



**MORNINGTON  
PENINSULA**  
*Shire*

**AGENDA**

**COUNCIL MEETING**

**TUESDAY, 21 FEBRUARY 2023**

**6.30PM**

**MOUNT ELIZA COMMUNITY HALL  
90-100 CANADIAN BAY ROAD, MOUNT ELIZA**

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

<b>Briars</b>	<b>Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor</b>
<b>Cerberus</b>	<b>Cr Lisa Dixon</b>
<b>Nepean</b>	<b>Cr Susan Bissinger Cr Sarah Race</b>
<b>Red Hill</b>	<b>Cr David Gill</b>
<b>Seawinds</b>	<b>Cr Simon Brooks Cr Antonella Celi Cr Debra Mar</b>
<b>Watson</b>	<b>Vacant</b>

**SENIOR LEADERSHIP TEAM**

<b>Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh</b>	<b>Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure</b>
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**RECORDING**

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

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

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# 1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Steve Holland

## 1.1 Acknowledgement of Country

To be read by Cr Celi

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

## **2 PROCEDURAL MATTERS**

2.1 Apologies

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

2.3 Confirmation of Minutes

### **RECOMMENDATION**

That the Minutes of previous Council Meeting held on 7 February 2023, be confirmed.

**2.4 Presentations**

Letters of Appreciation will be presented to retiring Councillors and outgoing Members for Nepean and Hastings.

**2.5 Councillor Briefing Sessions**

Councillor Briefing Sessions – 31 January 2023

**RECOMMENDATION**

**That Council receives and notes the record of Councillor Briefing Sessions for 31 January 2023.**

**2.6 Council Decision Register**

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

**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 2019-2023 Decision Registers (Attachments 1-5) as at 10 February 2023.

**RECOMMENDATION**

**That Council receives and notes the Decision Register Summaries for 2019-2022 (Attachments 1-5) as at 10 February 2023.**

**2.7 Public Question Time**

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

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

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

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

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

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

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

### 3 MANAGEMENT REPORTS

#### OFFICE OF THE CEO

##### 3.1 Quarterly Community Report October - December 2022

Prepared By	Adam Wenczel, Innovation and Organisational Performance Officer; Jackie Thorne, Senior Research Facilitator; Caitlin Hynes, Acting - Innovation and Organisational Performance Officer
Authorised By	Director - Corporate Strategy and Business Improvement
Document ID	A11706626
Briefing Note Number	BN1685 – 31 January 2023
Attachment(s)	1. Quarterly Community Report October - December 2022

#### EXECUTIVE SUMMARY

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

#### RECOMMENDATION

**That the Quarterly Community Report October – December 2022 (Attachment 1) be received and noted.**

#### COUNCIL & WELLBEING PLAN

The Quarterly Community Report outlines progress against each of the Council and Wellbeing Plan's Strategic Objectives for the second quarter of 2022-23.

#### RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

#### DISCUSSION

##### Purpose

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

##### Background

The Quarterly Community Report outlines progress against each of the Council and Wellbeing Plan's Strategic Objectives and includes Service Highlights related to the three themes. The report also includes sections on community engagement, highlighting some fast facts on how the community has engaged with the Mornington Peninsula Shire (the Shire) and the various 'have your say' activities for the quarter, as well as Key Achievements of the

**3.1 (Cont.)**

Climate Emergency Plan and updates on major projects, including Capital Works. Presentation of the Quarterly Community Report ensures compliance with section 97 of the Act in relation to budget reporting. Financial commentary is provided in the summary Finance Report at an organisational level in a Standard Financial Statements format. There is also financial commentary included regarding the status of key priority projects and capital works.

**Council & Wellbeing Plan Highlights**

The activities outlined in October – December 2022 Quarterly Community Report demonstrate the ways in which Council has not only sought to deliver on our Council and Wellbeing Plan 2021 – 2025 but maintained its focus on our community. Highlights over the quarter include:

- Awarding a total of \$86,486 to 15 community-led initiatives in Round 3 of our Climate Action Grants Program.
- Providing \$25,000 worth of grants for business improvements for people with disabilities.
- Awarding \$128,135 in business development grants to 27 businesses from 82 applications.
- The Baxter to Somerville section of our Peninsula Trail has progressed through detailed design and authority approvals.
- Tenders were released for the Roads Corridor Maintenance and Tree Management packages, as part of our newly reshaped maintenance services delivery model.
- The Dirt Jumps Pilot Program saw 60 young people engaged over a 3-week program.
- 2022 Peninsula Schoolies attendees reached 3,550.
- We increased our Food Organics Green Organics (FOGO) kerbside collection into 50,000 homes.
- Celebrating World Older Persons Day on 1 October 2022. The Seniors Festival began on this day, with approximately 150 people attending.
- Celebrating 16 Days of Activism from 25 November – 10 December 2022, encouraging people to wear orange as it symbolises a world free from violence against women and girls.
- 318,581 Recreation and Aquatic visitations, 2,719 Learn to Swim enrolments and 10,674 rounds of golf played.
- Partnering with and supporting the local Suicide Prevention Network Chasing Change.

**Finance**

- Cash position remains strong at \$112.6 million (M) driven by Capital Works Carry Forward from prior year.
- Net Operating income of \$126.1M year to date (YTD).
- YTD spent on Capital works projects is \$18.1M (net \$14.4M).
- \$70.6M invested in term deposits, \$33.6M held in at call account. The average investment rate during the second quarter was 3.8%.

**3.1 (Cont.)**

- YTD interest income is \$1.5M which is ahead of forecast by \$1.36M.
- Loan serving YTD of \$2.0M has brought down total borrowings to \$37.6M, with a weighted average interest rate of 2.7%.
- Employment costs down 3% on forecast due to vacancies.
- Materials and Services spend is 44% of full year forecast.

**Options for consideration**

Not applicable.

**ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

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

**LEGAL AND REGULATORY FRAMEWORK**

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

**SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**CONFLICTS OF INTEREST**

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

### 3.2 Letters Under Seal - 2023 Australian Honours Recipients - Awarded on Australia Day

Prepared By	Christine Aslanidis, Team Leader Governance and Legal Support
Authorised By	Chief Executive Officer
Document ID	A11856293
Briefing Note Number	Nil
Attachment(s)	Nil

#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement for the sealing of the documents described in the below schedule.

Schedule	
Sealing No.	Document Description
05/23	Congratulations and recognition letters to Mornington Peninsula residents who received Australian Honours on Australia Day 2023

#### RECOMMENDATION

**That the Common Seal of the Mornington Peninsula Shire be affixed to the documents described in the schedule of this report.**

#### COUNCIL & WELLBEING PLAN

This report aligns with theme three of the Council and Wellbeing Plan: A flourishing, healthy and connected community.

#### RELEVANT COUNCIL DECISIONS AND POLICIES

Acknowledgement of Special Events or Achievements of Citizens, Councillors and Council Officers Policy

#### DISCUSSION

##### Background

Australia honours its citizens who have made outstanding achievements and contributions to our society.

Australia's distinctive honours system began in 1975 with the creation of the Order of Australia to recognise service to the nation or humanity, as well as the Australian Bravery Decorations and the National Medal. Since then, Australia has created additional awards to recognise additional areas of service valued by Australians.

Australian honours are unique in that they were designed for the community to make a nomination. The Australian honours system is free of patronage or political influence. Anyone can nominate an Australian citizen for an honour.

**3.2 (Cont.)**

On Australia Day 2023, the following eleven residents of the Mornington Peninsula were announced on the Australian Honours List:

- Professor Michael Claude Berndt AO of Mount Eliza has been appointed an Officer of the Order of Australia for distinguished service to medical research in the field of haematology, to tertiary education, and to the promotion of science.
- Mr Thomas Michael Mollenkopf AO of Shoreham has been appointed an Officer of the Order of Australia for distinguished service to business, particularly through the essential services industry, and to the community.
- Ms Dominique Gayle Fisher AM of Shoreham has been appointed a Member of the Order of Australia for significant service in a range of roles and organisations.
- Mr Ian Henry Riseley OAM AM of Moorooduc has been appointed a Member of the Order of Australia for significant service to Rotary International in executive roles.
- Emeritus Professor Paul Gerard McMenamin AM of Mount Eliza has been appointed a Member of the Order of Australia for significant service to tertiary medical education.
- The late Emeritus Professor Peter John Noonan AM formerly of Red Hill has been appointed a Member of the Order of Australia for significant service to education in a range of roles.
- Ms Marion Jane Webster OAM AM of St Andrew Beach has been appointed a Member of the Order of Australia for significant service to the community, to the philanthropic sector, and to women.
- Mrs Jean Margaret Gilbert OAM of Mount Eliza has been awarded the Medal of the Order of Australia for service to the community through a range of organisations.
- Mr Alan Graham Johnstone OAM of Portsea has been awarded the Medal of the Order of Australia for service to the community through charitable organisations.
- Mrs Marie Anne Lee OAM of Rosebud has been awarded the Medal of the Order of Australia for service to the community through charitable organisations.
- Mrs Julie Anne Saunders OAM of Crib Point has been awarded the Medal of the Order of Australia for service to the community of Crib Point.

In recognition of their achievements, Mornington Peninsula Shire Council will issue a letter under its seal to the 2023 Australia Day, Australian Honours recipients. The recipients will also be invited to a civic reception to be held later this year.

**Options for consideration**

Not applicable.

**ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

Not applicable.

**3.2 (Cont.)**

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**CONFLICTS OF INTEREST**

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

**3.3 2022/2023 Mid-Year Reforecast**

Prepared By	Mark Schubert, Manager - Finance
Authorised By	Chief Financial Officer
Document ID	A11871258
Briefing Note Number	BN1687 – 14 February 2023
Attachment(s)	1. 2022/2023 Mid-Year Reforecast

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**EXECUTIVE SUMMARY**

This report is to provide Council with the detail of the mid-year reforecast process and changes proposed to the Full Year Approved Forecast.

**RECOMMENDATION****That Council:**

- 1. Receives the report '2022/2023 Mid-Year Reforecast' as shown in Attachment 1 and approves the changes to the Full Year Approved Forecast.**
- 2. Surplus funds identified are carried forward into the FY24 Budget deliberations.**

**COUNCIL & WELLBEING PLAN**

The Budget and Reforecast 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.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

Not applicable.

**DISCUSSION****Purpose**

The mid-year reforecast involves a detailed examination of all operating, capital works and operating projects budget items, year to date income/expenditure and forecast income/expenditure for January to June 2023. This review was undertaken by Finance in consultation with teams/units across the organisation, along with the Program and Project Management Office for Capital Works and Operating Projects. The focus of the review was to identify permanent differences between year-to-date results and forecast income/expenditure against the 2022/2023 Adopted Budget.

**3.3 (Cont.)**

The primary objective is to ensure that we deliver a balanced budget.

Through this process a number of opportunities were identified leading to surplus funds, however they are a non-recurring nature. Cost escalations were also identified and these in some cases are recurring. The surplus for FY23 mid-year reforecast is \$2.6 million. The main contributors to this surplus are:

Release of prior year income as now fully acquitted	\$2.3 million
Materials and Services and Contract savings (i.e. insurance premiums, utility costs, contracts and growth)	\$2 million
Interest income from improved rates and available funds	\$1.9 million
Provision for Mount Martha landslip works	(\$1.6 million)
Contract Indexation	(\$2.8 million)

At the end of the 2021/22 financial year, a surplus of \$4 million was identified and carried forward to this year in order to be able to meet the challenges in operating expenses. Council was able to identify savings and other income which presented the opportunity to increase the surplus of the current year of \$2.6 million. As a result, the total surplus is currently \$6.6 million.

**Background**

Not applicable.

**Options for consideration**

Given the current year surplus has been identified from one-off increases in income or decreases in costs, and that the FY24 budget will be impacted by:

- recurrent contract indexation
- decreased income volumes particularly in planning
- Consumer Price Index currently 7.8% (impacts up to 65% of our operating expenses)
- requirements of the capital works program.

It is recommended that Council carry forward the surplus of \$6.6 million and consider as part of the FY24 budget process, rather than allocate during the mid-year reforecast.

**ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

Not applicable.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**3.3 (Cont.)**

**SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Adopting the recommendation in this report will go towards the financial pressures in the FY24 budget.

**CONFLICTS OF INTEREST**

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

## PLANNING & INFRASTRUCTURE

### 3.4 Gibson and Beach Streets Footpath Special Charge Scheme, Dromana - Finalisation

Prepared By	Mark Stahel, Team Leader - Community Infrastructure & Open Space Planning; Jeremy Grieve, Project Manager - Infrastructure Strategy
Authorised By	Director - Planning and Infrastructure
Document ID	A11870240
Briefing Note Number	BN1681 – 31 January 2023
Attachment(s)	1. Special Charge Scheme for Infrastructure Works

#### EXECUTIVE SUMMARY

The Gibson and Beach Streets Footpath Special Charge Scheme, Dromana (the Scheme) proposed the construction of an exposed aggregate concrete footpath along sections of Gibson and Beach Streets in Dromana.

This Scheme began as the proposed Noel and Gibson Streets footpath (including a section in Beach Street). Consultation with property owners showed that there was strong opposition to the Noel Street section of the proposed path resulting in the deletion of this section from the proposal, leaving the shorter Gibson and Beach Streets sections to be constructed. The resulting special charge scheme would not be proposed as a standalone scheme due to its small scope and the low amount to be recovered through special charges, though since the process had already run for the larger (original) scheme proposal the process had already been all but completed.

The modified special charge scheme was declared in December 2015 and construction began in mid-2017. Completion of the works was delayed by conflicting South East Water works in the same location as well as variations caused by subsequent improvements to an intersection (Gibson and Pier Streets) on the footpath route.

Works were completed in early 2020 and it is now appropriate to finalise the special charge scheme, however given the significantly reduced scope of works and low amount of income expected, officers are proposing that the scheme be discontinued.

#### RECOMMENDATION

- 1. Discontinue the whole Gibson and Beach Streets Footpath Special Charge Scheme, Dromana, in accordance with the section 164 of the *Local Government Act 1989*.**
- 2. Complies with Council's obligations in accordance with the section 164 of the *Local Government Act 1989* to notify persons no longer liable to pay a special charge within the Gibson and Beach Streets Special Charge Scheme.**

**3.4 (Cont.)****COUNCIL & WELLBEING PLAN**

This project relates to *Theme 3: A flourishing, healthy and connected community of the Council and Wellbeing Plan 2021-2025*:

- Strategic Objective 3.5 seeks to achieve ‘a community that is well connected through sustainable, accessible and integrated transport options’.
  - Particularly 3.5.3 requiring Council to ‘deliver on the Pedestrian Access Strategy, creating safe, accessible and connected pedestrian networks’.

The Gibson and Beach Streets footpath was proposed and delivered under the predecessor to the *Pedestrian Access Strategy*, being the *Footpath Construction Strategy*.

**RELEVANT COUNCIL DECISIONS AND POLICIES****Strategy and Policy**

The Gibson and Beach Streets footpath was proposed for construction by the *Footpath Construction Strategy*, and the special charge scheme was proposed and conducted under the *Contributory Schemes Policy for Infrastructure Works*. Both that strategy and policy were superseded after Council resolved to declare the Scheme. The new strategy is the *Pedestrian Access Strategy*, and the contributory schemes policy was replaced with the *Special Charge Schemes Policy for Infrastructure Works* (the Policy, Attachment 1). Neither the new strategy nor the Policy have any bearing on previous decisions of Council, and in any case, this report and its recommendation remain consistent with the current Special Charge Schemes Policy.

**Council decisions**

Council, at its meeting on 9 June 2015, resolved to commence the statutory process in accordance with Section 163 of the *Local Government Act 1989* (the Act), for the implementation of the Noel, Gibson and Beach Streets Footpath Scheme.

At the Council Meeting held on 14 December 2015, after the statutory consultation process including a Section 223 Committee Hearing, Council considered significant opposition to the scheme from residents of Noel Street. Noel Street was subsequently removed and Council resolved to declare a special charge for the construction of the footpath on Gibson and Beach Streets only.

**DISCUSSION****Purpose**

To inform Council of the current status, final costs, and seek Council endorsement for finalisation of the Gibson and Beach Streets Footpath Special Charge Scheme, Dromana.

**Background**

This Scheme began as the proposed Noel and Gibson Streets footpath (including a section in Beach Street). Consultation with property owners showed that there was strong opposition to the Noel Street section of the proposed path resulting in the deletion of this section from the proposal, leaving the shorter Gibson and Beach Streets sections to be constructed.

The resulting special charge scheme would not be proposed as a standalone scheme due to its small scope and the low amount to be recovered through special charges, though since the process had already run for the larger (original) scheme proposal the process had already been all but completed.

Figure 1. shows the original proposal, including Noel Street.

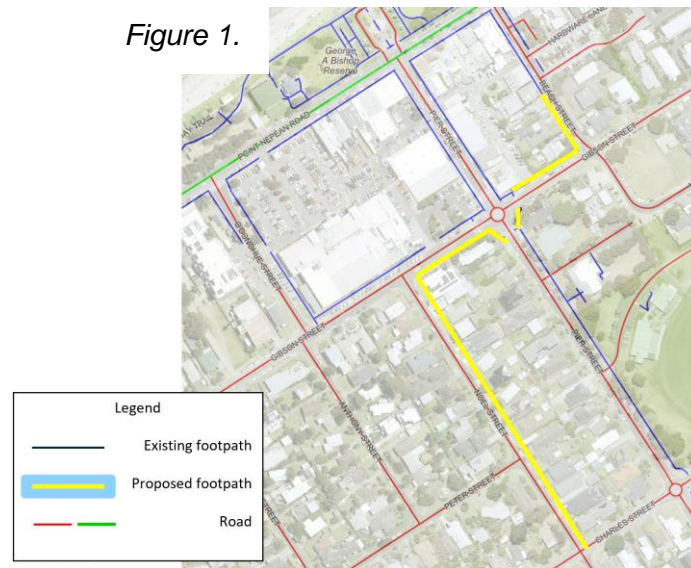
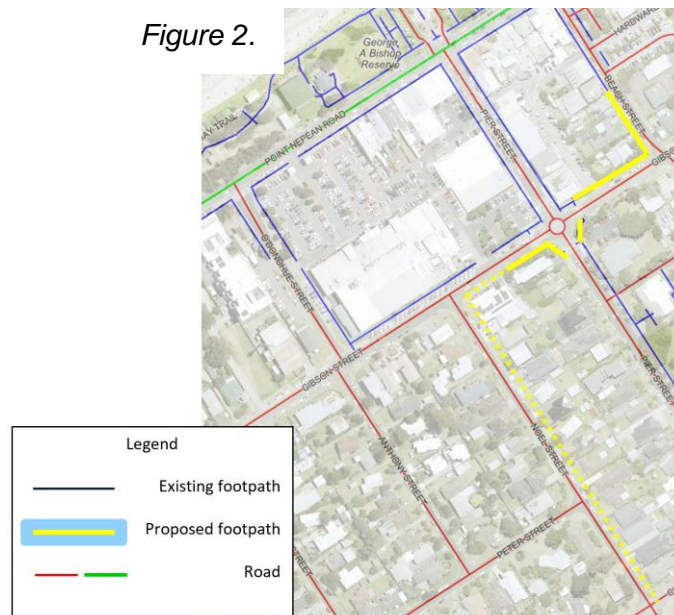


Figure 2. shows the reduced scope of works delivered (solid yellow line).



The modified special charge scheme was declared in December 2015 and construction began in mid-2017. Completion of the works was delayed by conflicting South East Water works in the same location as well as variations caused by subsequent improvements to an intersection (Gibson and Pier Streets) on the footpath route. Works were completed in early 2020 with the completed path being approximately 190m in length. With the advent of the COVID-19 pandemic a management decision was taken to delay the finalisation of special charge schemes until economic conditions and consumer confidence levels improved.

### Options for consideration

Council has two options open to it to finalise the Scheme:

1. Discontinue the Scheme and collect no special charges from property owners (recommended).
2. Finalise the Scheme (collect the special charges) in accordance with the Act, and notify land owners accordingly.

**3.4 (Cont.)**

Option 1 is recommended as it is considered the more cost-effective option for Council and is consistent with Council's adopted *Special Charge Schemes Policy for Infrastructure Works*. Whilst \$6,600 would be collected should the Scheme be finalised, it is recommended that this sum be effectively written off due to the reduced scope of the project since the project was originally approved, the time taken to deliver and reconcile the project due to Covid imposed delays and the fact that the total cost of the project is now less than Council's originally budgeted contribution for these works.

The risk of creating a precedence with this option is not considered significant and can be justified for the reasons outlined above. This risk is considered less than the reputational and administrative risks likely to be incurred should Council choose Option 2.

**ENGAGEMENT**

Stakeholder consultation is required during the statutory special charge scheme process prior to Council's declaration of the scheme. Further detailed consultation was undertaken during the design phase of the project and continued throughout construction.

**COMMUNICATIONS PLAN**

Property owners will be informed of Council's decision as a matter of course. The Special Charge Schemes Policy for Infrastructure Works, consistent with the Act, requires that persons who are liable to pay a special charge are notified if the charge is varied. Given the proposed discontinuance of the scheme, a letter will be sent directly to all property owners within the special charge scheme.

**LEGAL AND REGULATORY FRAMEWORK**

While the *Local Government Act 2020* is now in effect, it is still sections 163 to 166 (inclusive) of the *Local Government Act 1989* that grant Council's legislative powers in relation to special charge schemes. For the purposes of this report, the relevant section is 164 - Discontinuance of the works and projects for a special rate or special charge.

Section 164 in part grants Council the power to discontinue the whole or part of any purpose for which it is charging the special rate or special charge.

If the special charge is proposed to be discontinued, Council is obliged to also notify those persons no longer liable to pay the charge.

**SUSTAINABILITY CONSIDERATIONS**

As construction of the project is complete, there are no further environmental considerations.

**FINANCIAL CONSIDERATIONS**

The expected income from special charges for the Scheme is \$6,667.89. This amount has changed (-\$10,478.13) from the initial estimate when the Scheme was declared due to the removal of non-rateable land incorrectly included in the Scheme and the reduced scope of works reducing the total cost of the project. The cost of Council's contribution to the Scheme is \$29,817.86, which is \$9,246.34 less than the estimated costs at the time of declaration of the Scheme. Please see the table at the end of this section for a summary of variations.

Three properties on the same side of the road as the footpath would be charged \$1,905.11 and one property on the opposite side of the road to the footpath would be charged \$952.56 if the Scheme were to be finalised on current costs.

Given the low amount of income expected, and that the total cost of the project is \$2,578.45 less than Council's original expected contribution, officers recommend discontinuing the

**3.4 (Cont.)**

Scheme. This effectively removes the special charges for property owners, which will be incorporated into Council's costs.

<b>Contribution</b>	<b>Estimated Cost</b>	<b>Actual Cost</b>	<b>Recommended</b>	<b>Variance (recommended - estimate)</b>
Adjacent side	\$1,905.11	\$1,905.11	\$0.00	-\$1,905.11
Opposite side	\$952.56	\$952.56	\$0.00	-\$952.56
-	-	-	-	-
Owners	\$17,146.02	\$6,667.89	\$0.00	-\$17,146.02
Council	\$39,064.20	\$29,817.86	<b>\$36,485.75</b>	-\$2,578.45
<b>Total</b>	<b>\$56,210.22</b>	<b>\$36,485.75</b>	-	<b>-\$19,724.47</b>

**CONFLICTS OF INTEREST**

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

### 3.5 Carbon Neutral Policy Review

Prepared By	Chris Yorke, Energy & Carbon Management Officer
Authorised By	Director - Planning and Infrastructure
Document ID	A11860931
Briefing Note Number	BN1680 – 31 January 2023
Attachment(s)	1. Draft Carbon Neutral Policy 2. Carbon Neutral Policy 2016

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#### EXECUTIVE SUMMARY

The Carbon Neutral Policy 2016, see Attachment 2, has been reviewed and a revised policy proposed for adoption, see Attachment 1 'Draft Carbon Neutral Policy'.

Preparation of this revised policy involved an extensive and holistic review. The parameters of the review were broadened following Council's decision to exclude FY23 budget for the previous policy requirements, such as carbon offsetting, carbon accounting services and Climate Active application and licence fees.

The revised policy proposed builds on the success of the previous policy and the emissions reduction achievements but is mindful of managing the costs and other concerns expressed by Council and community regarding the carbon offsets, whilst sensibly maintaining leadership in climate action.

The revised policy continues to focus on reducing the Mornington Peninsula Shire's (Shire) Carbon emissions further and looks to reduce other carbon emissions locally, realising the associated social and economic co-benefits in the municipality and further supporting the delivery of Council's Climate Emergency Plan.

#### Policy Review Key Findings

1. The community has a clear preference for spending money on local carbon emission reduction initiatives over offsetting using carbon credits from international projects. Consultation with Council's Citizens Panel was undertaken on 7 September 2022 with the objective of understanding community preference for spending money on carbon offsetting versus local emissions reduction initiatives. The Panel was asked to respond on a sliding scale between these options. The support was towards 'local reduction initiatives' at 77%.
2. The cost of carbon offsetting has significantly increased from 2021 to 2022. A major increase in global demand for carbon credits has driven the prices up. During that period, the cost of the cheapest international carbon credits has increased by 133% from approximately \$3 to \$7 each and Australian Carbon Credit Units has increased by 78% from \$20 to \$35.50 each. The increased costs mean the minimum cost of carbon credits annually to achieve net zero emissions would be \$175,000 (to offset 25,000 tonnes CO<sub>2</sub>-e) and up to \$887,500 annually if the primary policy objective of purchasing local (Australian) carbon credits was fulfilled.
3. Carbon markets can be improved to provide greater confidence in integrity. Two key reviews have taken place in 2022 following both international and Australian market lack integrity and emissions abatement (reduction or avoidance of carbon emissions) is overstated:

## 3.5 (Cont.)

- a. The [Independent Review of Australian Carbon Credit Units](#) (December 2022) concluded that the scheme was fundamentally well-designed when introduced, however after 11 years, it can be improved by applying knowledge gained through practical experience.
- b. The [Climate Change Authority Review of International Offsets](#) (August 2022) determined the determined the market is fragmented, inefficient and complicated and a lack of consistency between schemes and how different countries use them may potentially lead to double counting. The report puts forward 18 recommendations for the Government to consider, including:
  - i. The Government publish a National Carbon Market Strategy, setting out how Australia will use carbon markets in its transition to net zero emissions by 2050; and
  - ii. A review into the use of international offsets in the Climate Active program should take place by 2025.

While both reviews suggest the majority of carbon credits do lead to genuine carbon emissions abatement, there are cases where they do not. Improvements need to be made to secure deep, liquid, high integrity and trusted carbon markets.

### Proposed Amendments

An amended policy position (Attachment 1) has been drafted to resolve the concerns identified in the review. The proposed changes are intended to reduce the financial commitment with regard to offsetting and ensure such expenditure, if it does occur, benefits the Shire as an organisation or its community from an economic perspective, whilst maintaining a leadership position. The policy commitment to continue to monitor and reduce our corporate emissions is maintained. Continued reduction of organisational emissions is essential to manage financial and reputational risk.

Summary of key changes proposed for the Policy:

Change	Reasoning
Amendment of the target date to be carbon neutral by 2030 (from 2021), or earlier subject to conditions being met.	<p>Offsetting to achieve net zero emissions is currently too expensive following significant cost increases for carbon credits and purchasing carbon credits from international projects has been opposed by the community.</p> <p>A 2030 target allows:</p> <ol style="list-style-type: none"> <li>1. Time for the Shire to reduce emissions further before offsetting (reducing financial requirement);</li> <li>2. Australian offsetting market reform to take place as recommended in the <a href="#">Independent Review of Australian Carbon Credit Units</a>;</li> <li>3. Australian offsetting market maturation;</li> <li>4. Establishment of local projects; whilst</li> </ol>

## 3.5 (Cont.)

Change	Reasoning
	5. Maintaining a leadership position by committing to a net zero emissions target 10 years earlier than our 2040 community target.
Introduction of more stringent carbon offsetting conditions, with carbon credits needing to be sourced from projects that support Council's objectives or are within its value chain. This means directly related to Council's operations by geography, service provision or supply chain.	1. Alleviates concerns regarding spending money on international carbon credits (investing money overseas) and not realising economic and social co-benefits locally. 2. Realigns investment commitment to spend locally and contribute to the Climate Emergency Plan targets and actions.
Introduction an expenditure cap of \$100,000 per annum for the purchase of suitable carbon credits that meet the new conditions, prior to reaching the proposed 2030 target.	1. This is a financial risk control to protect Council against rising offsetting costs. 2. May allow the Shire to achieve Carbon Neutrality ahead of the proposed 2030 target, whilst managing financial risk.
Introduction of a requirement for infrastructure services contracts, with a value of \$10 million or more, to be carbon neutral and certified under the Climate Active Carbon Neutral Standard for Products and Services.	1. Reduces the Shire's indirect emissions and its overall carbon footprint 2. Provides financial incentive for our contractors to reduce their carbon footprint through what is essentially a carbon pricing mechanism.

**RECOMMENDATION**

**That Council adopts the revised Carbon Neutral Policy (Attachment 1).**

**COUNCIL & WELLBEING PLAN**

The Carbon Neutral Policy relates to relates to *Strategic Objective 1.1.5 Continue putting the Climate Emergency Plan into action and build community resilience to mitigate the effects of climate emergency* in the Council and Wellbeing Plan 2021-2025, where achieving and maintaining carbon neutrality is an adopted task. Maintaining carbon neutrality is also listed as a measure against our progress. The revised policy, which will defer carbon neutrality, conflicts with this adopted task.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

Not applicable.

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

The purpose of this report is to seek Council's adoption of the revised Carbon Neutral Policy.

**Background**

The Carbon Neutral Policy was adopted by Council in February 2016 following Council's commitment to become carbon neutral through approval of Notice of Motion 153 in November 2014. The policy determined Council's corporate operations would be carbon neutral within five years of adoption of the policy and certified under the Climate Active Carbon Neutral Standard for Organisation (formerly known as the National Carbon Offset Standard).

Council has made significant investment and progress since adoption of the policy, reducing emissions by 44% and savings in excess of \$3 million through projects delivered under the policy. Carbon Neutral Certification was first achieved in 2021 for the 2019/20 reporting period and also for the 2020/21 reporting period.

Council voted against the inclusion of funding in the FY23 budget for carbon offsetting, carbon accounting services and Climate Active application and licence fees and therefore the Shire has not achieved Carbon Neutral certification for the 2021/22 reporting period.

**Options for consideration**

Not applicable.

**ENGAGEMENT**

Consultation with the Shire's Citizens Panel was undertaken on 7 September 2022 with the objective of understanding community preference for carbon offsetting, where a portion of carbon credits would be sourced from international projects or spending that money on local carbon reduction initiatives. The Panel was asked to respond on a sliding scale between the following options:

1. Investing in offsets and maintaining carbon neutrality, allowing Council to lead by example; or
2. Shifting the focus to future potential local emissions reduction initiatives within our community.

The support was towards 'local reduction initiatives' at 77%. The commentary on the rationale behind their rating reflected the difficulty of this decision. There was support for doing both and complete opposition to carbon offsetting. However, overwhelmingly the need to find ways to reduce carbon and invest locally for future benefit was highlighted as a preference.

**COMMUNICATIONS PLAN**

The policy will be published on our policy listing page.

[Policy Listing - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://mornpen.vic.gov.au)

**LEGAL AND REGULATORY FRAMEWORK**

There are no legal or regulatory implications with the recommendations in this report.

**3.5 (Cont.)****SUSTAINABILITY CONSIDERATIONS**

The revised policy will not abate emissions globally by way of offsetting until 2030. The annual volume of the Shire's residual carbon emissions (approximately 25,000 – 26,000 tonnes per annum as of 2023) will only be offset before 2030 if the policy offsetting conditions are met, and the costs are within the expenditure cap of \$100,000 per annum.

**FINANCIAL CONSIDERATIONS**

The revised policy will reduce budget requirements for carbon credits by a minimum of \$175,000 per annum until 2030 or earlier if carbon credits eligible under the revised policy are accessible and would not exceed a cost of \$100,000 per annum.

**CONFLICTS OF INTEREST**

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

### 3.6 Amendment C232morn to the Mornington Peninsula Planning Scheme – Environmentally Sustainable Development Local Planning Policy - consideration of Planning Panel Report

Prepared By	Anne Grogan, Principal Strategic Planner
Authorised By	Director - Planning and Infrastructure
Document ID	A11850913
Briefing Note Number	BN1682 – 31 January 2023
Attachment(s)	<ol style="list-style-type: none"> <li>1. Mornington Peninsula Planning Scheme Amendment C232morn Local Environmentally Sustainable Development Policy, Panel Report, 6 December 2022</li> <li>2. Mornington Peninsula C232 Explanatory Report - Adoption - track changes</li> <li>3. Mornington Peninsula C232 Instruction Sheet - Adoption - track changes</li> <li>4. Mornington Peninsula C232 ESD Policy - Adoption - Post-panel version with track changes</li> <li>5. Mornington Peninsula C232 ESD Policy - Post-panel - single dwellings version with track changes</li> </ol>

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#### EXECUTIVE SUMMARY

Planning Scheme Amendment C232morn (the amendment) proposes to introduce a new local Environmentally Sustainable Development (ESD) Policy (Policy) into the Mornington Peninsula Planning Scheme to provide guidance for achieving ESD in new development on the Peninsula. The Policy aims to ensure that future development includes best practice ESD measures from the design state through to construction and operation.

The amendment was publicly exhibited for eight weeks from 18 March to 20 May 2022. A total of 12 submissions were received. Eight submissions either supported the amendment or did not request changes, whilst three submissions suggested changes to the content or application of the Policy and one opposed the amendment.

On 15 August 2022, Council's Planning Services Committee (PSC) resolved to refer all submissions and a post-exhibition version of the amendment to an independent Planning Panel (the Panel) for review and recommendations. The Panel held a public hearing on 25 October 2022 and delivered its report to Council on 6 December 2022 concluding that the amendment is 'well founded and strategically justified'.

The Panel recommended changes to the Policy in response to community submissions and to ensure the Policy is consistent with drafting protocols. Officers support all but one of the Panel's recommendations, suggesting alternative wording in response to the Panel's recommendation to improve the certainty around use of ESD assessment tools. Officers support the Panel's conclusion that the Policy should not be extended to apply to single dwelling development on account of the resultant inequity this would create for affected landowners.

It is recommended that Council adopts the amendment with the above changes and submits it to the Minister for Planning (the Minister) for approval, and that Council advocate to the Minister to ensure ESD measures for single dwellings are addressed equitably in the implementation of Stage 2 of the State Government's 'Environmentally Sustainable Design of Buildings and Subdivisions: A Roadmap for Victoria's Planning System' initiative (ESD Roadmap).

## 3.6 (Cont.)

**RECOMMENDATION****That Council:**

1. **Receives and considers the Planning Panel report for Amendment C232morn to the Mornington Peninsula Planning Scheme dated 6 December 2022 as at Attachment 1 to this report.**
2. **Adopts Amendment C232morn to the Mornington Peninsula Planning Scheme, with the changes recommended by the Planning Panel report and Shire officers in this report pursuant to section 29 (1) of the *Planning and Environment Act 1987* and generally in accordance with Attachments 2-4 to this report.**
3. **Submits the adopted Amendment C232morn to the Mornington Peninsula Planning Scheme to the Minister for Planning for approval pursuant to section 31 (1) of the *Planning and Environment Act 1987* generally in accordance with Attachments 2-4 to this report.**
4. **Notifies all submitters to Amendment C232morn to the Mornington Peninsula Planning Scheme in writing of the Council's decision.**
5. **Authorises the Director – Planning and Infrastructure to make editorial and/or administrative changes to Attachments 2-4 to this report as required.**
6. **Writes to the Minister for Planning to advocate that Environmentally Sustainable Development (ESD) measures for single dwellings are addressed equitably through implementation of Stage 2 of the State Government's 'Environmentally Sustainable Design of Buildings and Subdivisions: A Roadmap for Victoria's Planning System' initiative.**

**COUNCIL & WELLBEING PLAN**

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

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

**RELEVANT COUNCIL DECISIONS AND POLICIES**

- Beyond Zero Waste Strategy 2030 (Mornington Peninsula Shire, 2020)
- Ensuring Our Future: Our Climate Emergency Response from 2020 to 2030 (Mornington Peninsula Shire, 2020)
- ESD Policy for Council Buildings and Civil Works (Mornington Peninsula Shire, 2020)
- Mornington Peninsula Planning Scheme Review 2018 (Recommendation 80)
- Sustainable Transport Strategy 2015-2020 (Mornington Peninsula Shire, 2014).

At the PSC Meeting held on 15 August 2022, Council resolved to refer all submissions and a post-exhibition version of the amendment to a Planning Panel.

**3.6 (Cont.)****DISCUSSION****Purpose**

The purpose of this report is to:

- present the Panel report for Amendment C232morn (Attachment 1) to Council for consideration
- recommend that the Council adopts Amendment C232morn with changes outlined in this report as recommended by the Panel and Shire officers, and
- recommend that Council advocate to the Minister to address ESD measures for single dwellings equitably through implementation of Stage 2 of the State Government's ESD Roadmap.

**Background**

Amendment C232morn seeks to introduce a new local ESD Policy to the Mornington Peninsula Planning Scheme that aims to ensure that new development requiring a planning permit achieves best practice in environmental sustainability. The Policy contains an objective and strategies for achieving best practice in energy performance, integrated water management, indoor environment quality, transport, waste management and urban ecology.

The Policy identifies which types of residential and non-residential development (that need a planning permit) must comply with the Policy and the type of information that must be submitted to support permit applications.

On 16 March 2020, Council's PSC resolved to seek Ministerial authorisation for the amendment. The amendment was authorised by the Minister on 18 November 2020 on the condition that the Policy did not apply to single dwellings or non-residential development less than 100 square metres in size, and that it be drafted to comply with the State Government's templated version of generic ESD policies. The Policy was revised to satisfy this condition, with the resulting Policy becoming typical of versions adopted by other Victorian councils.

Following public exhibition of the amendment in March-May 2022, the Minister approved Amendment VC216 on 10 June 22 which implements stage one of the State Government's ESD Roadmap. Changes made by Amendment VC216 to all Victorian Planning Schemes include:

- embedding ESD objectives and strategies into building and subdivision design policy at Clause 15
- adding a new 'Purpose' of the planning scheme to support responses to climate change.

Amendment VC216 impacts Amendment C232morn insofar as any proposed local ESD policy should not duplicate existing State policy – this is discussed further in the Planning Panel's findings below.

**Exhibition and submissions**

Amendment C232morn was exhibited from 18 March to 20 May 2022. The community was notified via local newspaper articles, a project webpage published on the Shire's website and the Victorian Government Gazette. In addition, the Shire sent letters to a range of stakeholders including community groups, environmental organisations, local planning consultants and regular planning permit applicants/developers.

Twelve written submissions were received in total and can be categorised as follows:

- Submissions seeking no changes:
  - Submissions 2 and 8, from interested community members, provided support for the proposed amendment.
  - Submissions 3-7 and 12 did not state support or opposition to the amendment, nor did they and seek changes. Submissions 3-7 are associated with a school in Mount Eliza and submission 12 was from the Country Fire Authority (CFA).
- Submissions seeking changes:
  - Submission 1 from the Environment Protection Authority (EPA) suggested that the Policy be revised to reference the EPA's new stormwater guidance publication.
  - Submission 10 from the Shoreham Community Association requested that the Policy be revised so that it applies to single dwelling development and all other permit applications.
  - Submission 11 from the Council Alliance for a Sustainable Built Environment (CASBE) included their preferred version of the Policy with wording changes including a clearer communication of 'best practice' and replacement of the word 'comparable' with 'equivalent' at the expiry clause.
- Submission opposing the amendment:
  - Submission 9 from the Housing Industry Association (HIA) opposed the amendment, stating that ESD should be addressed in the National Construction Code rather than the Victorian planning system.

All submissions were considered by the PSC on 15 August 2022. At that meeting, the PSC resolved to:

- endorse a revised version of the Policy in response to submissions, including advocating to apply the Policy to single dwellings (that require a planning permit) despite the Minister's authorisation condition to the contrary, and
- refer all submissions and the revised version of the Policy to an independent Planning Panel for review and recommendations.

### **Planning Panel**

An independent Planning Panel comprising one member was appointed by the Minister and conducted a public hearing by video conference on 25 October 2022. Council was represented by Jackson Lane Legal (town planning and development law specialists) and did not call any expert witnesses. Of the 12 submitters, only three elected to appear at the Hearing being the HIA, CASBE and Shoreham Community Association. None of the submitters called expert witnesses.

The Planning Panel's report (Attachment 1) was received by Council on 6 December 2022 and is available for public viewing on Council's website. All submitters were notified of the Panel's report and how it can be accessed.

Overall, the Panel found that the proposed ESD policy is "well founded and strategically justified", and "will provide locally specific direction for an issue of importance to the

**3.6 (Cont.)**

Mornington Peninsula municipality". The Panel agreed that "there are clear positive economic, social and environmental benefits to be gained through improved sustainable development outcomes in planning".

**Panel report recommendations and officer responses**

Overall, the Panel recommends that the amendment be adopted as exhibited subject to a series of changes to the Policy. The Panel's preferred version of the Policy reflecting the recommended changes is contained in Appendix E of the Panel's report (Attachment 1).

Below is an officer analysis of, and response to the conclusions and recommendations in the Panel report, noting whether to accept the Panel's recommendation in full or in part.

Overall, officers recommend that the Panel's recommendations be accepted in full, except for one relating to the inclusion of prescribed standards for each ESD assessment tool in the Policy.

**1. Application of the Policy to single dwellings**Planning Panel recommendation:

The Panel recommends that the exhibited version of the Policy which applied to 2-9 dwellings be adopted, and that the Policy should not be extended to apply to single dwelling development.

Whilst the Panel agreed that applying the Policy to single dwellings may have good effect given the Peninsula's extensive permit triggers for single dwellings, it ultimately was not persuaded that there was sufficient strategic justification to do so.

In accordance with Council's 15 August 2022 PSC resolution, Council's position at the hearing was that the Policy should apply to single dwellings because of the unique development context of the Peninsula (which is dominated by single dwelling development; most of which is assessed under the planning system owing to extensive permit triggers across the Shire), and the proposed fast-tracked assessment process for ESD-compliant single dwelling development. Combined, Council argued that applying the Policy to single dwelling development could have extensive influence in achieving ESD outcomes on the Peninsula.

The Panel commended Council's proposal to provide a simple and 'fast-tracked' compliance pathway for single dwellings, however, it found that capturing single dwellings would result in an 'inequitable and unfair' situation for those single dwelling applications that are captured in the planning system versus those that are not.

That is, single dwellings that require both a planning permit and a building permit on the Peninsula would have to provide ESD measures to comply with the Policy, whereas those dwellings that only require a building permit would not. The Panel found that it doesn't matter whether the Policy captures 20, 40 or even 80 per cent of single dwellings; a situation of unfairness would still arise.

The Panel noted that there is no equivalent ESD policy in the building system to mirror Council's planning policy, nor can Council impose such a policy in the building system to equalise outcomes for single dwellings.

The Panel repeated the findings of previous panels that have addressed this matter that State-wide approach is the best way to facilitate an increased focus on sustainability – including for single dwellings.

**3.6 (Cont.)**

The Panel nevertheless identified that if Council were to apply the proposed Policy to single dwellings, the relevant provisions could be drafted as guidelines within the Policy to comply with State Government drafting requirements.

Officer response:

Having comprehensively tested the 'single dwelling trigger' both through the authorisation and now independent Planning Panel process, officers accept the findings of the Panel, having particular regard to the 'fairness test'.

Officers recommend that, when submitting Amendment C232morn to the Minister for approval, Council again advocate that the State Government's ESD Roadmap address single dwellings at a State-wide level – either in the planning or building system (or both) – to ensure fair and equitable outcomes for all homeowners.

Council advocated for single dwellings to be addressed by the State Government's ESD Roadmap in its submission to Stage 1 of the Roadmap, dated 10 March 2021 (It is noted that Stage 2 of the Roadmap – which is expected to provide new or amended State-based planning provisions to implement ESD standards – is still yet to be released but expected sometime in 2023).

Officer recommendation: Accept the Panel's recommendation – do not extend the Policy to single dwellings.

**2. Application of the Policy to large dwellings**Planning Panel recommendation:

The Panel rejected the Shoreham Community Association's request that ESD assessment consider the size of dwellings due to their impact on village character and vegetation loss.

The Panel concluded that issues of character and vegetation protection are more appropriately managed by overlays (such as Vegetation Protection Overlays, Environmental Significance Overlays, etc.) and particular provisions (such as Clause 52.17 – Native Vegetation) than a general ESD policy.

Officer response:

Officers note that, in addition to the planning controls identified by the Panel, Amendment C219morn is proposing (amongst other things) to implement Council's adopted Neighbourhood Character Strategy and Guidelines (Ethos Urban, 2019), including introducing new side, front and rear setback requirements and landscape plan requirements to ensure future residential development respects neighbourhood character and minimises vegetation loss.

Officers further note that the proposed ESD Policy contains strategies regarding 'urban ecology' which seek to:

- Protect and enhance biodiversity by incorporating natural habitats and planting indigenous vegetation.
- Reduce urban heat island effects through building design, landscape design, water sensitive urban design and the retention and provision of canopy and significant trees.
- Encourage the provision of space for productive gardens, particularly in larger residential developments.

Officer recommendation: Accept the Panel's recommendation – no change to the Policy.

**3.6 (Cont.)****3. Application of the Policy to all permit applications**Planning Panel recommendation:

The Panel accepted Council's recommendation that the Policy should not apply to all planning permit applications (as advocated by the Shoreham Community Association) as this is both impractical and unreasonable.

The Panel agreed that there are many permit applications that do not require an assessment of ESD (such as liquor licences, minor works to a heritage façade, signage, etc.). Therefore, a broader application would become an administrative burden for applicants and statutory planners with no added value.

Officer response:

The Panel's recommendation is consistent with the officer recommendations in the report accompanying Council's 15 August 2022 resolution.

Officer recommendation: Accept the Panel's recommendation – no change to the Policy.

**4. Expiry of local Policy**Planning Panel recommendation:

The Panel rejected Council and CASBE's proposal for the Policy to expire only when an 'equivalent' state-standard provision is introduced in future to avoid the substitution of a less rigorous policy.

Instead, the Panel recommends that the Policy should expire if a 'comparable' provision is introduced, which is consistent with the Department's templated ESD policy.

The Panel notes that the State policy will supersede local policy irrespective if it is more or less onerous than the local version.

The Panel also notes that when a State provision is made, local councils will need to consider any consequences for their local policies at that time.

Officer response:

Officers agree that it is likely that all local ESD policies (in various planning schemes across Victoria) will be removed once a State ESD provision is introduced as part of Stage 2 of the State Government's ESD Roadmap expected in 2023.

Officer recommendation: Accept the Panel's recommendation – change the Policy as recommended.

**5. Duplication with State Planning Policy Framework**Planning Panel recommendation:

The Panel recommends proposed strategies for energy performance, water and water management and transport be deleted from the Policy as these are already found in State policy (i.e. in Clause 15.01-2S: Building design).

This is in response to the recent gazettal of Amendment VC216 to embed ESD objectives and strategies into State policies for building and subdivision design.

**3.6 (Cont.)**Officer response:

During the Panel hearing, Council submitted to the Panel that the Policy should be a 'one stop shop' for all ESD matters for ease of reference for users of the planning scheme. The State Government's drafting protocols, however, do not allow duplication of content between State and local policies – only allowing for additional strategies at the local level that expand or refine the existing State policy in a localised context. Officers accept this constraint, noting that in practical terms, applicants and decision makers must consider both State and local policies – regardless of where they sit in the planning scheme – to ensure all aspects of ESD have been addressed.

Officer recommendation: Accept the Panel's recommendation – change the Policy as recommended.

**6. Policy guidelines to have prescribed standards**Planning Panel recommendation:

The Panel recommends revising the Policy (which was based on the Department's authorisation template as per the Minister's authorisation conditions) to comply with State Government drafting requirements and has provided a preferred version in Appendix E of the Panel report (see Attachment 1). The revised version ensures that policy guidelines have prescribed measures demonstrating to decision-makers and applicants how strategies in the Policy are to be achieved. For example, the Policy should specify what score a development should achieve when assessed against the 'Built Environment Sustainability Scorecard' (BESS) tool to be considered compliant with the Policy (i.e. 50%).

Officer response:

It is noted that State Government planning scheme drafting protocols have changed since the amendment was first authorised in November 2020 which has implications for the templated version of the Policy on which the amendment was authorised. Notably, contemporary drafting protocols require planning scheme provisions and policies to be as explicit as possible in identifying *how* a development can comply with the objectives contained in a provision or policy. (An example of this already in the planning scheme is 'ResCode' which specifies what standards a residential development should meet to be considered compliant with objectives).

In making its recommendation noted above, the Panel is trying to achieve a similar outcome with Council's proposed ESD Policy. In principle, officers support the Panel's intention to embed greater clarity and certainty within the Policy regarding the use of ESD assessment tools. Providing defined numeric standards for each tool would greatly assist both applicants and decision-makers. However, officers are unable to fully support the Panel's recommendation in this case for the following reasons:

- It would be impractical to list all the current rating criteria for each assessment tool in the Policy given the extensive range of potential criteria in each tool. For instance, the assessment criteria to achieve good design may be expressed as a percentage or require certification of each aspect of design.
- Unlike the BESS example, not all the assessment tools in fact have clear, pre-determined standards, ratings or criteria to indicate compliance. Some assessment tools (such as the Green Travel Plan) require a merits-based professional assessment with a range of potential design responses able to demonstrate compliance in a variety of ways, depending on the nature and scale of the development.
- Finally, the assessment tool and rating criteria may be revised over time as ESD industry standards and technologies evolve. Advances in these areas are likely to out-

**3.6 (Cont.)**

pace planning scheme reforms. As such, officers consider that current criteria should not be 'locked' into the planning scheme (via the Policy) to allow for the flexibility and discretion needed to consider alternative design responses that could equally ESD objectives.

Given the above, officers consider it preferable that developments assessed using the various ESD tools be reviewed and approved to the satisfaction of a suitably qualified and experienced ESD officer within the Shire. This performance-based approach is the standard approach to ESD assessment where ESD policies exist in other councils across Victoria. It is noted that the Shire does not currently have an in-house ESD officer which would be the subject of the labour bid process for next financial year, as discussed later in this report.

Officer recommendation: Accept the Panel's recommendation in part.

Officers recommend that the revised Policy version contained in Attachment 4 be adopted by Council which, instead of identifying prescriptive standards, states that various types of development should achieve:

- a BESS Sustainable Design Assessment, or equivalent standard under an alternative assessment tool, approved by the Responsible Authority
- a BESS Sustainability Management Plan, or equivalent standard under an alternative assessment tool, approved by the Responsible Authority, and
- a Green Travel Plan, approved by the Responsible Authority.

**7. Definition of best practice**

Planning Panel recommendation:

The Panel accepted Council and CASBE's proposed definition of what constitutes 'best practice' in ESD (as opposed to the Department's templated definition).

The Panel recognised that ordinarily, a definition for 'best practice' in the planning scheme is not supported by current drafting protocols unless it has been suitably established and is properly understood in the planning system. The Panel noted that 'best practice' in terms of ESD has been the subject of extensive deliberation and has been defined by the Environmentally Efficient Design Advisory Committee such that it is appropriate to include the definition within the proposed Policy to ensure clarity for applicants and decision-makers.

Officer response: Officers agree with Panel's conclusion and recommendation.

Officer recommendation: Accept the Panel's recommendation – no change to the Policy.

**8. Minor drafting changes**

Planning Panel recommendation:

The Panel recommended the following additional minor drafting changes:

- correct numbering of the Policy within the planning scheme
- reference the EPA's 2021 Urban Stormwater Guidelines.

Officer response: Agree with Panel's conclusion and recommendation.

Officer recommendation: Accept the Panel's recommendation – change the Policy as recommended.

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

Under section 27 of the *Planning and Environment Act 1987* (the Act), Council must consider the Panel's report before deciding whether to adopt the amendment with or without changes and submit it to the Minister for approval under section 31 (1), or abandon the amendment under section 28. The following is a discussion of the main options available to Council.

Option 1: Adopt the amendment with all changes recommended by the Panel except the recommendation to prescribe standards for ESD assessment tools within the Policy –

***Recommended***

- Given the Panel concludes that the amendment is consistent with the relevant Ministerial Directions, is well founded and strategically justified, officers recommend that Council accepts all of the Panel's recommendations in full – except the recommendation to prescribe standards for ESD assessment tools – and adopts and submits the amendment to the Minister for approval.
- Officers recommend that Council partially accepts the Panel's recommendation regarding ESD assessment tools to comply with current State Government drafting protocols. However, officers recommend that, instead of prescribing standards, the Policy be amended to confirm that ESD strategies can be achieved by using the identified tools or an equivalent as approved by Council – noting that the Shire will require a suitably qualified and experienced in-house ESD officer to undertake ESD assessments, referrals and compliance.
- The amendment documents in support of this option are as follows:
  - Explanatory report – Adoption (Attachment 2)
  - Instruction sheet – Adoption (Attachment 3)
  - Revised version of Clause 15.01-2L-02 Environmentally Sustainable Development – officers recommended version (Attachment 4).

Option 2: Adopt the amendment with all changes recommended by the Panel except the recommendations relating to prescribing standards of ESD assessment tools and applying the Policy to single dwelling development – ***Not recommended***

- This option is not supported by officers. As explained, the 'single dwelling trigger' has been tested through the authorisation and independent Panel process, with the Panel concluding that it is not strategically justified, does not meet the 'fairness' test and that a State-wide approach to addressing single dwellings is preferable to achieve equitable outcomes for all homeowners.
- Officers consider it is highly unlikely that the Minister will support the Policy being applied to single dwellings based on the Minister's authorisation conditions, recommendations of the Panel and the general lack of single dwelling ESD triggers in most other Victorian planning schemes.
- Officers recommend that Council instead advocates to the Minister to ensure that Stage 2 of the State Government's ESD Roadmap addresses single dwellings.
- If Council wishes to go against the Panel (and officer's) recommendation and apply the Policy to single dwellings, an alternative version of the Policy is provided in Attachment 5 to this report for Council's consideration. This version has been drafted to accord with the Panel's commentary about including specific ESD measures for single dwelling

**3.6 (Cont.)**

development drawn from Council's original 'fast-tracked' assessment approach (i.e. the 'Deemed-to-Satisfy Guidelines').

- If Council decides to proceed with the above alternative approach, it must provide the Minister with clear justification as to why the Panel's original recommendation is not followed. In this regard, Council could refer the Minister to the justification outlined in the Issues and Options Paper (Sustainable Development Consultants, 2019) (ESD consultant report) submitted by Council with the amendment authorisation request. This report identified that a single dwelling trigger is justified on the basis of the Peninsula's development profile (which is dominated by single dwelling development) and the range of existing planning controls that trigger the need for planning approval for single dwelling development.
- Officers note that there will be a financial and resource implication for Council if the single dwelling trigger is adopted and approved. The ESD consultant report identified that an in-house ESD officer resource equating to up to 2.7 full time equivalent (FTE) would be required to undertake ESD assessments, statutory referrals and compliance which is substantially greater than the estimated 1.0 EFT if single dwellings were not included.

**Option 3: Do not accept any of the Panel's recommended changes and adopt amendment – Not recommended**

- This option is not supported by officers. If Council does not accept the Panel recommendations, the Minister must be provided with a reason why the Panel's recommendations were not followed. In this amendment, the changes suggested by the Panel are reasonable and consistent with drafting protocols.

**Option 4: Abandon the amendment – Not recommended**

- This option is not supported by officers. Officers recommend that Council adopts the amendment with changes suggested by the Panel and as revised by officers. The amendment has a strong strategic basis that is supported by the Panel and many interested community groups.

**Next steps**

Once Council has decided whether to adopt the amendment (with or without changes recommended by the Panel and officers) it must notify the Minister and all submitters of its decision.

If Council decides to adopt the amendment, it must submit the amendment to the Minister for final approval. If approved by the Minister, the amendment will be gazetted and the planning scheme updated accordingly.

If adopted by Council, the amendment would also become 'seriously entertained' giving Council the ability to give weight to the proposed Policy in deciding planning permit applications from the date of adoption until the Minister's decision.

**ENGAGEMENT**

As noted in the above section, Amendment C232morn was exhibited for a period of six weeks, from 18 March to 20 May 2022. Notice of the amendment was given as per the statutory requirements of section 19 of the Act.

All submitters will be notified of Council's decision as to whether to adopt the amendment and submit it to the Minister for approval.

**3.6 (Cont.)****COMMUNICATIONS PLAN**

Not applicable. Community notification throughout the planning scheme amendment process is given in accordance with the statutory requirements of the Act.

**LEGAL AND REGULATORY FRAMEWORK**

The planning scheme amendment process is conducted in accordance with the requirements of the Act. As previously noted, section 27 of the Act requires Council to consider the Panel's report before deciding whether to adopt Amendment C232morn with or without changes.

Council may adopt the amendment under section 29 (1) of the Act and then seek Ministerial approval of the amendment under section 31 (1) of the Act.

**SUSTAINABILITY CONSIDERATIONS**

The environmental, social and economic effects of Amendment C232morn are outlined in the exhibited Explanatory Report (Attachment 2).

**FINANCIAL CONSIDERATIONS**

The Council has incurred costs for the Panel (approximately \$5,000) and legal representation (approximately \$15,000). Both the Strategic Planning and Legal teams have existing budget to cover these costs.

In the event Council resolves to adopt the amendment and forward it to the Minister for approval, Council will incur a statutory fee of \$496 to process the request.

As has been outlined in previous reports to Council, there will be ongoing administrative and resource costs to Council in implementing the Policy if it is eventually approved by the Minister and gazetted. These costs include:

- Employment of an in-house ESD officer to undertake ESD assessments, statutory referrals and compliance. Recruitment of an ESD officer would need to be the subject of a labour bid for the next financial year. If Council adopts (and the Minister approves) the Policy without a single dwelling trigger, the resource required would be 1 FTE. If the Policy is to be applied to single dwellings, a 2.7 FTE resource would be required.
- Licences and subscriptions to ESD assessment tools (e.g. Built Environmental Sustainability Score [BESS], Model for Urban Stormwater Improvement Conceptualisation [MUSIC], Stormwater Treatment Objective Relative Measure [STORM], etc.). It is noted that Council has already committed funding to licence CASBE ESD fact sheets and BESS training for relevant Council staff (planning, planning compliance, building, engineering officers, etc) in basic ESD assessment processes, tools and compliance.

As has been outlined in previous reports to Council, planning permit applicants may incur additional upfront development costs to provide the information and ESD design measures required to comply with the Policy. However, many ESD assessment tools are free for the community to access, relatively easy to use and do not require the assistance of privately commissioned experts. Many ESD measures are cost-neutral or can be offset against gains in reduced overall operating costs. Significantly, the 2014 State Government Environmentally Efficient Design Advisory Committee concluded that local ESD planning policies were 'unlikely to impose an unreasonable regulatory cost burden on applicants' (Panel Report, 2014, page 65).

**3.6 (Cont.)**

**CONFLICTS OF INTEREST**

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

### 3.7 Hastings Foreshore Masterplan

Prepared By	Hayden Forrest, Coastal Planner
Authorised By	Director - Planning and Infrastructure
Document ID	A11769345
Briefing Note Number	BN1638 – 30 August 2022
Attachment(s)	<ol style="list-style-type: none"><li>1. Hastings Foreshore Masterplan</li><li>2. Hastings Foreshore Masterplan Engagement Summary</li><li>3. Hastings Foreshore Masterplan Public Exhibition Summary</li></ol>

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#### EXECUTIVE SUMMARY

The updated Hastings Foreshore Masterplan (the Masterplan) (Attachment 1) is being presented to Council seeking adoption to allow detailed design and construction of the project to commence.

The Masterplan has been updated since last presented to Council in October 2022 with revisions based on community and stakeholder feedback received during public exhibition of the Masterplan from 7 October to 20 November 2022.

Feedback from the community was generally positive and some changes to the Masterplan were made in response:

- Relocate the Pump Track to within the Sports and Games Area.
- Expand the Nature Lovers area.
- Improve pedestrian access to the foreshore including formal crossings at St Mary's Primary School, Church Street and Mullet Street.
- Provide more seating, gathering and rest areas.

#### RECOMMENDATION

**That Council:**

1. **Resolves to adopt the Hastings Foreshore Masterplan (Attachment 1) to allow detailed design and construction to progress.**
2. **Resolves to re-allocate funding allocated to Capital Works Project 10257 Hastings Sound Shell (\$100,000) to Capital Works Project 10515 Hastings Foreshore Masterplan Implementation (\$250,000) to allow prioritised delivery of the Hastings Foreshore Masterplan.**

#### COUNCIL & WELLBEING PLAN

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

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

**3.7 (Cont.)**

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

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

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

**DISCUSSION****Purpose**

The purpose of this report is to present the updated Hastings Foreshore Masterplan to Council and seek adoption of the Masterplan to allow detailed design and construction to progress.

Additionally, this report seeks to consolidate all available funding into a single Capital Works Project to allow cohesive and prioritised planning and delivery of the Masterplan.

**Background**

The Masterplan focuses on the coastal Crown and Mornington Peninsula Shire (Shire) owned land extending from the northern Fred Smith Reserve to the southern Hastings Foreshore adjacent to Warringine Park. The Masterplan builds on the foundations of past strategic plans and provides practical management actions which compliment Council and State policies and guidelines. The Masterplan also aims to unlock the potential of the Hastings Foreshore while considering its unique landscape setting, township connectivity and strong community and cultural values.

The Masterplan proposes forward-looking strategic actions and considers some longstanding management items such as the historic landfill, coastal inundation, event activation, Bay Trail connectivity, boat ramp carparking and the Westernport Marina lease boundary.

Initial consultation for the Masterplan was completed from April to June 2022. This process received 270 written responses along with numerous conversations and meetings with the community. Feedback from this engagement led to the development of the draft Masterplan with a focus on developing a playful, connected, resilient and environmentally focused foreshore. Feedback from this consultation is summarised in Attachment 2 Hastings Foreshore Masterplan Engagement Summary.

The draft Masterplan was put out for public exhibition from 7 October to 20 November 2022. During this time 96 written submissions were received along with 60 participants at in-person pop-ups or meetings. The feedback from this exhibition period has informed the final version of the Hastings Foreshore Masterplan (Attachment 1).

**ENGAGEMENT**

Engagement for the Masterplan was completed in two stages:

1. From April to June 2022 seeking issues, opportunities, and values from the community. This round of engagement was well received by the community resulting in 270 written responses from the broader community and additional feedback from a range of stakeholders.

The common themes from this consultation included improving and enhancing the environment, more play, better connections, and more events and gathering. Further

**3.7 (Cont.)**

details on this round of engagement are available in Attachment 2 Hastings Foreshore Masterplan Engagement Summary.

2. From October to November 2022 seeking feedback on the draft Masterplan. This round of engagement was also well received with 1,758 project webpage visits, 409 draft Masterplan downloads, 96 written submission and approximately 60 participants at community pop-ups and stakeholder meetings.

The key feedback incorporated into the Masterplan from this consultation was:

- Relocate the Pump Track to within the Sports and Games Area.
- Expand the Nature Lovers area.
- Improve pedestrian access to the foreshore including formal crossings at St Mary's Primary School, Church Street and Mullet Street.
- Provide more seating, gathering and rest areas.

Further details on this round of engagement are available in Attachment 3 Hastings Foreshore Masterplan Public Exhibition Report.

Throughout development of the Masterplan feedback was received from several local stakeholders including:

- Hastings Coastal Advisory Group
- Department of Energy, Environment and Climate Action
- Parks Victoria
- Environment Protection Authority Victoria
- Victorian Fisheries Association
- Hastings Bowling Club
- Western Port Angling Club
- Hastings - Western Port Historical Society
- Disability Advisory Committee
- Willum Warrain Aboriginal Association
- Western Port Biosphere
- Hastings Foreshore Parkrun
- Westernport Marina.

The Bunurong Land Council Aboriginal Corporation have also provided input and advice during the development of the Masterplan including the preparation of a Cultural Values Assessment. The assessment outlined three broad themes associated with the Hastings area of Place, People and Time. These themes incorporate many sub-themes relevant to Hastings including the value of water and gathering places. The Bunurong's involvement in

**3.7 (Cont.)**

the Masterplan will continue as the project progresses to ensure their aspirations and cultural values are embedded throughout the delivery of the Masterplan on the foreshore.

**COMMUNICATIONS PLAN**

If Council resolves to adopt the Hastings Foreshore Masterplan, the community will be informed of this decision and thanked for their ongoing involvement and contribution to the masterplan via the following ways:

- Project webpage on 'Shape' – [www.shape.mornpen.vic.gov.au/hastings-foreshoremaster-plan](http://www.shape.mornpen.vic.gov.au/hastings-foreshoremaster-plan).
- Social media channels.
- Direct contact with on-site stakeholder groups.

Further communications plans will be developed as required in the lead up to and during the construction phase.

**LEGAL AND REGULATORY FRAMEWORK**

Council is the appointed Committee of Management (CoM) for the majority (67%) of the Hastings Foreshore. Some smaller portions (3%) of land are Council owned (adjacent Skinner Street) and other portions are either Parks Victoria (Hastings Pier) or the Department of Energy, Environment and Climate Action (DEECA) managed (Westernport Marina) (30%).

As CoM for the foreshore, Council has no legislative powers and is obligated to manage coastal Crown Land in accordance with the *Marine and Coastal Act 2018*, Marine and Coastal Policy 2020, Siting and Design Guidelines for Structures on the Victorian Coast 2020 and Marine and Coastal Strategy 2022.

Any future delivery of actions may be subject to further consent from DEECA, Environment Protection Authority Victoria and/or Parks Victoria based on the nature and location of the action.

**SUSTAINABILITY CONSIDERATIONS**

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

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

Given the siting and low-lying nature of the Hastings Foreshore, sustainability and the implications of climate change have been focal points during the development of the Plan and form part of the vision for the foreshore 'a more attractive, accessible, safe and sustainable Foreshore'. The Masterplan has been prepared with input from coastal engineers to inform adaptation options presented within the plan.

The Bunurong Land Council Aboriginal Corporation has been involved throughout this Masterplan and provided input which has influenced the Masterplan design. Further collaboration with the Bunurong is required to see the values and input provided to date is reflected in on ground implementation.

**FINANCIAL CONSIDERATIONS**

The current Shire Budget FY22/23 has \$250,000 allocated to Hastings Foreshore Masterplan Implementation (Project Number 10515) and \$100,000 to the Hastings Sound Shell (Project

**3.7 (Cont.)**

Number 10257). As the Masterplan includes an action of a 'Flexible Events Area' which is replacing the past 'Sound Shell' proposal, consolidation of these existing funds will allow for efficient progression of the Masterplan with a consolidated total of \$350,000 available in FY22/23 for further detailed designs to inform future capital projects.

To date, the development of the Hastings Foreshore Masterplan has cost approximately \$120,000. This does not include officer time or time contributed by stakeholders, Coastal Advisory Groups, or government agencies.

Complete delivery of the Masterplan is expected to cost in the order of \$3-6 million. Future funding commitments will be required from Council to allow for the delivery of this Masterplan and external grant opportunities will be sought by officers.

**CONFLICTS OF INTEREST**

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

**3.8 CN2617 - Waste Consulting and Auditing**

Prepared By	Chester Hart, Landfill Compliance Coordinator
Authorised By	Director - Planning and Infrastructure
Document ID	A11681467
Briefing Note Number	Not applicable
Attachment(s)	<ol style="list-style-type: none"><li>1. Tender Evaluation Plan</li><li>2. CN2617 - Waste Consultancy and Auditing Panel Tender Assessment Report (confidential)</li></ol>

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**EXECUTIVE SUMMARY**

The Mornington Peninsula Shire's (Shire) Circular Economy and Waste Team currently manage a variety of waste management facilities and landfills. These facilities are subject to strict environmental controls and monitoring that ensure the impact on the environment and human health is minimised from waste management activities.

The Shire is responsible for several landfills across the Mornington Peninsula. These include the current active landfill in Rye, several landfills closed within the last thirty years and historic landfills which have been closed for more than thirty years.

All landfills in Victoria are regulated by the *Environmental Protection Act 2017* (the Act) and subject to the General Environmental Duty. Furthermore, many of the landfills on the Peninsula are subject to additional Environment Protection Authority (EPA) controls through site specific conditions such as Post Closure Pollution Abatement Notices (PCPANs) or Landfill Licences.

These regulations set the minimum requirements for environmental monitoring, rehabilitation, and ongoing maintenance of both open and closed landfills. In some cases, this includes an audit cycle, where an EPA appointed auditor is engaged to assess a site and make recommendations, landfill gas monitoring requirements and other specialised environmental mitigation measures.

This contract seeks to utilise the Municipal Association of Victoria (MAV) head contract (Contaminated Land, Landfill and Environmental Audit) to engage suitably qualified consultants and auditors to help the Shire fulfill the regulatory obligations for environmental protection and rehabilitation of landfills in the Shire. It may also be used to provide expert advice on the Shire's other waste management facilities such as Resource Recovery Centres.

It is recommended that Council appoint a panel of suppliers that can offer competitive rates on a broad suit of environmental monitoring, reporting and rectification works, as well as providing EPA appointed auditors and high-quality auditor recommendations.

**RECOMMENDATION**

That:

1. Council opt into the MAV panel contract known as CL7700-2021 Contaminated Land & Landfill Audit and Consultancy Services and award the contract to the consultants identified in Attachment 2 'CN2617 - Waste Consultancy and

**3.8 (Cont.)**

**Auditing Panel Tender Assessment Report', for the schedule of rates value of \$XXX plus \$XXX GST being for CN2617 Waste Consulting and Auditing.**

- 2. Council delegates the execution of contract documents required to opt into the MAV panel contract CL7700-2021 to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.**

**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, being information that would prejudice the Council's position in commercial negotiations if premature released.**

**COUNCIL & WELLBEING PLAN**

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

**RELEVANT COUNCIL DECISIONS AND POLICIES**

Not applicable.

**COLLABORATIVE PROCUREMENT**

Not applicable.

**DISCUSSION****Purpose**

Council is seeking to appoint a Waste Consultancy and Auditing Panel (the Panel) to provide expert advice, environmental monitoring, and auditing services in relation to landfill sites and other waste management facilities. The intention of the Panel is to ensure that externally sourced environmental consultancy and auditing support provided to Council remains high quality and offers best value for money in a competitive environmental consultancy market.

**Background**

Waste Management is a highly regulated industry with strict environmental controls to minimise adverse effects on the environment and human health. The EPA, which is the main regulator, has a number of publications including the Act, the Best Practice Environmental Management (Landfill BPEM) and Landfill Licence Guidelines.

In addition, the EPA uses tools such as PCPANs, Landfill Licence conditions and site audits to stipulate the mitigation works, rehabilitation and environmental monitoring that must take place at each site.

This contract seeks to address both current and historic waste management facilities by engaging contractors to complete services such as;

- Site Assessments and Environmental Audits.
- Landfill Gas Monitoring.
- Preparation of Landfill Monitoring Programs and Risk Assessments.

**3.8 (Cont.)**

- Preparation and Auditor Verification of Environmental Management and Rehabilitation plans.
- Contaminated land assessments and remediation.
- Landfill design documents and auditor verification.
- Preparation of compliance reports, hydrogeological assessments, water balance reports and groundwater modelling.
- Scientific analysis of landfill gas, leachate, surface and groundwater and landfill cap performance data.
- Project management and advice of specialised landfill rehabilitation works such as batter stabilisation, landfill capping or mitigation of leachate impacts.

**Options for consideration**

Council may elect to include any number of submissions for inclusion in the panel based on the tender evaluation. A reduced amount of contractors on each contract may reduce administrative burden on the contract managers.

However, including a higher number of contractors to the contract will enable contract managers access to a wider competitive market and field of expertise when seeking works under the contract.

**TENDER INVITATION**

The tender was released to the market on Saturday, 1 October 2022 via the Vendor Panel Portal,

The tender closed on Wednesday, 19 October 2022 at 3:00pm.

Nine submissions were received.

**TENDER EVALUATION**

The Tender was divided into Part A (Waste Consulting) and Part B (Waste Auditing). Submissions were invited to provide both Part A and Part B but could elect to only tender for either part.

Of the nine submissions, two elected to only submit to Part A (Waste Consulting) and One elected to only submit to Part B (Waste Auditing).

One submission did not pass mandatory gateways for both Part A and Part B or were deemed to be non-conforming submissions.

Eight total submissions progressed to evaluation and were assessed against the following criteria.

<b>Evaluation Criteria Part A – Environmental Consultancy.</b>	
<b>1. Compliance – Pass / Fail</b>	
Risk and insurance	These criteria are not weighted and scored but are
Conflict of interest	

Statutory compliance	assessed on a pass/fail basis.
Compliance with contract conditions	
Supplier verification acknowledgement	
<b>2. Expertise and Industry Knowledge – 40 % (example)</b>	
Demonstrated qualified and experienced professionals as part of team (environmental scientists, engineers, hydrogeologists, EPA)	These criteria are weighted and scored
Experience in landfill projects (Monitoring, compliance reporting, rectification and capping works, drilling, data interpretation and capital works)	
Extensive expertise of EPA legislation and reporting. Experience providing expert advice, reports and audits to local government and or waste industry with regards to landfill management and environmental reporting.	
Experience with similar contracts providing expert advice on a range of landfill and environmental matters, experience with EPA auditing for part B.	
<b>3. Capability and Capacity – 40 % (example)</b>	
Evidence of dealing with technically challenging post closure and operational landfill issues and providing expert advice and cost-effective solution options leading to favourable outcomes for the client.	These criteria are weighted and scored
Experience in providing professional reviews of environmental data and drawing relevant conclusions using evidence, relevant environmental publications and legislation.	
Examples of construction of high quality landfill specific documentation (e.g. hydrogeological assessments, compliance reports, landfill gas monitoring reports, EMPs / LMPs and Environmental Audits – part b).	
<b>4. Overall Cost and Financial Benefit to Council – 20 % (example)</b>	

<b>Evaluation Criteria Part B – Waste Auditing Services.</b>	
<b>1. Compliance – Pass / Fail</b>	
Risk and insurance	These criteria are not weighted and scored but are assessed on a pass/fail basis.
Conflict of interest	
Statutory compliance	
Compliance with contract conditions	

Supplier verification acknowledgement	
<b>2. Expertise and Industry Knowledge – 40 % (example)</b>	
Demonstrated qualified and experienced professionals as part of team (environmental scientists and EPA Auditors)	These criteria are weighted and scored
Experience in conducting audits of landfills and or contaminated land to a high standard.	
Extensive expertise of EPA legislation and reporting. Experience providing expert advice, reports and audits to local government and or waste industry with regards to landfill management and environmental reporting.	
<b>3. Capability and Capacity – 40 % (example)</b>	
Examples of dealing with technically challenging post closure and operational landfill issues in the capacity as an EPA auditor and providing expert advice and reasonable recommendations for remediation where issues occur.	These criteria are weighted and scored
Experience in providing professional reviews and verifications of environmental reports and design documents with high quality reviews, independent analysis and recommendations.	
Experience interpreting and advising on EPA legislation and regulations, including experience representing a similar sized Council in capacity as EPA auditor.	
<b>4. Overall Cost and Financial Benefit to Council – 20 %</b>	

Evaluation was guided by an approved Evaluation Plan.

**EVALUATION PANEL**

The Evaluation Panel consisted of:

<b>Name and Title</b>	<b>Role in Evaluation Process i.e. price/non-price/independent/ financial/technical etc.</b>	<b>Scoring or Non-Scoring Member</b>
Chester Hart – Landfill Compliance Coordinator	Price	Scoring
Kieren McDermott – Post Closure Landfill Officer	Non-price	Scoring
Bridie Dynes – Landfill Compliance Officer	Non-price	Scoring
Brad Mason – Procurement Business Partner	Price	Scoring

**PROBITY ATTESTATION**

Not applicable.

**CONTRACT VALUE**

\$XXX GST inclusive.

**TERM OF CONTRACT**

Two years plus two potential 12-month extensions (2+1+1). Extension available 30/06/2026.

**DELEGATED AUTHORITY ASSESSMENT**

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

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

**CONFLICTS OF INTEREST**

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

## COMMUNITY STRENGTHENING

### 3.9 Delys Sargeant Age-Friendly Awards

Prepared By	Lauren Carlomagno, Team Leader - Community Inclusion
Authorised By	Director - Community Strengthening
Document ID	A11805263
Briefing Note Number	BN1677 – 14 February 2023
Attachment(s)	1. Nomination Form 2. Panel Recommendations (confidential)

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#### EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the process of the 2022 Mornington Peninsula Delys Sargeant Age Friendly Awards, and provide the recommendations of award winners to Council. Award winners will be invited to a presentation at the Council Meeting on 2 May 2023.

#### RECOMMENDATION

That Council:

1. **Adopts the Selection Panel's recommendations (Attachment 2).**
2. **Invites all award recipients to attend an Award presentation at the Council Meeting on 2 May 2023.**
3. **Acknowledges the valuable contribution and service of all recipients and nominees to help create an Age-Friendly Mornington Peninsula.**

#### Part B

1. **That Council resolves that Attachment 2 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information.**

#### COUNCIL & WELLBEING PLAN

Council and Wellbeing Plan Theme 3: A flourishing, healthy and connected community.

- Objective 3.1 – Deliver the Positive Ageing Strategy promoting the respectful inclusion of older people.

#### DISCUSSION

##### Background

The Delys Sargeant Age Friendly Awards aim to recognise a local person, club, service or business that contributes to building a stronger local community for older people who live, work or visit the Mornington Peninsula.

Delys Sargeant (OAM) was the founding chair of Council's Community Advisory Committee on Ageing and was integral in shaping Council's approach to supporting residents to age

well. Delys remained a Life Member of Peninsula Advisory Committee for Elders (PACE) until her passing in 2017, the awards pay homage to her significant contribution. PACE has continued to play a significant role in shaping the awards.

### **2022 Award Categories**

This year the following categories were chosen to recognise the broad contribution that ageing people make to our community:

- (a) Senior Achiever – for a person aged 50 years and over:
  - Mayor’s Elder of the year (one award only)
  - Senior achievers (may be multiple awards).
- (b) PACE Community Awards – innovative and age-friendly community organisation or program, club, or business.
- (c) Intergenerational Award – individual, group, business, club, service, or business that brings people of all ages together.

### **Selection process**

A Selection Panel was appointed to review all nominations and select award winners. The Selection Panel met on 3 November 2022. The meeting was chaired by Councillor representative to PACE and Positive Ageing Steering Committee Chair, Councillor Mar. Councillor Dixon, who is substitute delegate to PACE, also attended as an observer. Neither Councillors endorsed nor cast votes on nominations.

The Selection Panel comprised of:

- Two PACE representatives
- Two Mornington Peninsula Shire (Shire) Positive Ageing officer representatives (from the Community Wellbeing Team)
- A Shire Economic Development officer representative
- A Shire Youth Services officer representative.

The Selection Panel were provided with conflict of interest guidelines. No conflicts of interest were declared.

Due to the low number of nominations, rather than using a weighted points system (as used in previous years), the Panel endorsed each nomination for an award. For the Mayor’s Elder of the Year Award, each panel member scored each Senior Achiever nominee in order of preference and the nominee with the most points was endorsed.

### **Panel’s recommendations**

Attachment 2 provides the Selection Panel’s recommendations.

### **ENGAGEMENT**

A total of eight nominations were received from community members. This was lower than the 26 nominations received in 2021.

**3.9 (Cont.)**

A review of the awards will be undertaken to consider a revitalised approach to future awards. The review will be undertaken with the Peninsula Advisory Committee for Elders (PACE) and reported back to Council.

**COMMUNICATIONS PLAN**

The Awards were open for nomination for eight weeks and were widely promoted through a Communications Plan that included local print publications, social media, flyers at Shire facilities and libraries and sent to local community groups and networks.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

There are no financial or budgetary implications to Council.

**CONFLICTS OF INTEREST**

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

**3.10 Business support and the Economic Development and Tourism Strategy - update report**

Prepared By	Natasha Petkovic-Jeremic, Manager - Community Activation
Authorised By	Director - Community Strengthening
Document ID	A11892879
Briefing Note Number	Nil
Attachment(s)	Nil

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**EXECUTIVE SUMMARY**

Throughout 2021 and 2022, Mornington Peninsula Shire has refined and adapted processes to support the business community, including a significant focus on COVID recovery. Initiatives to support businesses are led by teams across the organisation including the Shire's Economic Development, Tourism Services, Planning, and Community Facilities and Precincts teams.

Over the past 12 months, a number of initiatives and programs have been delivered which have included:

- An events program to increase internal and external visitation to the Shire
- Increased business surveys to better understand and respond to business needs
- Networking opportunities and mentoring programs for local business
- COVID recovery programs
- Planning process changes, including reduced wait times
- Reduced costs for permits and fees
- Rates hardship assistance
- Parklets and extended outdoor dining .

**RECOMMENDATION**

**That Council receives and notes the report titled 'Business support and the Economic Development and Tourism Strategy - update report'.**

**COUNCIL & WELLBEING PLAN**

Business support is relevant to all three themes of the Council and Wellbeing Plan 2021-2025.

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

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

Not applicable.

**BACKGROUND**

The Mornington Peninsula Shire's (Shire) Council and Wellbeing Plan lists 'A robust, innovative and diverse economy' as one of three key themes. The Economic Development Strategy listed on the Shire's website covers 2016 to 2019 and is significantly outdated. On 27 July 2021 Council passed a formal resolution in support of small businesses on the Mornington Peninsula. These are critically important activities to drive economic development and to ensure Council is well-placed to support and enable our businesses on the Mornington Peninsula.

At the Council meeting held on 7 February 2022, Council resolved to:

1. *Requires the Chief Executive Officer to present a brief report to Council at the Council meeting on 21 February 2023, summarising:*
  - A. *The work done to support businesses over the last 12 months, particularly steps to review current practices/processes and to implement a refreshed strategy (1 A/B above).*
  - B. *Provide a timeline for completing the review and development of an Economic Development Strategy, including the necessary consultation activities.*

**DISCUSSION****SUPPORTING BUSINESSES IN 2022**

Throughout 2022 a significant amount of work has been undertaken to assist businesses across the Shire through a broad range of business support services, advocacy campaigns, capacity building initiatives and strategy development and implementation. Offices will continue these efforts over the coming year through the development of Council's new 10 year Economic Development and Tourism Strategy.

Examples of the work undertaken in 2022 are noted below;

**Business support**

- Business liaison (concierge service) – dedicated email and phone support for businesses
- Monthly business focussed newsletters
- Development of a dedicated business website
- The Support Local campaign
- Online Support Local Business Directory
- Local Economy Booster Program
- Tourism Marketing subsidy
- Business Development grants program

**3.10 (Cont.)**

- Promotion of the Funding Finder portal
- Business mentoring programs
- Business and creative industry networking events
- Support for business groups, industry associations and 5 local Chambers of Commerce
- Summer township activation program
- Tourism business promotion at the Dromana Visitor Information Centre
- \$60,000 funding to non-council managed visitor information centres
- Victorian Top Tourism Town Awards finalist

**Business capacity building**

- Agricultural Industry Support
- Best Bites Program
- Business Events Advisory Service
- Mornington Peninsula Business Excellence Awards
- Industry Development Program (workshops, webinars and networking)
- Innovation Summit
- Extended Outdoor Dining / Parklet program
- Almost 2,000 face-to-face business surveys undertaken across the peninsula
- Employment networks engagement with FMPLLEN, and SEMP jobs taskforce

**Strategy Development**

- Food Economy and Agroecology Strategy
- Internal consultation, workshops and preliminary consultation including 2000 interviews with local business to support the development of the new Economic Development and Tourism Strategy.

**CONTINUOUS IMPROVEMENT INITIATIVES**

A range of improvements have been made, or are underway, across the organisation to refine and adapt processes to better support the business community.

**3.10 (Cont.)**

These include:

**Service reviews/evaluation and data analysis**

- Design of the COVID recovery program and refined business development support (workshop content, mentoring programs, online resources) resulting from business survey feedback data
- User experience of Shire business website is informing an upgrade to be rolled out in 2023
- Industry development events surveys to adapt event content to best respond to business needs
- Best Bites review underway (to be completed May 2023).

**Customer-centric service focus**

- Increased business communication channels, including planned launch of dedicated social media channels
- 2023 Business Excellence Awards planning is underway incorporating key stakeholder feedback to improve processes and outcomes for businesses
- Parklet Policy development underway
- Internal Customer Service Knowledgebase review.

**Tailored programs**

- Grant Application workshops assisting businesses with grant applications
- Development of Business Planning Accelerator programs with ongoing mentoring. (Inaugural program held in January 2023 for 24 businesspeople)
- Business feedback from Networking events informs future programs. Plans are underway for three networking events to be held in 2023.

**Trialled innovative activations**

- Pop up Visitor Information stands at The Briars and the Get Active Expo
- Expanded range of on-demand resources on mpbusiness.com.au
- Small Business Festival planning is underway (August 2023) in response to business requests for a showcase format
- Planning is underway for focussed industry development events such as Creative Businesses to be launched in 2023

**Research initiatives and government liaison**

- Economic Impact Reports
- Mornington Peninsula Skills Jobs Network (MPSJN)

**3.10 (Cont.)**

- Project Working Group for the Southern Metropolitan Partnership Regional Needs Assessment and Investment Framework project conducted by KPMG – due for delivery at the end of 2023
- DJPR Visitor Economy Partnerships framework discussions.

**PLANNING AND PLANNING APPLICATIONS**

An average of 5% of planning applications received are for business related activities. The Development Services team has made improvements to support all planning applications over the last 3 years, with a focus on reducing delays and increasing efficiency.

Steps undertaken to better support applicants include:

- Engagement in the parklets program
- Re-implementation of the formal pre-application service
- Fast tracking the report writing and final sign off of applications that meet certain criteria
- Dedicated officers for phone and counter enquiries at the Mornington office daily
- Continuous improvement initiatives and review of internal processes to provide efficiencies in both assessment of planning applications and customer service. Such processes include but are not limited to reviewing and updating standardised report templates, reviewing permit conditions and providing additional training to officers
- Established a customer service satisfaction survey to inform potential improvements

Further work to target business related permits and assist in navigating the planning system is being considered. Formally dedicating resources to assess all applications of this nature from pre-application meetings through to determination can assist in having a central contact point. Whilst this does not currently exist in a formal sense, endeavours are being made to ensure that this does occur where resourcing currently allows.

Council will also shortly participate in the Better Planning Approvals (BPAs) program run by the Department of Transport and Planning (DTP). It is anticipated that whilst this program also does not specifically target businesses, it will have positive impacts for facilitating and expediting assessment of planning permit applications for commercial activity.

**ECONOMIC DEVELOPMENT AND TOURSIM STRATEGY TIMELINE**

The Economic Development and Tourism Strategy will be prepared in consultation with Council, key community stakeholders and the community with the following indicative timeline and key steps:

*Table 1: Outline of Economic Development and Tourism Strategy Consultation Phases*

Consultation Phase	Indicative Timing
<b>Project Inception and Scene-Setting Phase</b>	
<ul style="list-style-type: none"> <li>• Inception meeting with Council's Economic Development and Tourism Team (03/02/23)</li> <li>• Collation of information (data, policy and strategy documentation) for</li> </ul>	February 2023

## 3.10 (Cont.)

<ul style="list-style-type: none"> <li>review in Stage 2</li> <li>Scene-Setting Workshops with Project Control Group (PCG) and Councillors</li> <li>Initial targeted consultation meetings with key agency stakeholders</li> </ul>	
<b>Core Consultation and Direction-Setting Phase</b>	
<ul style="list-style-type: none"> <li>Progress report meetings with the PCG and Councillors</li> <li>Design and administration of online economic development and tourism strategy survey</li> <li>Ongoing targeted consultation meetings with selected agency and institutional stakeholders</li> <li>Consultation workshop with local business and industry leaders</li> <li>Community consultation forums (number to be confirmed depending on need/interest)</li> <li>Analysis of online economic development strategy survey findings</li> <li>Preparation of a Strategic Themes &amp; Directions Paper</li> <li>Strategic Direction-Setting Workshop with Councillors</li> </ul>	March-April 2023
<b>Action Planning and Delivery Phase</b>	
<ul style="list-style-type: none"> <li>Present Draft Economic Development and Tourism Strategy to PCG and Councillors</li> <li>Prepare for Public Exhibition, the Final Draft Strategy</li> <li>Prepare the Final Economic Development and Tourism Strategy</li> </ul>	May-July 2023

The first Scene-Setting workshop with Councillors is scheduled for 22 February 2023. This initial workshop will offer an opportunity to discuss the vision for economic development and tourism and key principles underlying a preferred economic future for the Mornington Peninsula.

**Options for consideration**

Not applicable.

**ENGAGEMENT**

Over the last 12 months, officers have undertaken comprehensive engagement with Council, stakeholders and community to develop the Food Economy and Agroecology Strategy. A comprehensive consultation plan will be undertaken to inform the development of the Economic Development and Tourism Strategy.

**COMMUNICATIONS PLAN**

Not applicable.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**3.10 (Cont.)**

**SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**CONFLICTS OF INTEREST**

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

## CORPORATE STRATEGY & BUSINESS IMPROVEMENT

### 3.11 Future Workplace Model

Prepared By	Daniel Garrood, Project Coordinator - Future Workplace
Authorised By	Director - Corporate Strategy and Business Improvement
Document ID	A11769259
Briefing Note Number	BN1684 – 31 January 2023
Attachment(s)	Nil

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#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of the recommended model of one consolidated office with satellite locations and tiered offices for the Future Workplace of the Mornington Peninsula Shire Council (Shire).

Shire officers have previously undertaken research analysing the different options and considerations for the future workplace project over several years, and have established the following recommendation for a high-level model:

- One consolidated office
- Two Major satellite locations
- Multiple small satellite locations leveraging existing resources/assets across the Shire
- In addition to the above we will leverage a hybrid workforce model (i.e. home working) to be agreed through line management.

The recommended model best supports improved connection to community, service delivery, organisational collaboration, and the hybrid workforce model, whilst also reducing operational and construction costs.

As a next step for the project Shire officers are proposing to engage subject matter experts to assist with determining a future operating model, functional requirements, and preferred location(s).

#### RECOMMENDATION

**That Council:**

**Endorses the recommended model of one consolidated office with satellite locations and tiered offices for the Future Workplace of the Mornington Peninsula Shire Council.**

#### COUNCIL & WELLBEING PLAN

The Future Workplace project aligns with the following Council and Wellbeing Plan Strategic Key Themes:

- Theme two: A robust, innovative, and diverse economy.

**3.11 (Cont.)**

- Theme three: A flourishing, healthy, and connected community.

The Future Workplace project aligns with the following Council and Wellbeing Plan Strategic Objectives:

- Strategic Objective 2.4: A diverse economy, with green and renewable opportunities encouraging entrepreneurship, investment, and innovation.
- Strategic Objective 3.3: A community in which people from all generations, backgrounds and abilities can access local services.
- Strategic Objective 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**

*Adopted the commencement of a Business Case and Concept Development for a Creative Cultural Precinct in Hastings. This recommendation will be considered when exploring the locations for the future workplace.*

**DISCUSSION****Purpose**

The purpose of this report is to seek Council endorsement of the recommended model of one consolidated office with satellite locations and tiered offices for the Future Workplace of the Mornington Peninsula Shire.

**Background**

Council has previously undertaken extensive research analysing the different options for a Future Workplace. The outcome of this research determined that there are many benefits of a consolidated office with satellite locations and tiered offices, including:

- Improved service delivery, community support and customer service.
- Greater connection with our communities across the 44 villages and towns.
- Increased collaboration and connection within the organisation.
- Supports the hybrid workforce model and organisational flexibility.
- Reduced costs from duplication and maintaining multiple offices.
- Reduced construction costs and building footprint (one major building).
- Environmentally sustainable through minimised infrastructure footprint.
- Resolved access and non-compliance issues with current office spaces.
- Greater flexibility to explore options for all Shire-owned land and assets.

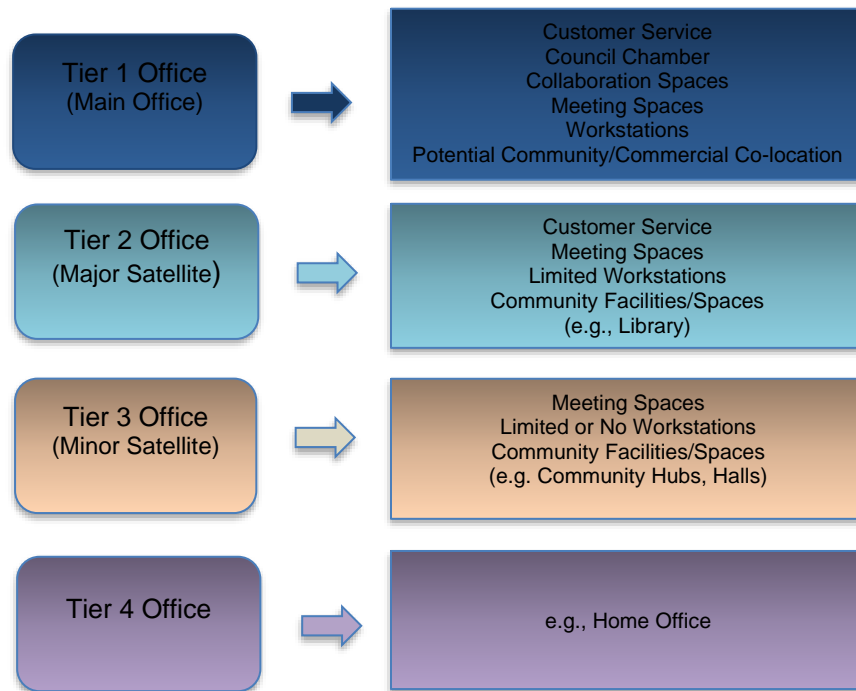
**Recommended Model**

The previous research undertaken has established the following recommended model for the future workplace of the Shire:

3.11 (Cont.)

- One consolidated office
- Two major satellite locations
- Multiple minor satellite locations leveraging existing resources/assets across the Shire
- In addition to the above we will leverage a hybrid workforce model (i.e. home working) to be agreed through line management.

The following table illustrates the recommended high-level model for the future workplace.



**Next Steps**

As a next step for the project Council officers are proposing to engage subject matter experts to undertake a study with the following scope:

- Industry benchmarking and trends.
- Functional requirements.
- Customer service requirements.
- Operating model analysis.
- Location analysis including feasibility, population catchment, travel time, economic impact, etc.
- Recommended location(s) for a consolidated office and satellite sites.
- High level cost analysis.

**3.11 (Cont.)****ENGAGEMENT**

An engagement plan will be developed and implemented as the project progresses. Engagement internally with Shire staff and Councillors, and externally within the community, will be important to achieving the best outcome possible.

**COMMUNICATIONS PLAN**

In line with the above, a communications plan will be implemented by Shire officers and will be continually updated as the project progresses.

**LEGAL AND REGULATORY FRAMEWORK**

Not Applicable.

**SUSTAINABILITY CONSIDERATIONS**

The Future Workplace project will adhere to environmentally sustainable design requirements in line with all Council policies and strategies.

**FINANCIAL CONSIDERATIONS**

The recommended model of one consolidated office with satellite locations and tiered offices has the following budget implications for the project:

- Reduced costs from duplication and maintaining multiple offices.
- Reduced construction costs (one major building).

The Future Workplace project will explore use of Council owned land and facilities and all commercial funding opportunities and partnerships to, where possible, achieve a cost neutral delivery to Council.

In the 2022/23 Council budget \$180,000 was included to undertake a study to ascertain the functional requirements and best location for a future workplace for the Shire. This funding will be used to engage a consultant to undertake the feasibility study as recommended.

To continue progressing the project through to a Business Case, a funding allocation of \$390,000 will be required in the 2023/24 budget.

**CONFLICTS OF INTEREST**

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

**3.12 Land Disposal Program - Various Lots and Road Discontinuances**

Prepared By	Greg Collins, Senior Property Advisor; Jo Kaylock, Team Leader - Property Operations
Authorised By	Director - Corporate Strategy and Business Improvement
Document ID	A11819881
Briefing Note Number	Not applicable
Attachment(s)	1. Title - Road Between 15 & 1/22 Robinson Place, Portsea 2. Strategic Land Review - Potential Disposal - January 2023

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**EXECUTIVE SUMMARY**

Mornington Peninsula Shire Council's (Shire) Property and Commercial Services unit has undertaken assessments of vacant Shire owned land which has determined there is no ongoing service need for the land to be retained. Information about the land is shown at Annexure 1.

This report recommends Council commences the statutory processes to sell the land listed below.

- Road between 15 and 1/22 Robinson Place, Portsea.
- 58-60 Revell Street, Blairgowrie.
- 36 Scott Street, Blairgowrie.
- 1 Cooma Street, Crib Point.
- 26 Dartnell Close, Crib Point.
- 2 Valley Court, Mount Eliza.

**RECOMMENDATION**

1. That Council undertakes the statutory process under clause 3 section 10 of the *Local Government Act 1989* to discontinue and sell the Road R1 on PS26034, between 15 and 1/22 Robinson Place, Portsea, to the owner of 15 Robinson Place, Portsea on the following terms:
  - A. The sale price be determined by certified valuation and the purchaser to pay all Council's outgoing costs including legal and valuation.
  - B. The purchaser to consolidate the discontinued road with the title of 15 Robinson Place, Portsea.
2. That Council undertakes the statutory process under section 114 of the *Local Government Act 2020* to sell the properties located at the following street addresses (and with title particulars further detailed in Attachment 1):
  - A. 58-60 Revell Street, Blairgowrie;

**3.12 (Cont.)**

- B. 36 Scott Street, Blairgowrie;
  - C. 1 Cooma Street, Crib Point;
  - D. 26 Dartnell Close, Crib Point; and
  - E. 2 Valley Court, Mount Eliza.
3. That Council publishes notice in a local newspaper and on the Shire's website to provide notice of Council's intention to sell the properties identified in 2 A to E at least 4 weeks prior to selling.
  4. That if any submissions to the proposed sales in 2 A to E are received a further report be brought to Council to consider the submissions prior to determining if any proposed sale should proceed.
  5. That if no submissions to the proposed sales in 2 A to E are received the properties be sold using a public process such as public auction, public tender or public Expression of Interest or Registration of Interest, with the reserve price for each property to be set in accordance with a certified valuation.
  6. That the Manager – Property and Commercial Services is authorised to execute all documents necessary to complete the discontinuance and sale of the road and sale of the land parcels.
  7. That the Chief Executive Officer or delegate be authorised to affix the common seal where necessary.

**COUNCIL & WELLBEING PLAN**

The proposed sale of land supports the following strategic theme of the Council and Wellbeing Plan 2021-2025:

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

**RELEVANT COUNCIL DECISIONS AND POLICIES****Property Strategy**

Council's Property Strategy 2018 provides a policy framework to guide Council's decision making in relation to Shire owned and managed property and the requirements of Council. The property disposal function relates to the assessment of property assets held by the Shire for which there is no ongoing service need or where the delivery approach has altered, and the property is no longer required to supply the service to the community. As part of this function Council will consider the assessment of disposal options, testing alternative uses of property, consideration of benefits of disposal including alternative uses of capital and the timing of sale to maximise returns.

**Discontinuance and Disposal of Roads Policy**

This policy applies to any road within the municipal district and pursuant to the powers of Council as set out in the *Local Government Act 1989*.

**Disposal of Property Deemed 'Excess and/or Inappropriate' Policy**

This policy applies to all Shire property held in freehold title or vested in Council.

**Community Engagement Policy**

The purpose of this policy is to articulate the Shire’s commitment to engaging the municipal community through the use of appropriate, effective and inclusive practices in order to effectively inform decision making processes. The Shire will undertake community engagement consistent with the policy and its principles when acquiring or selling land.

**DISCUSSION**

**Road between 15 and 1/22 Robinson Place, Portsea – Road R1 on PS26034**

The road was created on plan of subdivision LP26034 lodged on 27 May 1953 and runs between Robinson Place and the east boundary of Portsea Golf Club. The unconstructed road is approximately 67.05 metres long and 3.04 metres wide, with a total area of approximately 203.83 square metres.

The road is covered with vegetation, does not contain any drainage assets, is not included in Council’s Register of Public Roads and is not required for any strategic purpose.

The road is zoned General Residential 1 and does not contain any easements or covenants. A copy of Title Certificate, Volume 6865 Folio 905 and Title Plan Road R1 on PS26034 is shown at Attachment 1.

The owner of 15 and 1/22 Robinson Place, Portsea has requested to purchase the road and to be consolidated with 15 Robinson Place, Portsea.



*Figure 1 – Road Between 15 & 1/22 Robinson Place, Portsea*

**58-60 Revell Street, Blairgowrie – Lot 1 on TP145799 and Lot 185 on LP2384**

The land comprises two lots of 1,202 and 1,207 square metres with separate titles and is mostly level with some vegetation. The land is zoned General Residential 1 and abuts the Harlean Street Bushland Reserve. Copies of Title Certificates; Volume 9087 Folio 811 - Lot 1 on TP145799 and Volume 8050 Folio 057 – Lot 185 on LP023840 are shown at Attachment 2.

There are no drainage assets on the land however the drainage pits on the adjoining reserve are known to surcharge. The Shire's Roads, Drainage and Cleansing team has reviewed the proposal land sale and recommends a portion of sale revenue be allocated to nearby soak pit upgrades.



*Figure 2 – 58-60 Revell Street, Blairgowrie*

**36 Scott Street, Blairgowrie – Lot 417 on LP26944**

The land is a single vacant lot of 634 square metres with separate title and is level with a small amount of vegetation. The land is zoned General Residential 1 and adjoins the Shire owned land at 38 Scott Street, Blairgowrie, which is a drainage reserve running between Scott Street and Morris Street. A copy of the Title Certificate; Volume 8708 Folio 236 - Lot 417 on LP26944 is shown at Attachment 2.

There are no drainage assets on the land and the Shire's Roads, Drainage and Cleansing team has reviewed the proposal land sale and has no objection to it.



*Figure 3 – 36 Scott Street, Blairgowrie*

**1 Cooma Street, Crib Point – Lot 28 on LP6672**

The land is a single vacant lot of 1,148 square metres and is level with some vegetation. The land is zoned Neighbourhood Residential 1 and accessed via Cooma Street which is an unsealed road maintained by the Shire. A copy of the Title Certificate; Volume 10610 Folio 366 - Lot 28 on LP6672 is shown at Attachment 2.

The neighbourhood character objectives of Neighbourhood Residential Zone 1 include ‘to promote the preferred future character of the township as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.’

The land adjoins residential properties to the north and east and a laneway to the south. There are no drainage assets shown to be on the land.



*Figure 4 – 1 Cooma Street, Crib Point*

**26 Dartnell Close, Crib Point – Lot 1 on TP654477 and Lot 1 on TP654487**

The land comprises two lots, each of 1,018 square metres with separate titles and is mostly level with some vegetation. The land is zoned General Residential 1 and adjoins residential dwellings. The land is opposite Dartnell Reserve, a small, treed reserve with play equipment. Copies of Title Certificates; Volume 9252 Folio 326 - Lot 1 on TP654477 and Volume 9252 Folio 327 – Lot 1 on TP654487 are shown at Attachment 2.

The northern lot includes a 1.83-metre-wide drainage easement along the southern boundary. The easement contains a 525mm pipe discharging to a street pit. Due to the drainage easement dividing the two lots it is recommended the land be sold separately for ease of any future development.

The Shire's Roads, Drainage and Cleansing team has reviewed the proposal land sale and has no objections.



*Figure 5 – 26 Dartnell Close, Crib Point*

**2 Valley Court, Mount Eliza – Lot 44 on LP80540**

The land is a single vacant lot of 1,056 square metres and is level with some vegetation and adjoins residential properties. The land is zoned General Residential 1 and located at the corner of Valley Court and St James Crescent. A copy of the Title Certificate; Volume 8732 Folio 633 - Lot 44 on LP80540 is shown at Attachment 2.

The land was created as a subdivision from the Ansett estate in 1968 and is subject to a covenant on title restricting 'development to one building with a minimum area of 900 square feet, excluding outbuildings, no asbestos walls, no corrugated iron roof.'

The land has an easement in the north-west corner containing a drainage pit. The Shire's Roads, Drainage and Cleansing team has reviewed the proposal land sale and has no objection.



*Figure 6 – 2 Valley Court, Mount Eliza*

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

Council must comply with the provisions of the *Local Government Act 2020* (the Act) when it proposes to sell or exchange land. Section 114 of the Act requires that:

- At least four weeks prior to selling or exchanging the land Council must publish notice of intention to do so on Council's website.
- Undertake a community engagement process in accordance with its community engagement policy.
- Obtain a valuation of the land from a qualified person.

The *Local Government Act 1989*, Schedule 10 Clause 3, provides Council with the power to discontinue a road, or part of a road, and sell land from that road.

**SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

As previously outlined, Council is required to obtain certified valuations for each lot proposed for sale. An indication of the total value of the land can be determined by the current rateable site value of \$4,500,000. The total selling costs is estimated to be \$60,000.

**CONFLICTS OF INTEREST**

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

## 4 COUNCILLORS AND DELEGATES REPORTS

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

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

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Arts and Culture Advisory Panel	Cr Gill	Cr Dixon	Natasha Petkovic-Jeremic, Manager – Community Activation
Association of Bayside Municipalities	Cr Marsh	Cr Holland	Laura Crilly, Team Leader – Water and Coasts
Audit and Risk Committee	Cr Celi Cr Mar	Mayor	Bulent Oz, Chief Financial Officer
Australian Coastal Councils	Cr Marsh	N/A	Laura Crilly, Team Leader – Water and Coasts
Australia Day Committee	Cr Holland	Cr Celi	Steve Harris, Festivals and Events Coordinator
Bass Park Trust	Cr Gill	N/A	Pam Vercoe, Acting Manager – Governance
Community Consultative Committee on Gaming	Cr O'Connor		Chris Munro, Manager – Community Partnerships
Communities That Care (CTC)	Cr Dixon	Cr Celi	Rebekah Popplewell, Communities That Care Coordinator
Department of Energy, Environment and Climate Action Wildlife Management Plan for Mornington Peninsula	Cr Marsh Cr Gill Cr Mar		
Disability Advisory Committee	Cr Bissinger	Cr Dixon	Virginia Richardson, Disability Inclusion Officer
Greater South East Melbourne	Mayor	N/A	John Baker, Chief Executive Officer
Health and Wellbeing Committee	Cr Celi	Cr O'Connor	Kate Hills, Team Leader – Community Wellbeing
Inter Council Aboriginal Consultative Committee	Cr Dixon	Cr Race	Pam Vercoe, Acting Manager – 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	Pam Vercoe, Acting Manager – Governance
Metropolitan Transport Forum	Cr Race	Cr Celi	Claire Davey, Traffic and Road Safety Officer
Mornington Liquor Industry Accord	Cr Marsh Cr O'Connor Cr Holland	Cr Mercurio	Katherine Cooper, Acting Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Mar	Cr Race	Jo-Anne Tetteroo, Acting Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Celi Cr Dixon Cr Holland	N/A	Nicole Young, Manager – Property and Commercial Services
Mornington Peninsula Shire Council Tourism Advisory Forum	Cr Gill Cr Bissinger Cr Dixon	N/A	Anne-Marie Haluszka, Team Leader – Tourism Services
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Pam Vercoe, Acting Manager – Governance
MAV Emergency Management Committee	Cr O'Connor		Brett Fletcher, Emergency Management Coordinator
Peninsula Advisory Committee for Elders	Cr Dixon	Cr Celi	Chris Munro, Manager – Community Partnerships
South East Councils Climate Change Alliance	Cr Race	Cr O'Connor	Chris Yorke, Energy and Carbon Management Officer and Nicci Tsernjavski, Climate Change Partnerships Officer
Triple A Housing Committee	Cr Gill	Cr Celi	Chris Munro, Manager – Community Partnerships
Victorian Local Governance Association (VLGA)	Cr Race	Cr Mar	Pam Vercoe, Acting Manager – Governance

## 5 NOTICES OF MOTION

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

### 5.1 Notice of Motion 382 (Cr Gill)

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

*That Council ensure the continuation of the annual Green Wedge Art competition.*

Officer Comment Prepared by	Natasha Petkovic-Jeremic, Manager - Community Activation
Authorised by	Tanya Scicluna, Director - Community Strengthening

### OFFICER COMMENT

In 2019 the Arts and Culture team delivered the Green Wedge Paint Out sessions and Exhibition for around 64 artists to respond to the Mornington Peninsula's spectacular Green Wedge. This exhibition did not continue in 2020 due to COVID-19 restrictions.

In 2022/23 budget was not allocated for delivery of a large exhibition and working within the current resources the Arts and Culture Team has instead developed a day of celebration for the Green Wedge to be held on 26 February 2023.

### Legal Implications

Not applicable.

### Financial and Resourcing Implications

Officers have developed a 2023/24 budget bid for a Green Wedge exhibition. The cost is estimated to be \$20,000.

The event could be externally facilitated through an appropriate community group should recurrent funding be allocated.

### Potential Alternative Wording

Not applicable.

**5.2 Notice of Motion 383 (Cr Gill)**

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

*That council meetings with each local politician be held as soon as possible and continue on a regular basis.*

Officer Comment Prepared by	Jess Orr, Team Leader – Councillor Support
Authorised by	Amanda Sapolu - Executive Advisor to the Chief Executive Officer John Baker - Chief Executive Officer

**OFFICER COMMENT**

The arrangement of Council meetings with local politicians can be coordinated as agreed between the Mayor, CEO, Councillors and the politician.

Depending on the issue or concern, and whether it is ward related, Councillors may meet with politicians on a regular basis.

**Legal Implications**

Not Applicable.

**Financial and Resourcing Implications**

Not Applicable.

**Potential Alternative Wording**

Not Applicable.

## **6 URGENT BUSINESS**

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

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

## **7 CONFIDENTIAL ITEMS**

Nil.