporting and acquittal requirements.

RECOMMENDATION

1. That Council endorses the Community Investment Funding Policy (Policy) (Attachment 1) for public exhibition for a three-week period.
2. That Council supports the Policy, with the inclusion of consideration of community feedback, being re-submitted to the Council Meeting on 12 July 2022 for adoption.
3. That subject to the Community Investment Funding Policy being adopted by Council on 12 July 2022, the Grants be opened for applications on 13 July 2022 for six weeks.
4. That Council notes the 2022/2023 Grants and Subsidies funding will be subject to approval of the Budget on 7 June 2022.

3.4 (Cont.)**COUNCIL DECISION**

Moved: Cr Holland

Seconded: Cr Race

1. That Council endorses the draft Community Investment Funding Policy (Policy) (Attachment 1) for public exhibition for a three-week period.
2. That Council supports the Policy, with the inclusion of consideration of community feedback, being re-submitted to the Council Meeting on 12 July 2022 for adoption.
3. That subject to the draft Community Investment Funding Policy being adopted by Council on 12 July 2022, the Grants be opened for applications on 13 July 2022 for six to eight weeks.
4. That Council notes the 2022/2023 Grants and Subsidies funding will be subject to approval of the Budget on 7 June 2022.

Carried Unanimously

COUNCIL & WELLBEING PLAN

Grants and Subsidies have been aligned to the three themes of the Council and Wellbeing Plan 2021-2025:

- Theme 1: A healthy environment and well-planned townships
- Theme 2: A robust, innovative and diverse economy
- Theme 3: A flourishing, healthy and connected community.

RELEVANT COUNCIL DECISIONS AND POLICIES

- Community Vision 2021-2040
- Council and Wellbeing Plan 2021-2025
- Financial Plan 2021-2031
- Draft Annual Budget 2022/2023
- Governance Rules – August 2022
- Community Engagement Policy – March 2023
- Public Transparency Policy – August 2020.

DISCUSSION**Purpose**

The Community Investment Funding Policy has been updated to the current Council policy template and reviewed in the context of the key findings and recommendations of the:

1. Internal Audit undertaken by Pitcher Partners January 2022 Report.
2. Key findings of the Community Grants and Subsidies Review.

3.4 (Cont.)

3. Letters sent to recipients of the Shire's Annual Funding Scheme advising the Scheme was to be reviewed.
4. Feedback from Councillors from workshops held on the 27 April and 5 May 2022.

Background

The Community Grants and Subsidies Review was undertaken in February 2022, which specifically considered how Grants and Subsidies supported Council's strategic direction through the three themes of the Council and Wellbeing Plan 2021-2025.

The Review adopts the recommendations of the January 2022 Internal Audit Report undertaken by Pitcher Partners into the future operations of Community Grants and Subsidies, through the development of the draft Community Grants and Subsidies Framework and Guidelines. The Framework and Guidelines include a Program Logic template, reference to the Risk Management Framework and a Program Guidelines template for specific Community Grants and Subsidies.

Internal consultation was undertaken with Program Managers and corporate staff.

The Review recommended Grants and Subsidies funding streams for the remainder of this Council term.

Options for consideration

It is recommended the Policy be placed on public exhibition for three-weeks and returned to Council reflecting community feedback on 12 July 2022. Subsequently, it is also recommended that Grants and Subsidies commence for applications immediately after the Policy is adopted to minimise any delay. It should be noted the 2022/2023 subsidies are included in the drafted Budget scheduled to be considered by Council on 7 June 2022.

ENGAGEMENT

Annual Funding Scheme recipients, organisations/community groups and business receiving Council funding for numerous years without a transparent and equitable process have been advised that Council would be reviewing the Budget which would impact on ongoing funding to their organisation/business. Letters sent in 2021 to recipients of the Shire's Annual Funding Scheme advising the Scheme was to be reviewed stated:

Your organisation has previously been provided with funding after the adoption of the annual budget. The 2021-2022 budgeted payment of \$XXXX will be provided however from 2022-2023, requests for financial support will need to be directed to the new funding model. This year's payment gives your organisation time to consider and source other opportunities for funding, in the event the same level of financial support is not available in future years.

The 2021/2022 Grants and Subsidies recipients were advised by email of the Community Investment Funding Policy being on the Council Meeting agenda for 31 May with the opportunity to make comments over a four-week period subject to Council's resolution.

Due to the adjournment of Council Meeting on 31 May to the 7 June it is still recommended to complete the public consultation period within the existing timeframe to ensure Grants and Subsidies commence their availability to the community on the 13 July 2022. Community Information Sessions are scheduled for the week commencing the 24 June to inform the community of Grants and Subsidies that are available in July.

3.4 (Cont.)**COMMUNICATIONS PLAN**

A Communications Plan has been developed for the promotion of Grants opening in the new financial year.

LEGAL AND REGULATORY FRAMEWORK

- *Local Government Act 2020 (Vic)*
- The Commonwealth Grants Rules and Guidelines 2017 (CGRGs)
- Victorian Auditor-General's Office – Fraud Control Over Local Government Grants – May 2022.

SUSTAINABILITY CONSIDERATIONS

Council's Community Investment Funding fosters community involvement in volunteering, community programs, projects and partnerships to build community capacity, strength and resilience. Grants, subsidies and sponsorship impact on all areas of Economic, Social, Culture and Environment and Climate Change.

FINANCIAL CONSIDERATIONS

The 2022/2023 draft Budget includes a total Community Investment Funding Distribution of \$2.658 million.

OFFICER DIRECT OR INDIRECT INTEREST

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

3.5 Local Laws Review

Prepared By	Talana Cook, Team Leader - Community Safety
Authorised By	Director - Community Strengthening
Document ID	A11207014
Briefing Note Number	BN1580 – 10 May 2022
Attachment(s)	1. Community Amenity Local Law 2022 2. Consumption of Liquor Local Law 2022 3. Short Stay Rental Accommodation (Amendment) Local Law 2022 4. Community Impact Statement – Community Amenity Local Law 2022 5. Community Impact Statement – Consumption of Liquor Local Law 2022 6. Community Impact Statement – Short Stay Rental Accommodation (Amendment) Local Law 2022 7. Officer's Report on Open Air Burning Provisions

***Addendum Agenda – Updated Report
Circulated Friday 3 June 2022***

EXECUTIVE SUMMARY

The General Purposes Local Law – 2012 (General Purposes Local Law) and Consumption of Liquor Local Law (Amended) 2017 (Consumption of Liquor Local Law) came into operation in October 2012 and will cease to operate on 5 October 2022. Council is required to adopt new local laws prior to the revocation date.

The Short Stay Rental Accommodation Local Law 2018 came into operation on 17 May 2018 and since its implementation officers have identified certain matters that impact the effectiveness of this local law and that certain amendments are required that will enhance the delivery of its objectives.

The following draft local laws have been developed and is now presented to Council to be released for public submissions:

- Community Amenity Local Law 2022 (Attachment 1)
- Consumption of Liquor Local Law 2022 (Attachment 2)
- Short Stay Rental Accommodation (Amendment) Local Law 2022 (Attachment 3).

RECOMMENDATION

That Council:

1. Receives the proposed Community Amenity Local Law 2022.
2. Receives the proposed Consumption of Liquor Local Law 2022;

3.5 (Cont.)

3. Receives the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022;
4. Authorises commencement of the statutory process for the making of the proposed Community Amenity Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council's website of its intention to make Community Amenity Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Mornington Peninsula Shire's (Shire's) Service Centres and on the Shire's website, and the community engagement process that applies in respect of the making of the local law.
5. Makes a copy of the proposed Community Amenity Local Law 2022 available at the Shire's Service Centres and on the Shire's website.
6. Authorises commencement of the statutory process for the making of the proposed Consumption of Liquor Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council's website of its intention to make Consumption of Liquor Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Shire's Service Centres and on the Shire's website, and the community engagement process that applies in respect of the making of the local law.
7. Makes a copy of the proposed Consumption of Liquor Local Law 2022 available at the Shire's Service Centres and on the Shire's website.
8. Authorises commencement of the statutory process for the making of the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council's website of its intention to make Short Stay Rental Accommodation (Amendment) Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Shire's Service Centres and on the Shire's website, and the community engagement process that applies in respect of the making of the local law.
9. Makes a copy of the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022 available at the Shire's Service Centres and on the Shire's website.
10. Receives the officer's report on Notice of Motion 338 (Attachment 7).
11. Requires officers to undertake a comprehensive review and engagement process in relation to the open air burning provisions of the local law.
12. Require officers to present a draft amendment of the local law for new open air burning provisions by June 2023.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Celi

That Council:

1. **Receives the proposed Community Amenity Local Law 2022.**
2. **Receives the proposed Consumption of Liquor Local Law 2022;**

3.5 (Cont.)

3. **Receives the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022;**
4. **Authorises commencement of the statutory process for the making of the proposed Community Amenity Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council's website of its intention to make Community Amenity Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Mornington Peninsula Shire's (Shire's) Service Centres and on the Shire's website, and the community engagement process that applies in respect of the making of the local law.**
5. **Makes a copy of the proposed Community Amenity Local Law 2022 available at the Shire's Service Centres and on the Shire's website for a period of four weeks.**
6. **Authorises commencement of the statutory process for the making of the proposed Consumption of Liquor Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council's website of its intention to make Consumption of Liquor Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Shire's Service Centres and on the Shire's website, and the community engagement process that applies in respect of the making of the local law.**
7. **Makes a copy of the proposed Consumption of Liquor Local Law 2022 available at the Shire's Service Centres and on the Shire's website for a period of four weeks.**
8. **Authorises commencement of the statutory process for the making of the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council's website of its intention to make Short Stay Rental Accommodation (Amendment) Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Shire's Service Centres and on the Shire's website, and the community engagement process that applies in respect of the making of the local law.**
9. **Makes a copy of the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022 available at the Shire's Service Centres and on the Shire's website for a period of four weeks.**
10. **Receives the officer's report on Notice of Motion 338 (Attachment 7).**
11. **Requires officers to undertake a comprehensive review and engagement process in relation to the open air burning provisions of the local law.**
12. **Require officers to present a draft amendment of the local law for new open air burning provisions by June 2023.**

3.5 (Cont.)

AMENDMENT**Moved: Cr Bissinger****Seconded: Cr Holland****Amendment to clause 1****That Council:**

- 1. Receives the proposed Community Amenity Local Law 2022 with the following amendments:**
 - A. Clause 16 (2) be amended to read ‘...not more than six months in any 12-month period...’**
 - B. Clause 50(3) be deleted**

That the amendment be voted on in parts.

That Council:

- 1. Receives the proposed Community Amenity Local Law 2022 with the following amendments:**
 - A. Clause 16 (2) be amended to read ‘...not more than six months in any 12-month period...’**

Vote by Division (Requested by Cr Bissinger)**For: Cr Holland, Cr Dixon, Cr Bissinger, Cr Race and Cr Marsh****Against: Cr Gill, Cr O'Connor, Cr Mercurio, Cr Mar and Cr Celi****Tied****Carried on the casting vote of the chair****That Council:**

- 1. Receives the proposed Community Amenity Local Law 2022 with the following amendments:**
 - B. Clause 50(3) be deleted**

Vote by Division (Requested by Cr Bissinger)**For: Cr Bissinger****Against: Cr Gill, Cr Holland, Cr O'Connor, Cr Mercurio, Cr Dixon, Cr Race, Cr Mar, Cr Celi and Cr Marsh****Lost****The Substantive Motion was then put and carried**

3.5 (Cont.)

For Clarity the Council Decision is repeated below

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Celi

That Council:

1. Receives the proposed Community Amenity Local Law 2022 with the following amendments:
 - A. Clause 16 (2) be amended to read ‘ not more than six months in any 12-month period...’
2. Receives the proposed Consumption of Liquor Local Law 2022;
3. Receives the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022;
4. Authorises commencement of the statutory process for the making of the proposed Community Amenity Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council’s website of its intention to make Community Amenity Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Mornington Peninsula Shire’s (Shire’s) Service Centres and on the Shire’s website, and the community engagement process that applies in respect of the making of the local law.
5. Makes a copy of the proposed Community Amenity Local Law 2022 available at the Shire’s Service Centres and on the Shire’s website for a period of four weeks.
6. Authorises commencement of the statutory process for the making of the proposed Consumption of Liquor Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council’s website of its intention to make Consumption of Liquor Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Shire’s Service Centres and on the Shire’s website, and the community engagement process that applies in respect of the making of the local law.
7. Makes a copy of the proposed Consumption of Liquor Local Law 2022 available at the Shire’s Service Centres and on the Shire’s website for a period of four weeks..
8. Authorises commencement of the statutory process for the making of the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022, in accordance with the *Local Government Act 2020* by giving public notice in a local newspaper and on Council’s website of its intention to make Short Stay Rental Accommodation (Amendment) Local Law 2022, stating the objectives and intended effect of the proposed local law, and that a copy of the proposed local law is available for inspection at the Shire’s Service Centres and on the Shire’s website, and the community engagement process that applies in respect of the making of the local law.

3.5 (Cont.)

9. **Makes a copy of the proposed Short Stay Rental Accommodation (Amendment) Local Law 2022 available at the Shire's Service Centres and on the Shire's website for a period of four weeks..**
10. **Receives the officer's report on Notice of Motion 338 (Attachment 7).**
11. **Requires officers to undertake a comprehensive review and engagement process in relation to the open air burning provisions of the local law.**
12. **Require officers to present a draft amendment of the local law for new open air burning provisions by June 2023.**

Carried

PROCEDURAL MOTION

Moved: Cr Dixon
Seconded: Cr Mercurio

That the items listed at 7.1 and 7.2 on the agenda be considered after item 3.5.

Carried

COUNCIL & WELLBEING PLAN

Council's local laws provide for the peace, order and good government of the municipality and support Theme 3: A flourishing, healthy and connected community of the Council and Wellbeing Plan 2021-2025.

RELEVANT COUNCIL DECISIONS AND POLICIES

In accordance with section 73(2) of the *Local Government Act 2020* (the Act) Council must make a local law in accordance with its Community Engagement Policy.

DISCUSSION**Purpose**

The purpose of this report is to present Council with draft local laws to be released for public submissions in accordance with the Act.

Background

Both the General Purposes Local Law and the Consumption of Liquor Local Law will cease to operate on 5 October 2022 and Council is required to adopt new local laws prior to the revocation date.

Since the implementation of the Short Stay Rental Accommodation Local Law in 2018 officers have identified certain matters that impact the effectiveness of this local law and that certain amendments are required that will enhance the delivery of its objectives.

An officer steering committee was formed to oversee the review of the General Purposes Local Law and Consumption of Liquor Local Law which also provided an ideal opportunity to include a review of the Short Stay Rental Accommodation Local Law to consider improvements. A number of councillor workshops occurred to gather feedback and input about each local law.

3.5 (Cont.)**Legislative requirements**

The Act sets out the procedure for Council to follow in the review of its local laws and the Department of Planning and Community Development Guidelines for Local Laws Manual sets out these procedures in further detail.

These provisions also place restrictions on what Council may or may not include in its local laws, for example local laws must not overlap, duplicate, conflict with or be inconsistent with existing legislative provisions or Planning Schemes.

This means that matters covered by State legislation, including the *Domestic Animals Act*, *Tobacco Act*, *Road Safety Act*, *Building Act*, *Summary Offences Act*, *Food Act*, *Environment Protection Act* and *Planning and Environment Act* etc. cannot be repeated or contradicted or added in a local law provision.

Preparation of drafts

Consultation was conducted with both internal and external stakeholders during 2021 with input sought on the local law review. Details of the consultation process are set out in the Engagement section of this report.

Feedback received via a community survey, as well as from internal and external stakeholders and Councillors, was considered and utilised to prepare the draft local laws.

The drafts were provided to internal stakeholders and their feedback invited. A further workshop was conducted with Councillors on 17 March 2022 where the proposed draft local laws were discussed in detail, together with a comparative analysis between the current local laws and proposed drafts.

Where appropriate, amendments were made based on the feedback received from Councillors.

Subsequent to the Councillor workshop, the amended draft local laws were reviewed by external lawyers who have suggested some minor amendments to wording. These amendments have been implemented.

Analysis of draft local laws***Community Amenity Local Law 2022***

Generally:

- The substance of the existing General Purposes Local Law has been retained (except where clauses were no longer needed or where there was a legal flaw to continue regulation).
- The title of the local law has been changed to better reflect the intent of the majority of provisions contained within it.
- Language and structure have been simplified and a number of definitions clarified or amended to align with State legislation.
- Like clauses have been grouped together and certain clauses separated (e.g. camping on private land and Council land and use of recreational vehicles on private land and in a public place) to make the local law easier to understand.
- References to legislation have been updated.

3.5 (Cont.)

- Part 7 of the General Purposes Local Law that deals with open air burning, incinerators and chimneys has not been reviewed as part of the current process. Officers have committed to conducting a separate review of these provisions in 2022/2023 (see Attachment 7 in response to Notice of Motion 338).

Specifically:

- The list of things that may cause land to be unsightly has been expanded to include disused excavations, incomplete building works, litter and waste, scrap materials, derelict vehicles and machinery, unregistered vehicles and graffiti – see Clause 9(2) of Attachment 1.
- A clause that deals with installation and maintenance of electric fencing adjacent to a public place has been included in the Dangerous Land provisions – see Clause 11(4) of Attachment 1.
- The period a person may camp on private land where there is an existing dwelling has been shortened from a cumulative period of 6 months in any 12 months, to a cumulative period of 1 month in any 12 months. This change ensures that the safety risk (e.g. electricity/sanitation) is better managed whilst still allowing visitors to camp without any issue. Camping in excess of 1 month will require a permit – see Clause 16 of Attachment 1.
- A clause has been introduced providing Council or an Authorised Officer the ability to exempt a person or class of persons from the provisions relating to camping on a road or Council land. This can be applied in situations where homelessness is an issue – see Clause 50(3) of Attachment 1.
- A new clause to address management of on-site wastewater management systems has been included – see Clause 18 of Attachment 1.
- A new clause to address nuisance lighting has been included – see Clause 20 of Attachment 1.
- A new clause requiring a person who sells or gives away a dog or cat to provide details of the dog or cat and new owner to Council within 7 days has been included – see Clause 22(2) of Attachment 1.
- A new clause requiring an occupier of land on which an animal is kept to ensure that any structure used for housing of that animal is not attached to, or within one (1) metre of, a fence or other structure designed to separate neighbouring land has been included - see Clause 23(2)(b) of Attachment 1.
- A new clause to address feeding of uncaged animals (e.g., uncaged birds) which causes a nuisance has been included - see Clause 26 of Attachment 1.
- Waste:
 - A requirement:
 - for waste to be deposited only in a designated approved household waste bin to prevent contamination has been included – see Clause 40(2)(a) of Attachment 1.
 - for household waste not to be deposited in street litter bins has been included – see Clause 40(2)(h) of Attachment 1.

3.5 (Cont.)

- to not place an approved household waste bin out more than one day before the collection day or leave the approved household waste bin out beyond the end of the day after the collection day has been included – see Clause 40(2)(e) of Attachment 1.
 - for trade waste not to be deposited in approved household waste bins or street litter bins has been included – see Clause 43(5) of Attachment 1.
- Undesirable behaviour on Council land and roads have been expanded – see Clause 44 of Attachment 1.
- A new clause determining access to a municipal place has been included to manage inappropriate behaviour in Council buildings – see Clause 45 of Attachment 1.
- A new clause requiring compliance with a Council sign has been included – see Clause 48 of Attachment 1.
- A new clause providing the ability to attribute specific usage conditions for reserves or beaches has been included – see Clause 49 of Attachment 1.
- A new clause prohibiting the storage of abandoned, derelict or unregistered vehicles on Council land has been included – see Clause 54 of Attachment 1.
- A new clause prohibiting participation in or attendance at a hoon event has been included – see Clause 57 of Attachment 1.
- A new clause has been included requiring the person who places a clothing recycling bin on a road to ensure that items remain inside the confines of the bin – see Clause 61(3) of Attachment 1.
- A new clause has been included prohibiting the individual who uses a shopping trolley from leaving it on a road or Council land – see Clause 63(1) of Attachment 1.
- A new clause has been included requiring a permit for filming for commercial purposes on Council land or a road – see Clause 67 of Attachment 1.
- A new clause expanding the responsibility for spoil on roads to the occupier of the land or the person in charge of the building works site, if the operator of the vehicle cannot be found, has been included – see Clause 74(3) of Attachment 1.
- A new clause addressing occupation of roads, primarily in relation to building sites, has been included – see Clause 76 of Attachment 1.
- The offences and penalties clause has been redrafted to reflect new provisions of the Act – see Clause 83 of Attachment 1.
- A new clause addressing offences by corporations has been introduced – see Clause 84 of Attachment 1.
- A new operator onus offence clause has been introduced to address situations where it is impracticable to charge the operator of a motor vehicle with an offence, or where the operator cannot be found – see Clause 85 of Attachment 1.
- Infringement notice penalty units have been updated in accordance with the Attorney General Guidelines and the Sentencing Act 1991 – see Schedule 1 of Attachment 1.

Consumption of Liquor Local Law 2022

A full review of the Consumption of Liquor Local Law will be conducted in 2023/2024 and as such the substance of the existing local law has been retained, with only minor amendments made as part of the current review process.

These minor amendments include:

- Language and structure have been simplified where appropriate and definitions clarified or amended to align with State legislation.
- Gender neutral language has been applied.
- Like clauses have been grouped together and certain clauses separated.
- Some clauses have been amended to ensure consistency with the new draft Community Safety Local Law e.g., the clauses regulating permits and impounding of things.
- A new averment clause has been included providing that, if an Authorised Officer or a member of Victoria Police avers that any liquid is or may be liquor, the averment is evidence that the liquid is liquor – see Clause 23 of Attachment 2.

Short Stay Rental Accommodation (Amendment) Local Law 2022

Since its implementation in 2018, officers have identified certain matters that impact the effectiveness of the Short Stay Rental Accommodation Local Law. A full review of this local law will be conducted in 2023 and the minor matters identified by officers have been addressed in the Short Stay Rental Accommodation (Amendment) Local Law 2022.

These matters include:

- The words “advertise or accept a rental booking” have been included to disallow advertising or accepting bookings for unregistered properties – see Clause 2.1.1 of Attachment 3.
- A new clause has been included that allows for refusal of registration where a dwelling breaches legislation that impacts safety – see Clause 2.1.3 of Attachment 3.
- A new clause has been included that allows for refusal of registration of tents, caravans and other moveable structures – see Clause 2.1.4 of Attachment 3.
- A new clause has been included requiring display of registration numbers on online advertising platforms – see Clause 2.5.1(d) of Attachment 3.
- New clauses strengthening the ability to cancel registration if an owner is in breach of this local law or code of conduct, or other legislation pertaining to safety has been included – see Clauses 2.6.1(d) and 2.6.1(e) of Attachment 3.
- The rights of appeal provision have been clarified to include refusal, cancelling or issuing of registration – see Clause 2.7.1 of Attachment 3.
- The provisions around the standard of management of dwellings have been enhanced to ensure currency of owner contact details and response within 2 hours of a complaint – see Clauses 3.1.4 to 3.1.6 of Attachment 3.

3.5 (Cont.)

- A breach of the local law has been expanded to include a breach of the Code of Conduct – see Clause 4.2 of Attachment 3.

ENGAGEMENT

Initial consultation was conducted with internal and external stakeholders that informed the preparation of the draft local laws.

Initial internal consultation

Consultation with internal stakeholders was conducted in July 2021 with input on the local law review sought from Mornington Peninsula Shire officers such as the Shire's Property, Foreshore Camping, Community Safety, Environmental Health, Planning Compliance, Asset Protection, Events, Waste Services, Climate Change and Emergency Management teams.

A targeted workshop with Councillors was conducted on 4 October 2021 where the review process was discussed in depth and Councillor feedback sought on specific issues to be addressed in the local laws. A proposal was also made to exclude the open-air burning provisions from the review of the General Purposes Local Law with an undertaking by officers to review these provisions separately in 2022/2023. Officers also committed to conducting a full review of the Consumption of Liquor Local Law in 2023/2024 with only minor amendments being made as part of the current review process. Similarly, minor amendments have been made to the Short Stay Rental Accommodation Local Law as part of the current review process, with a full review to be conducted in 2022/2023.

Initial community consultation

Victoria Police provided input on issues such as the consumption of liquor, use of recreational vehicles and hoon driving. South East Water was also consulted on the prevention of pollution associated with poorly maintained septic systems.

Community consultation, based on the feedback received from internal stakeholders, Councillors and Victoria Police, was conducted from 25 October to 19 November 2021. The community had the opportunity to provide feedback on the current local laws and to share ideas on other issues that should be explored as part of the review process. Feedback was sought via an online Have your Say survey where questions could be answered, or submissions made. Hard copies of the survey were also available at the Shire's Service Centres and written submissions could be made by post or email. The consultation was promoted via social media, media release and promotion on the Shire's website.

A total of 26 survey responses were received through the online survey with no hard copy survey forms received. Seven written community submissions were received and collated.

Many of the submissions and responses received, addressed issues that cannot be addressed by a local law such as maintenance of roads and Council land, frequency of waste collection, improvement of infrastructure, fees and charges and parking controls.

In summary, the responses relevant to the local law were as follows:

- Council owned and managed land and roads:
 - Specific areas should be set aside for construction of bike jumps.
 - Fewer signs per business should be allowed on the roads.
 - Parking of oversized vehicles, caravans and boats on residential streets should be restricted.

- Private property:
 - Support clause addressing nuisance caused by excessive lighting.
 - Support proposal that electric fencing be regulated.
 - Support proposal that septic tanks be pumped out every three years.
 - Septic tanks should not be regulated.
 - Shipping containers should not require a permit unless it causes problems.
 - Support proposal that permit is required to place shipping container on residential property.
 - Occupation of caravans on private property should not be regulated.
 - Support reduction of time occupation of caravans on private property is allowed.
- Keeping of animals and birds:
 - Support proposal that feeding of uncaged birds leading to nuisance be prohibited.
 - Animals such as possums should be included.
 - More animals should be allowed to be kept per property.
- Waste disposal:
 - Proposal to specify the time when bins can be put out the night before collection and that bins must be returned to the property within 24 hours of collection not supported.
 - Three days to return bins would be more appropriate.
 - Allow bins to be put out 48 hours prior to collection and 48 hours to return.
 - Support proposal to specify the time when bins can be put out the night before collection and that bins must be returned to the property within 24 hours of collection.
- Open air burning, incinerators and chimneys – noting officers propose these provisions will be reviewed separately in 2022/2023:
 - Open air burning is necessary on rural properties.
 - The time residents on smaller blocks are allowed to burn off should be extended.
 - Properties over two hectares should be able to burn off anytime.
 - Open air burning should be banned.
 - Open air burning in residential areas should be stopped.
 - Effect on health and pollution should be considered.

3.5 (Cont.)

- Alternatives such as mulching is expensive – try to find middle ground such as reducing days and times burning off is allowed.
 - Current restrictions are adequate.
- Noise control:
 - Controls must be enforced.
- Sale of goods, street collections and spruiking:
 - Support current controls.
 - A-frame advertising should be regulated and enforced.
- General comments:
 - Registration of Short Stay Rental Accommodation should be made harder, not easier.
 - Short Stay Rental Accommodation in unit blocks must be banned.

Further consultation

Subsequent to Council's resolution to release the draft local laws (Attachments 1 to 3) for public submissions, a notice of intention to make the local laws will be published in a local newspaper and on Council's website.

This notice will set out:

- the objectives and intended effect of the proposed local laws
- that copies of the proposed local laws are available for inspection at the Shire's Service Centres and on the Shire's website
- the community engagement process that applies.

Community Impact Statements (Attachments 4 to 6) will be released with the draft local laws. Copies of the Community Impact Statements and draft local laws will be available for inspection at the Shire's Service Centres and on the website.

Community feedback will be sought via an online Have your Say survey. The main changes will be summarised, and respondents will have the opportunity to respond to all of the survey questions, or only to the areas relevant to them. They will also have the opportunity to submit submissions online. Hard copies of the survey will be available at the Shire's Service Centres and written submissions can be made by post or email. The consultation process will be promoted via social media, media release and promotion on the Shire's website.

Community submissions will be received from 9 June to 7 July 2022, after which all submissions will be considered to determine if amendments to the draft local laws are required and appropriate.

The draft local laws will also be provided to internal stakeholders to obtain their input.

IMPLEMENTATION

Once community submissions have been considered and the drafts amended where required, the final draft local laws will, as required under the Act, be provided to external lawyers to certify that they are of the opinion that the proposed local laws are consistent with the local law requirements.

It should be noted that, if Council proposes to alter a draft local law after the notice described above has been given, and the alteration will affect the rights or responsibilities of any person, in accordance with the Act, a further community engagement process must be conducted in respect of the proposed alteration.

The certified final draft local laws will be presented to Council for adoption in August 2022.

COMMUNICATIONS PLAN

A communications plan has been developed outlining the consultation process as discussed above.

LEGAL AND REGULATORY FRAMEWORK

The legislative requirements for the making of local laws are discussed on page 3 of this report. **SUSTAINABILITY CONSIDERATIONS**

Not applicable.

FINANCIAL CONSIDERATIONS

There are no financial implications for Council.

OFFICER DIRECT OR INDIRECT INTEREST

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

3.6 Schoolies 2022

Prepared By	Natasha Petkovic-Jeremic, Manager - Community Activation
Authorised By	Director - Community Strengthening
Document ID	A11186733
Briefing Note Number	BN1581 – 10 May 2022
Attachment(s)	Nil

This item was heard after items 7.1 and 7.2

EXECUTIVE SUMMARY

The Shire's Youth Services team has been providing a Wellbeing and Safety Response to Schoolies in Rye since 2009. The number of Schoolies visiting the Southern Peninsula has steadily grown over the last 10 years, with anecdotal information showing the length of stay is between 5-7 days. Prior to 2021, there has been no planned entertainment for young people in the area, despite the growth in numbers and increase in behavioural issues including parties in short stay accommodation,

In 2021, the Shire delivered a 2-day gated event for school leavers on the first weekend of Schoolies visitation. The approach was a collaborative partnership between the Shire's Youth Services and Festivals and Events teams, emergency management and support services, and an external event producer, Hardware Corporation.

The event was considered a success, despite limitations with a short delivery timeline due to Covid-19 restrictions and lack of opportunity to attract sponsorship and funding from other sources.

With only 19 days to produce the festival, numbers were high with nearly 7,000 young people attending the event, with the total net cost to Council of \$189,759. This included the 2-day gated event plus a week-long safety and wellbeing response.

It is proposed that staging an event in 2022 with sufficient lead in time and a longer marketing period will achieve increased ticket sales, identify opportunities for sponsorship and enable collaboration with local businesses, with the aim of reducing the financial burden on the Shire.

To date there is insufficient evidence to determine if "Schoolies" is an event that a commercial producer would be interested in without significant government and service provider support. It is proposed that producing Schoolies 2022 will provide evidence for Council to consider its future direction.

Following a briefing with Council on 13 April 2022 about its preferred direction, officers are seeking endorsement on a proposed Schoolies strategy for 2022 that aims to build on the successes of 2021 and provide an evidence-based report for Council's consideration.

3.6 (Cont.)**RECOMMENDATION**

That Council:

1. Approves Option 2 being 2022 Schoolies event including:
 - A. a two-day ticketed festival on the Rye Foreshore
 - B. a week-long wellbeing and safety response
 - C. a complementary program of smaller-scale events and activities at venues in Rye and surrounds from Monday – Friday,
 - D. exploration of commercial partnership/sponsorship opportunities to generate further sources of income and better support the event.
2. Advocates to the State Government for increased funding to support young people celebrating safely.

PROCEDURAL MOTION

Moved: Cr Dixon
Seconded: Cr Mercurio

That the meeting be reopened to the public.

Carried

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Race

That Council:

1. Approves Option 2 being 2022 Schoolies event including:
 - A. a two-day ticketed festival on the Rye Foreshore
 - B. a week-long wellbeing and safety response
 - C. a complementary program of smaller-scale events and activities at venues in Rye and surrounds from Monday – Friday,
 - D. exploration of commercial partnership/sponsorship opportunities to generate further sources of income and better support the event.
2. Strongly advocates to the State and Federal Government for increased funding to support young people celebrating safely.

Carried Unanimously

COUNCIL & WELLBEING PLAN

The 2022 Schoolies event aligns with Theme 3 of the Council Plan 2021 to 2025 – A flourishing healthy and connected community.

With a view to support local businesses, take a proactive approach to community safety, and inclusively engage a diverse group of school leavers, it reflects strategic objectives

3.6 (Cont.)

3.1 - A healthy and self-determined community where everyone feels valued, supported and safe, and

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

RELEVANT COUNCIL DECISIONS AND POLICIES**Events Policy**

Council's Events Policy:

- Recognises events play an important role in contributing to the achievement of wide-ranging community outcomes and strategic objectives and initiatives of Council
- Informs the delivery of Schoolies 2022, ensuring there is a consistent, sustainable, accountable and transparent approach to the event's administration.

Music Plan 2025

Council's Music Plan seeks to increase live music activity in the Shire to connect the community with a sense of purpose and enjoyment.

DISCUSSION**Purpose**

The purpose of this report is to present a summary of the 2021 Schoolies event and seek Council's endorsement on a preferred direction for 2022.

Background

Schoolies is considered a rite of passage for young people leaving secondary school to come together to celebrate the end of school education.

The number of Schoolies visiting the Southern Peninsula has been steadily increasing over the past 10 years from 300 young people in 2009 to 3500+ young people in 2019 and approx. 7,000 in 2021.

The Shire's Youth Services team has been providing a Wellbeing and Safety Response to Schoolies in Rye since 2009. The number of Schoolies visiting the Southern Peninsula has steadily grown over the last 10 years. Despite this growth and increasing anti-social issues, prior to 2021, there has been no planned entertainment for young people in the area.

In 2021, Victorian state borders were closed, preventing Schoolies from travelling outside the state for their end of year celebrations

With 1000s of young people coming to Rye and no planned entertainment for them, issues have arisen over the years, including anti-social behaviour, assaults, damage to property, increased rubbish on the beach, alcohol & drug use and many unsupervised house parties.

Given the sudden easing of Covid-19 restrictions for the events/live music industry, it was acknowledged that an influx of Schoolies would arrive on the Peninsula with no organised activity. The team had 19 working days to plan, market and deliver the 2021 Schoolies event. Delivered by the combined Youth Services and Festivals and Events teams the event was designed to engage school leavers in a safe and structured environment.

3.6 (Cont.)

Delivery was a two-day ticketed festival on the Rye Foreshore featuring live music and DJs, food trucks, a bar, market stalls and presence from wellbeing and support services. The festival site was constructed to accommodate 5,000 people per day and only open to school leavers between the ages of 17 and 19 (encompassing schoolies from 2020 and 2021 due to COVID19 disruption), to ensure that a safe and enjoyable event was delivered specifically for schoolies. Approximately 7,000 tickets were sold, at an average price of \$36.00.

As many Schoolies remain on the Peninsula during the week, Youth Services continued to provide wellbeing support and service response including transport to ensure safety of young people for the week-long period. 3x 60-seater buses transported ticketholders home at the conclusion of the event. Buses ran from Dromana – Portsea and were active until 3:00am both nights. The Red Frog brigade also ran 4 minibuses to support the wellbeing response.

Impact of the 2021 festival on Schoolies

The two-day festival allowed School Leavers to come together and celebrate in a structured, managed and supported environment. Impacts included:

- Direct feedback from young people indicated they felt like they had attended something special, just for them, and in response they were extremely well behaved both at the festival and during the week.
- Direct economic benefit to hospitality, accommodation and local service providers
- Reduced house parties, car park parties and beach parties
- Reduced amount of young people 'hanging out' at the Pier and foreshore on festival days.
- Reduced strain on emergency services over the event days, in particular Victoria Police
- Increased interactions with DanceWize (alcohol and drug services), Red Frogs and support services, a positive indicator on behaviour and decision making, and
- Reduced presentations at Hospital (by % of population attending)
- The table below highlights Schoolies presentations for medical assistance to Peninsula Health over the past 3 years:

Year	Number of Schoolies	Rosebud No. of Presentations	Frankston No. of Presentations	Total Number Presenting	Percentage
2019	2,900	20	12	32	1.06%
2020	2,500	84	24	108	4.02%
2021	7,000	104	37	141	2.00%

The table highlights that organised activity in 2021 shows a reduced level of medical assistance presentations compared to previous years

The festival also resulted in the commencement of Pathways to delivering on the Arts and Culture Plan (2020 – 2024) and the Music Plan 2025 with performances from local emerging artists.

3.6 (Cont.)**Options for consideration**

The team have briefed Council on two proposed options for 2022 that build on the successes of 2021.

Officers are seeking \$285,000 in the draft 2022-2023 budget with the costs for each proposal outlined further in the report.

Whilst this amount is sought, officers have been conservative in the estimate of ticket sales, calculating revenue on attendance of ticketing income (based on 9,000 tix @ average approximately \$70.88). The site can accommodate 7,000 per day.

In the likelihood of attracting the projected ticket sales, Council's net cost would significantly reduce. Officers are optimistic about increased ticket sales provided marketing commences as early as possible once headline artists for both days have been procured.

The proposed options are outlined below.

Option 1: Total expenditure \$812k. Net cost to Council \$163,080

Key proposed components are similar in scope to 2021 event:

- Two-day ticketed festival on the Rye Foreshore featuring live music and DJs, food trucks, a bar, market stalls and presence from wellbeing and support services – delivery plan similar to 2021, with increased site capacity from 5,000 to 7,000 per day.
- Exploration of commercial partnership/sponsorship opportunities to generate further sources of income and better support the event.
- Increased Youth Services, Red Frogs and DanceWize (alcohol and drug service) response and other emergency services.
- Increased transport to ensure schoolies return home safely, including:
 - Dedicated coach service.
 - Shire-owned mini-buses transporting young people home.
 - Emergency call outs to homes and trips to hospital.

Models are based on ticketing income (based on 9,000 tix @ average \$70.88) sold over two days.

Option 1	\$
Revenue	
Ticketing income (based on 9,000 tix @ average approx. \$70.88)	637,920
Subsidy / Grant from State Government	11,000
Total revenue	648,920
Expenditure	
Two-day gated event delivery	620,000
Cost of wellbeing and safety response (week-long)	70,000
Marketing and Communications	72,000
Transport Plan	50,000

3.6 (Cont.)

Total Expenditure	812,000
Net cost to Council	163,080

Option 2: Complementary Venues program. Total expenditure \$903,000. Net cost to Council \$254,080.

The key proposed components would be the same as Option 1, with the following additions:

Complementary program of smaller-scale events and activities at venues in Rye and surrounds from Monday – Friday in the week following the 2-day event.

Proposed activities events include secret forest cinema, creative workshop and career pathways program, and music program in venues including Rye Bowls Club, Rye Hotel, Ocean Beach Pavilion and Soundbar.

The mid-week engagement strategy is the next step in engaging with Schoolies in the commercial precinct, which is in turn anticipated to contribute to a reduction in unsupervised house parties.

As the event and entertainment options grow to become weeklong, so does the need to match this by providing appropriate wellbeing support to potentially more young people in more locations across the Southern Peninsula. The Youth Services team better equipped with further resources and wellbeing services will be engaged to deliver more services in more locations, commensurate to need.

The rationale behind a complementary, mid-week program is:

- An increase in the wellbeing and safety response throughout the week
- Support for local businesses in delivering safe events that focus on economic development and wellbeing support.
- Further opportunity to ensure schoolies are supervised in age-appropriate environments, resulting in less strain on resources attending house parties
- Meet the goals of increased live music activity as per Music Plan 2024.
- Supporting local creative careers for artists, crew and technical staff.

Option 2	\$
Revenue	
Ticketing income (based on 9,000 tix @ average approx. \$70.88)	637,920
Subsidy / Grant from State Government	11,000
Total revenue	648,920
Expenditure	
Two-day gated event delivery	620,000
Cost of wellbeing and safety response (week-long and support for various sites)	90,000
Complementary Venues program	48,000
Marketing and Communications	72,000
Transport Plan (including additional transport)	73,000
Total Expenditure	903,000

3.6 (Cont.)

Net cost to Council	254,080
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Other Considerations

An alternate option to the in-venue program that has been scoped is producing a weeklong series of events on the foreshore site utilising the existing festival infrastructure.

Initial modelling shows that this option comes with a financial risk of approximately \$80,000 per day in equipment costs, staffing, security, and asset protection, resulting in an overall cost of approximately \$1.2 million to deliver a week-long gated Schoolie's event.

Another option Council may wish to consider is to revert to the Wellbeing and Safety response without holding the two-day event. This increases the risk of anti-social behaviour, assaults, damage to property, increased rubbish on the beach, alcohol & drug use, and the number of unsupervised house parties.

One of the emerging issues is the minimal financial support offered to the shire. The state government provides \$11,000, which has been the same level for several years, despite the growth in Schoolies, and the impact on the local amenity and community.

Strong advocacy is required to attract support commensurate to the growing numbers of young people wishing to celebrate their end of secondary education on the Peninsula.

ENGAGEMENT

The 2021 event was planned in collaboration with emergency and support services. The Shire would once again engage emergency services for a 2022 event, as well as support services from Red Frogs and DanceWize, to deliver a safe program for participants, businesses, and community members.

COMMUNICATIONS PLAN

The team will work with the Advocacy, Communications and Engagement Unit on a suitable Communications plan to market the event to attendees and keep the community informed.

In addition to this engagement, the team will also engage an external communications and marketing team to specifically market this event and the ancillary programming through the existing Peninsula Schoolies assets and further develop the marketing and brand positioning for this event.

LEGAL AND REGULATORY FRAMEWORK

The team will partner with the Legal and Regulatory bodies required to deliver the event.

SUSTAINABILITY CONSIDERATIONS

Whilst no formal evaluation methods were implemented, SpendMapp data for the weekend of the 2021 Schoolie's festival demonstrates higher peak spend and considerably higher than average mid-week spend. This potentially could be attributed to Schoolies spending on dining and entertainment, grocery stores and supermarkets, specialised food retailing and transport.

During the 2021 event there was a total of \$1.39 million spending over the weekend 27 – 28 November. During the same period in 2020 there was a total of \$1.2 million spend, and in the same period in 2019 a total of \$929,000 spend. This suggests a direct economic benefit with a 30% increase in spending in the local Rye economy from 2019 – 2021. Officers plan to build evaluation processes into this year's festival to provide meaningful data for Council's consideration.

3.6 (Cont.)**FINANCIAL CONSIDERATIONS**

The proposed budget for Schoolies 2022 is outlined in the options presented above

Option 1

Total revenue \$648,920

Total expenditure \$812,000

Total net cost to Council: **\$163,080**

Option 2

Total revenue \$648,920

Total costs \$903,000

Total net cost to Council: **\$254,080**

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

3.7 2022-23 Growing Suburbs Fund - Proposed Projects

Prepared By	Nicole Catsicas, Infrastructure Grants Facilitator
Authorised By	Acting Director - Corporate Strategy & Business Improvement
Document ID	A11202285
Briefing Note Number	BN1589 – 24 May 2022
Attachment(s)	1. 2022-23 GSF Program Guidelines 2. 2022-23 GSF Shortlisted Projects

EXECUTIVE SUMMARY

The 2022-23 Growing Suburbs Fund (GSF) is now open. This program is offered by the State Government to support the development and improvement of community infrastructure, and officers are proposing to submit applications for four projects to this round.

A Council resolution is required to accompany submission of potential grant projects along with a priority order of the projects, and if successful, Council will be required to commit funding to support the delivery of the project/s within its Long-term Capital Works Program (LTCWP) from FY23/24.

RECOMMENDATION

That Council:

1. Endorses the following four (4) project applications be submitted to the 2022-23 Growing Suburbs Fund (GSF):
 - A. Community Animal Shelter
 - B. Alexandra Park Pavilion Redevelopment
 - C. Hillview Community Reserve
 - D. New Playground – Olivia Way Hastings
2. Matches the funding of the successful GSF project/s in its Financial Year 2023 and subsequent years' Capital Works Programs according to the agreed GSF funding ratio.

Part B

That Council resolves that Attachment 2 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.

3.7 (Cont.)**COUNCIL DECISION****Moved:** Cr Holland**Seconded:** Cr Celi**That the recommendation be adopted.****Carried Unanimously****PROCEDURAL MOTION****Moved:** Cr Mercurio**Seconded:** Cr Holland**That the meeting time be extended to 10.30pm****Carried****COUNCIL & WELLBEING PLAN***Council and Wellbeing Plan 2021-2025:**Theme 1 – A healthy natural environment and well-planned townships.**Theme 3 – A flourishing, healthy and connected community.***RELEVANT COUNCIL DECISIONS AND POLICIES**

Not applicable.

DISCUSSION**Purpose**

The purpose of this report is to seek a Council resolution on four proposed grant applications to submit to the 2022-23 Growing Suburbs Fund.

Background

The GSF is generally an annual program offered by the State and applications are only open and applicable to Interface and peri-urban Local Government Authorities. Competitive State infrastructure funding opportunities, such as the GSF, represent a vital source of income required to support the delivery of Shire's Capital Works Program.

The GSF provides funding across a range of areas including sport and recreation facilities, social interaction, early education, environment, and civic amenity – provided all projects possess a strong community and multi-purpose flavour.

The grant guidelines and criteria for the 2022-23 GSF are included as Attachment 1 and contain similar requirements as seen in previous rounds:

- Construction commencement within 18 months of announcement;
- Construction completion within 2 years from commencement;
- Program-wide matched funding ratio of \$1:\$1;
- Respond to population growth pressures;

3.7 (Cont.)

- Council resolution and priority order of applications;
- No bundling of smaller projects; and
- No retrospective funding.

Options for consideration

To determine projects for application, potential projects have been shortlisted against a broad range of criteria including:

- The grant criteria and guidelines;
- Alignment with Council adopted projects;
- Project delivery timelines in alignment with required grant timelines; and
- Alignment with Council's current and long-term Capital Works priorities.

Based on the project selection process, several projects have been shortlisted and are included as Attachment 2 to this report. The below projects are proposed for grant preparation and submission to this year's GSF:

Order	Project	Estimated Total Project Cost	Estimated GSF Funding Request	Estimated Council Contribution	Council Budget Category
1	Community Animal Shelter (all 3 stages)	\$5,960,000	\$2,500,000	\$3,460,000	2
2	Alexandra Park Pavilion Redevelopment (External funding of \$3.1M from Federal Government, AFL, and Club)	\$7,100,000	\$2,000,000	\$2,000,000	1
3	Hillview Community Reserve	\$3,500,000	\$2,000,000	\$1,500,000	3
4	New Playground – Olivia Way Hastings	\$480,000	\$240,000	\$240,000	3

Note: the above estimates are subject to change as officers finalise concept plans and confirm more accurate total project costs.

To satisfy the priority order requirement of the GSF program, officers would suggest this be based on total GSF funding requested for each project to maximise the grant funding obtained for Shire.

ENGAGEMENT

Officers have sought initial feedback from GSF program administrators to inform the above selection of projects. As part of the requirements of the GSF, representatives from the Department of Jobs, Precincts and Regions (DJPR) will be conducting site visits for each proposal and will provide more formal feedback which could impact the final list of projects selected for submission.

Internally, officers have discussed the proposed GSF strategy with the Capital Works Steering Committee and with the Executive Leadership Team and received endorsement for the four applications from both groups, pending formal feedback from DJPR.

3.7 (Cont.)**COMMUNICATIONS PLAN**

At this stage of the grants process, the community would be made aware of Council's applications to the GSF through Shire's Quarterly Community Report.

Once the outcome of the GSF is known and released from embargo, successful projects will be celebrated through Ministerial visits, social media, and media releases. Formal Communications Plans are already incorporated within each project's Project Plan, and would be updated with relevant media and event milestones relevant to the scale of the successful project/s.

LEGAL AND REGULATORY FRAMEWORK

Not Applicable

SUSTAINABILITY CONSIDERATIONS

Council's commitment to sustainable practices is demonstrated through the Climate Emergency Declaration of August 2019 and the Climate Emergency Plan, adopted in August 2020. Council Policies and Strategies that guide all grant-funded infrastructure projects include:

- ESD Policy for Council Buildings and Civil Works;
- Carbon Neutral Policy;
- Biodiversity Conservation Plan;
- Beyond Zero Waste Strategy; and
- Integrated Water Management Strategy.

These documents set out guidelines for all Shire projects to achieve objectives relating to energy and water efficiency, sustainable and recycled materials, biodiversity, climate change resilience, waste management, active transport, and other positive environmental outcomes.

FINANCIAL CONSIDERATIONS

In determining endorsement of grant applications, Council will need to consider funding implications to its FY23/24 and subsequent years' Capital Works Programs. Council will be required to progress successful projects to Design Phase almost immediately (noting that Alexandra Park and Hillview Reserve have already been designed) and to commit funds in its current and subsequent Capital Works Programs.

Community Animal Shelter

The Mornington Community Animal Shelter is currently listed as a Category 2 project in the LTCWP and is proposed for initial funding in the FY22/23 Capital Works Plan (CWP). Receiving State funding for this project would realise savings to Council over the life of the entire project of up to \$2.5 million. It does not, however, align with the objectives of the GSF as strongly as other projects. To make this project more attractive to the GSF, officers suggest reducing the GSF: Council funding ratio.

3.7 (Cont.)Alexandra Park Pavilion Redevelopment

This project is an already committed project with \$3.1 million in external funding and \$1.8 million proposed Council funding in FY22/23, and remaining funding in FY23/24. Should this project be successful in this round of GSF, Council would achieve savings of up to \$2 million over the life of the project. This project was not scored highly in the last GSF round due to pending planning approvals. Now, however, in terms of readiness, this project could score highly with construction commencement anticipated shortly after the State Election, and officers suggest it is worth trying again.

Hillview Community Reserve

The Hillview playground, all-access car park, and connecting loop pathway is a very strong project across all GSF criteria. Consequently, it is likely that this project may win funding despite it being ranked as Council's third priority. The project is currently listed as a Category 3 project and is not proposed to receive Council funding in the FY22/23 CWP. The project, if successful, would need to be brought forward as a Category 1 in the LTCWP. For these reasons, officers are proposing to request an increased GSF: Council funding ratio.

New Playground - Olivia Way Hastings

We have learned from the last round of the GSF that there was a small amount of funding remaining and not enough small projects submitted across the program to which this could be allocated. For this reason, officers propose to submit one low-cost project to this round. This project is assumed to be too low of an ask for the GSF to fund in isolation, but low enough that should there be any extra funds, Council might be able to secure a second small project. Olivia Way Hastings New Playground is also a Category 3 project and therefore has no proposed Council funding for FY22/23. Should it be successful in the GSF, it would need to be brought forward as a Category 1 in the LTCWP.

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

4.1 (Cont.)

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

4.1 (Cont.)

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

Mornington Peninsula Koala Conservation Group (Cr Mar)

Cr Mar advised the group is well positioned with funding to meet the tree planting schedule for 2022 and printing of educational literature and discussions for this year. Grants and funding was provided by Landcare, Shire Climate Change Grant, Australian Wildlife Society, One Tree Planted, Bendigo Bank Balnarring and Warranbrooke.

With the expansion of membership numbers and the demands placed on volunteers who have full time work, the group decided to hire a casual paid staff member to take on the role of administration. The successful applicant was chosen from an interview process advertised online and other media platforms.

Other planning applications being followed through by the Koala Conservation group include Pearcedale Temple, Puntty Lane, Flinders, Save Reg's Wedge and the releasing of Kangaroos on a Cape Schanck property.

For the weeks leading up to this meeting, it was confirmed that one koala was hit in Crib Point and survived under the care of Jenny Bryant. Jenny currently has two koalas in her care and anticipates an increase over winter.

Koala scat collection finished at the end of May with just over 90 samples. The extended search will include Bass Coast hoping to find at least 40 scat samples. All successful pieces of scat will be frozen and DNA analysed via genetic Software to detect the sex, any disease present and ancestral origins.

5 NOTICES OF MOTION

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

5.1 Notice of Motion 344 (Cr Gill)

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

1. *That the budgeted amount to address the unsafe erosion and spillage of gravel onto Wood Street, Flinders be undertaken as soon as possible.*
2. *That the proposed and budgeted revegetation project on this section of Patterson Grove progress.*

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

OFFICER COMMENT

Council allocated \$30,000 in the 2021/2022 Budget to the ‘Patterson Grove, Flinders Road/Vegetation Project – community consultation, road and landscape design’. This was in response to a community submission which sought revegetation of the east-west section of Patterson Grove verges as compensation for the loss of trees, shrubs and habitat due to nearby housing developments and to control erosion of Wood Street.

Before a landscape design could be undertaken, the status of the east-west section of Patterson Grove had to be determined. This section of Patterson Grove is not sealed and is not a gazetted road. This means Council does not have a legal obligation to maintain or upgrade the road and has not historically maintained it.

An informal track has developed over time, and it is currently being used as an earth 4WD track. Erosion of the track is resulting in gravel and soil being deposited on Wood Street.

Officers considered three options:

1. Close the track formally and re-vegetate. Depending on the design and whether additional drainage was included, this may help mitigate the identified erosion issues.
2. Gazette the road (make it a formal road). Design and construct to an appropriate road standard. Initial cost estimates for this are in the range of \$200,000 plus. This would address the identified erosion issues but would need to be delivered through a Special Charge Scheme, paid for by property owners.
3. Retain the existing track, recognising that Council does not maintain it and undertake some re-vegetation in locations where it will not impact on site distances or hinder any future road upgrades. This will not address the identified erosion issues.

Informal consultation with key stakeholders has occurred. It is evident from this that there are mixed views within the community, with some wanting the track closed and others wanting it to remain open.

Given the available budget, officers are proceeding with Option 3. The next step is to consult with the community on what type of native plants will be planted and when.

5.1 (Cont.)

Legal Implications

None.

Financial and Resourcing Implications

There is \$30,000 allocated in this year's budget for this project.

Potential Alternative Wording

None.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr O'Connor

1. That the budgeted amount to address the unsafe erosion and spillage of gravel onto Wood Street, Flinders be undertaken as soon as possible.
2. That the proposed and budgeted revegetation project on this section of Patterson Grove progress.

Carried Unanimously

5.2 Notice of Motion 345 (Cr Gill)

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

That Council officers bring a report to Council for consideration regarding a local campaign to highlight the dangers of young children and animals being left in cars, particularly in hot weather.

Officer Comment Prepared by	Kate Hills and Kelly Wilson, Team Leaders – Community Wellbeing and Sue Murray, Team Leader – Child and Family Health
Authorised by	Director – Community Strengthening

OFFICER COMMENT

Officers will bring a report to Council regarding the opportunity for a local campaign as it fits within Theme Three of the Council and Wellbeing Plan 2021-2025 ('A Flourishing Healthy and Connected Community') which aims to enable "an inclusive and creative community that values safety, physical and mental health and wellbeing".

The Mornington Peninsula Shire is committed to promoting and protecting the health, safety and wellbeing of children, adults, and animals.

Every year in Australia, over 5,000 children are rescued after being left unattended in a car. Between 1 September 2017 and 31 August 2018, Ambulance Victoria responded to 1,587 callouts for people locked in cars across Victoria, with the vast majority being cases involving toddlers and babies.

On a typical Australian summer day, the temperature inside a parked car can be 20 degrees Celsius to 30 degrees Celsius hotter than the outside temperature. The temperature inside a car can reach dangerous levels quickly; 75% of the temperature rise occurs within the first five minutes of closing and leaving the car. Young children are more sensitive to heat than older children or adults as their body temperature can rise 3 to 5 times faster. This puts them at greater risk of heatstroke and other health risks as their body temperature reaches dangerous levels much sooner.

Officers have yet been unable to source the number of animals that die each year in Australia from being left in a hot car.

Animal Welfare Victoria developed the *Prevention of Cruelty to Animals Act 1986* (POCTA) Regulations 2019 to replace the expiring POCTA Regulations 2008.

The POCTA Regulations 2019 make improvements on important animal welfare issues including new requirements for:

- Animals left unattended in motor vehicles when the temperature is at, or exceeds, 28 degrees Celsius [Regulation 6(2)].
- Dogs secured to metal trays when the temperature is at, or exceeds, 28 degrees Celsius require access to an area insulated from the hot metal surface. [Regulation 6(4)].

Animal Welfare Victoria states that even with the windows open, a parked car can quickly become a furnace. Pets can get heat stroke, brain damage, or die in as little as four to six minutes, even on a mild day when the car is in the shade and has the windows down.

5.2 (Cont.)

Animals can sustain brain damage or even die from heatstroke in just 15 minutes. Beating the heat is extra tough for dogs because they can only cool themselves by panting.

Legal Implications

Under the Victorian *Children, Youth and Families Act 2005*, it is an offence for a person responsible for a child to leave the child unattended for any longer than is reasonable, without making appropriate arrangements for the child's supervision and care. The penalties for leaving a child unattended in a car in Victoria include a fine (currently \$4030); or a maximum of 6 months imprisonment; or both. This law is enforced by Victoria Police.

The POCTA Act and Regulations include several mandatory requirements for travelling with dogs in or on a vehicle: it is an offence to secure a dog on the metal tray of a ute or trailer when outside temperatures are at or above 28 degrees Celsius without the dog having access to an area of insulating material protecting the dog from contact with the metal surface.

It is also an offence to leave an animal unattended inside a vehicle for more than 10 minutes when the outside temperature is 28 degrees Celsius or above. Drivers face a fine of \$3,304.40. This law is enforced by Victoria Police.

Financial and Resourcing Implications

To be determined as part of a report to Council depending on the preferred local campaign.

Potential Alternative Wording

None.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Mar

That Council officers bring a report to Council for consideration regarding a local campaign to highlight the dangers of young children and animals being left in cars, particularly in hot weather.

Carried

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

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 CN2573 - Corporate Systems Replacement Tender

This matter is considered to be confidential under section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains information in relation to 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 Contract Review

This matter is considered to be confidential under section 3 (1) (f) of the *Local Government Act 2020* as it contains information in relation to personal information.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Mercurio

That the recommendation be adopted.

Carried

7.2 Contract Review

COUNCIL DECISION

Moved: Cr Holland

Seconded: Cr Race

That Council adopts:

Option A

- 1. That Council resolves to re-appoint the Chief Executive Officer under a new Contract of Employment for a term of four years.**
- 2. That the Chief Executive Officer Remuneration and Employment Committee review and endorse the contract terms before it is negotiated between the Mayor and Chief Executive Officer.**
- 3. That the Contract Terms be negotiated between the Mayor and Chief Executive Officer, and the final contract be endorsed by the Chief Executive Officer Remuneration and Employment Committee and approved by Council.**
- 4. That the negotiations be finalised by 8 November 2022.**
- 5. That Council adopts the Chief Executive Officer Reappointment and Recruitment Protocol (Attachment 2) that governs the recruitment and reappointment process.**
- 6. That Council resolves that this report and Attachments 1 and 2 to this report be retained as confidential items pursuant to section 3 (1) (f) of the *Local Government Act 2020* as they contain information in relation to personal information.**
- 7. That Council resolves that the Council decision is not confidential pursuant to section 3 (1) of the *Local Government Act 2020*.**

Carried Unanimously

8 MEETING CLOSE

As there was no further business, the meeting closed at 10.03pm

Confirmed this 12th day of July

.....
Mayor, Cr Anthony Marsh, Chairperson - Council