



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 7 FEBRUARY 2023

6.30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL**WARDS AND COUNCILLORS**

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

SENIOR LEADERSHIP TEAM

Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure
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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 Race

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

1.2 Investiture of Seawinds Ward Councillor (Pending Declaration)

2 PROCEDURAL MATTERS

2.1 Apologies

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

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meetings held on 20 December 2022 and 24 January 2023, be confirmed.

2.4 Councillor Briefing Sessions

Councillor Briefing Sessions – 13 December 2022

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 13 December 2022.

2.5 Council Decision Register

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

PURPOSE

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

Attached are Summaries of the 2019-2022 Decision Registers (Attachments 1-4) as at 30 January 2023.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2022 (Attachments 1-4) as at 30 January 2023.

2.6 Petitions and Joint Letters

Storm Water Drainage - Mount Eliza Way, Mount Eliza

A petition with 16 signatures has been received requesting the installation of storm water drainage to reduce the impact of flood damage after heavy rainfall at Lot M Ranelagh Estate and the impact on residents of Roborough Avenue, Mount Eliza.

Immediate Comment

The stormwater runoff which is causing the drainage issue to the petition residents has been generated by some of the properties located in Mount Eliza Way. It is the responsibility of property owners to manage runoff generated within their property boundary and discharge it to the legal point of discharge so it does not cause a nuisance to neighbours, this is regulated under the *Water Act 1989* (Act). The Mornington Peninsula Shire (Shire) is not empowered to enforce this Act and cannot request that these residents comply with this Act.

In 2016 an upgrade of Mount Eliza Way was completed and new drainage infrastructure was installed, we would support the residents in Mount Eliza Way connecting to this infrastructure.

The Shire is not the land owner/manager of 63 (Lot M) Roborough Avenue, Mt Eliza and any further upgrades are the responsibility of the Ranelagh Club.

Following this meeting, the Roads, Drainage and Cleansing Team will be in touch with the petitioners to provide information on the Legal Point of Discharge process and other required information.

Action Officer: Graham Riley, Team Leader – Roads, Drainage and Cleansing

Concrete Driveway on Nature strip - 7 Ailsa Street, Mount Martha

A petition with 9 signatures has been received objecting to the installation of a concrete driveway at 7 Ailsa Street, Mount Martha. Residents of the street have concern for potential drainage issues and the consistency of appearance as the rest of the street is unmade.

Immediate Comment

The requirement to provide a concrete vehicle crossing has come about via the conditions of the relevant planning permit and the approved engineering plans, which form part of the permit.

Both the permit and the approved engineering plans require the additional crossover servicing Lot 2 (7 Ailsa Street) to be constructed in accordance with Mornington Peninsula Shire Council Standards, which require a sealed concrete or asphalt surface. There are no standards or specifications for a crushed rock vehicle crossing that can be used to permit a crushed rock vehicle crossing in this location.

The Asset Protection Team is responsible for ensuring any works in the road reserve are constructed in accordance with the approved engineering plans (and subsequently the relevant construction standards).

The Asset Protection Team is willing to discuss these construction standards further with any interested residents.

Action Officer: Jesse Bell, Team Leader – Asset Protection

RECOMMENDATION

That Council receives and notes the above petitions.

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 Letters of Appreciation - Retiring Councillors and Outgoing Member for Nepean and Member for Hastings

Prepared By	Christine Aslanidis, Team Leader Governance and Legal Support
Authorised By	Chief Executive Officer
Document ID	A11848923
Briefing Note Number	Not applicable
Attachment(s)	Nil

EXECUTIVE SUMMARY

This report seeks Council's endorsement for the Sealing and presentation of the documents described in the below schedule.

Schedule	
Sealing No.	Document Description
02/23	Letter under Seal – Outgoing Member for Nepean – Chris Brayne
03/23	Letter under Seal – Outgoing Councillor – Paul Mercurio AM
04/23	Letter under Seal – Outgoing Councillor – Kerri McCafferty
05/23	Letter under Seal – Outgoing Member for Hastings – Neale Burgess

RECOMMENDATION

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

COUNCIL & WELLBEING PLAN

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

- Good governance
- Transparent in our decision-making.

RELEVANT COUNCIL DECISIONS AND POLICIES

Acknowledgement of Special Events or Achievements Policy.

3.1 (Cont.)**DISCUSSION**

A letter of appreciation will be presented by the Mornington Peninsula Shire Council (Shire) to Mr Chris Brayne, former Member for Nepean, Mr Neale Burgess, former Member for Hastings, Ms Kerri McCafferty, former Seawinds Ward Councillor, and Mr Paul Mercurio AM, former Watson Ward Councillor, for their significant contributions to the community.

Mr Chris Brayne MP – Outgoing Member for Nepean

The Mornington Peninsula Shire Council acknowledges Mr Brayne's significant service and commitment to the community as the Member for Nepean from 2018 to 2022.

Since he was elected Member for Nepean in 2018, he has been committed to improving and benefiting the community. During this period, numerous community initiatives have been successfully achieved including improvements to infrastructure, the upgrading of local schools, and the introduction of an express bus service to Frankston.

Mr Neale Burgess MP – Outgoing Member for Hastings

The Mornington Peninsula Shire Council acknowledges Mr Burgess's significant service and commitment to the community from 2006 to 2022, representing the electorate of Hastings.

After serving the community for 16 years, Mr Burgess announced in November 2022 that he would not contest the seat of Hastings. In a statement, Mr Burgess said he was grateful for the opportunity to do his life's most fulfilling and worthwhile work. He added that helping local people and families overcome many challenges was very rewarding. He shared that some of his favourite outcomes working with the community included stopping a bitumen plant, a urea plant and AGL's gas plant in Crib Point.

During his four terms in office, he has accomplished a great deal in the community and is immensely proud of it all.

Ms Kerri McCafferty – Outgoing Seawinds Ward Councillor

As a strong advocate for environmental and social justice issues, Ms McCafferty was elected to the Seawinds Ward in 2020.

As a member of Council, she served as Chair of the Westernport Biosphere, and delegated representative to the South Eastern Councils Climate Change Alliance. As an active member of the Disability Advisory Committee, she was instrumental in getting the interpretation / language boards in the playgrounds.

Among many achievements she was the driving force behind the Mornington Electric Vehicle Forum, held in October 2022, and a vocal advocate for victims of domestic violence.

Mr Paul Mercurio AM MP – Outgoing Watson Ward Councillor

Mr Paul Mercurio AM was elected to the Watson Ward in 2020. As a strong advocate of arts and culture, he has played a significant role in advancing the arts and developing a Performing Arts Precinct on the Mornington Peninsula.

He was appointed to various community boards, including the Community Consultative Committee for Gaming, Keep Victoria Beautiful - Tidy Towns, and the Arts and Culture Advisory Committee.

While serving on Council, he introduced reforms to the Food Truck Policy, established the Creative Arts Fund, and helped deliver many successful projects in Watson Ward, including the Skate Park in Somerville.

3.1 (Cont.)

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

There are no financial implications.

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 Councillor Claim for Travel Expenses

Prepared By	Pam Vercoe, Manager - Governance; Christine Aslanidis, Team Leader Governance and Legal Support
Authorised By	Chief Executive Officer
Document ID	A11853185
Briefing Note Number	Not applicable
Attachment(s)	1. Gulf to Peninsula Partnership Agreement

EXECUTIVE SUMMARY

The purpose of this report is to request Council approval for reimbursement of expenses incurred by Councillor Anthony Marsh in relation to establishing a Friendly Council Partnership with Roper Gulf Regional Council (Gulf to Peninsula Partnership).

RECOMMENDATION

That Council approves the \$3,750.48 reimbursement of expenses to Councillor Anthony Marsh.

COUNCIL & WELLBEING PLAN

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

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

RELEVANT COUNCIL DECISIONS AND POLICIES

On 31 October 2022, Council resolved to establish a Friendly Council Partnership with Roper Gulf Regional Council (Gulf to Peninsula Partnership).

- Councillor Expenses, Reimbursement, Resources and Facilities Policy.

DISCUSSION**Background**

Councillor Anthony Marsh has provided the following background to support his request for reimbursement of the expenses incurred.

During a visit to Womin Djeka - Balnarring Ngargee in 2022, as Mayor, Councillor Marsh and Deputy Mayor, Councillor Lisa Dixon were introduced to Roper Gulf Regional Council's Mayor, Councillor Tony Jack and Chief Executive Officer, Mr Marc Gardner.

Their conversations led to discussing the possibility of developing a knowledge exchange partnership (often referred to as a 'sister city') between Mornington Peninsula Shire Council and Roper Gulf Regional Council.

3.2 (Cont.)

Informally, the idea was discussed with the Councillor group, and their support resulted in further discussion. This led to a planned trip to meet with the Mayor and Chief Executive Officer of the Roper Gulf Regional Council and to tour the region.

The purpose of the trip was to explore potential opportunities for creating a more enduring relationship between the two councils.

Following the visit, Council passed a resolution on 31 October 2022 to sign an Agreement between the Roper Gulf Regional Council and the Mornington Peninsula Shire Council to establish a Friendly Council Partnership (Gulf to Peninsula Partnership) to explore potential opportunities between the two councils.

A copy of the signed agreement is attached to this report.

Councillor Anthony Marsh travelled to the Roper Gulf Regional Council in Darwin from 22 September to 25 September 2022.

In accordance with the Councillor Expenses, Reimbursement, Resources and Facilities Policy 5.2 Under section 40 of the *Local Government Act 2020* (the Act), Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that:

- are bona fide expenses;
- have been reasonably incurred in the performance of their role; and
- are reasonably necessary to perform that role.

Councillor Anthony Marsh has provided receipts for the following expenses and is requesting reimbursement for:

- Return economy Virgin airlines flights to Darwin \$2,198
- Hertz rental car hire \$1,233.32
- Melbourne Airport carparking \$319.16.

No further associated expenses have been submitted for reimbursement.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

SUSTAINABILITY CONSIDERATIONS

There are no direct sustainability considerations.

3.2 (Cont.)**FINANCIAL CONSIDERATIONS**

In accordance with the Councillor Expenses, Reimbursement, Resources and Facilities Policy 5.2 Under section 40 of the Act, Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that:

- are bona fide expenses;
- have been reasonably incurred in the performance of their role; and
- are reasonably necessary to perform that role.

CONFLICTS OF INTEREST

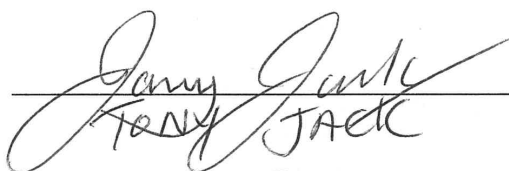
No person involved in the preparation of this report has a conflict of interest in the subject matter of this report.



The Roper Gulf Regional Council and the Mornington Peninsula Shire Council agree to establish a Friendly Council Partnership ('Gulf to Peninsula Partnership') to explore opportunities between the two areas.

Roper Gulf Regional Council

Mayor


TONY JACK

Deputy Mayor


LUCY MACFARLANE

Chief Executive Officer


MARC GARDNER

Mornington Peninsula Shire Council

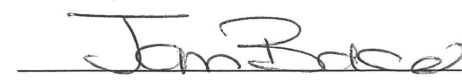
Mayor


ANTHONY MARSH

Deputy Mayor


LISA DIXON

Chief Executive Officer


JOHN BAKER

Signed on November 1, 2022

3.3 Instruments of Appointment and Authorisation

Prepared By	Diana Harris, Governance Officer
Authorised By	Manager - Governance
Document ID	A11839925
Briefing Note Number	Not applicable
Attachment(s)	1. Instrument of Appointment and Authorisation - Murray Eva

EXECUTIVE SUMMARY

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

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

It is recommended that Council appoints the relevant Shire officer as an Authorised Person under the *Land Act 1958*.

RECOMMENDATION

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation, Council resolves that:

- A. The member of Council staff referred to in Attachment 1 be appointed under the *Land Act 1958*.**
- B. The Instruments comes into force upon the resolution of Council.**

COUNCIL & WELLBEING PLAN

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

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

RELEVANT COUNCIL DECISIONS AND POLICIES

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

3.3 (Cont.)**DISCUSSION****Purpose**

The purpose of this report is to authorise the Shire officer for the purposes of enforcing the *Land Act 1958*. Appointments are formally made by a signed Instrument of Appointment and Authorisation (Attachments 1).

The Land Act 1958

Section 188A applies to Crown land that is under the control of a Committee of Management (CoM) and provides that if a person constructs a building/works on that land, a person authorised by the CoM can demand that that person produces a current permit authorising them to keep the building. If, after 21 days, that person has not produced such a permit, then the Authorised Person may cause a complaint and a summons to appear before the Magistrates Court to be served on the person who constructed the building/works.

The Shire is appointed as a CoM for a number of Crown Land reserves within the municipality. It is in this capacity that Council can authorise Shire officers for the purposes of section 188A of the *Land Act 1958*. This report recommends the following Shire officers be appointed and authorised under the *Land Act 1958*:

Murray Eva – Building Inspector (Unlimited) - new employee.

Background

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

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

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

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

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

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

SUSTAINABILITY CONSIDERATIONS

There are no direct sustainability considerations.

FINANCIAL CONSIDERATIONS

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.

PLANNING & INFRASTRUCTURE

3.4 Planning Scheme Amendment C293morn Rezoning Transport Land in Somerville to a Commercial Zone - Authorisation Report

Prepared By	Martin Chin, Heritage and Strategic Policy Coordinator
Authorised By	Acting Director - Planning & Infrastructure
Document ID	A11798771
Briefing Note Number	BN1678 – 13 December 2022
Attachment(s)	1. Mornington Peninsula C293morn Cover Letter 2. Mornington Peninsula C293morn Strategic Planning Assessment Authorisation 3. Mornington Peninsula C293morn Explanatory Report Authorisation 4. Mornington Peninsula C293morn Instruction Sheet Authorisation 5. Mornington Peninsula C293morn Zoning Map Authorisation 6. Mornington Peninsula C293morn DDO Map Authorisation

EXECUTIVE SUMMARY

Milner Planning Advisory (MPA), who acts on behalf of Vision Australia Limited (the proponent), lodged an amendment request with the Mornington Peninsula Shire (the Shire) to rezone the proponent's land at 1100 Frankston-Flinders Road, Somerville (the land) from the existing Transport Zone 1 – State Transport Infrastructure (TRZ1) to the Commercial 1 Zone (C1Z). The land is currently vacant and not required for public purposes.

The amendment also proposes to apply the Schedule 30 to the Design and Development Overlay (DDO30) to the land to ensure consistency of future built form outcomes with the wider Somerville Activity Centre as per Council's adopted Somerville Township Structure Plan (2019) and recently gazetted Amendment C269morn. The DDO30 will also limit the scale of development to avoid potential sightline issues with the neighbouring Somerville railway track.

Officers recommend that Council resolves to seek authorisation from the Minister for Planning (the Minister) to prepare and publicly exhibit the amendment for community comment.

RECOMMENDATION

That Council:

1. **Seeks authorisation from the Minister for Planning, pursuant to Section 8A of the *Planning and Environment Act 1987*, to prepare Amendment C293morn to the Mornington Peninsula Planning Scheme generally in accordance with Attachments 2 to 6 to this report.**
2. **Undertakes exhibition of Amendment C293morn to the Mornington Peninsula Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987* following receipt of authorisation from the Minister for Planning.**

3.4 (Cont.)

- 3. Authorises the Director of Planning and Infrastructure to make editorial and administrative changes to Attachments 2 to 6, if required, prior to lodging the authorisation request with the Minister for Planning.**

COUNCIL & WELLBEING PLAN

- Theme 1: A healthy natural environment and well-planned townships
 - Strategic Objective 1.4: An accessible built environment that supports diverse, current and future community needs.

The proposed rezoning of the land from TRZ1 to C1Z and application of the DDO30 would further strengthen the role, function and character of the Somerville Activity Centre by facilitating commercial and potentially residential development at a strategic location, immediately adjacent to the Somerville Railway Station.

RELEVANT COUNCIL DECISIONS AND POLICIES

- On 23 November 2021, the Planning Services Committee resolved to, among other things:
 - *Adopt Amendment C269morn 'Baxter and Somerville Structure Plan Implementation' pursuant to section 29(1) of the Planning and Environment Act 1987 (the Act) – Amendment C269morn proposes to, among other things, apply a new DDO30 to the Somerville Activity Centre.*
 - *Submit the adopted Amendment C269morn to the Minister for Planning for approval pursuant to section 31(1) of the Act.*
- On 10 May 2022, the Minister for Planning approved Amendment C269morn with specific changes.
- On 30 June 2022, the Minister for Planning gazetted Amendment C269morn.

DISCUSSION**Purpose**

The purpose of this report is to present a request by Vision Australia to rezone their land at 1100 Frankston-Flinders Road, Somerville from the existing TRZ1 to the C1Z and apply the DDO30. Officers recommend that Council resolves to seek Ministerial authorisation to prepare and publicly exhibit the amendment for community comment.

Background

MPA, who acts on behalf of Vision Australia Limited (the proponent), lodged the amendment request with the Shire on 21 July 2022 (Attachment 1).

The land affected by the proposed amendment (see maps in *Figure 1*) previously accommodated the former station master's residence and forms part of the adjoining railway reserve under the former Public Use Zone 4 – Transport (PUZ4). It is currently vacant and occupies around 666 square metres.

Although the land has been under private ownership and ceased serving a public use role when the proponent acquired it in 1996, it has remained in the public land zone noting that the land was rezoned from the PUZ4 to TRZ1 as part of Amendment VC205 on 20 January 2022.

The proponent has identified the land as surplus to its requirements. However, given the land is not a public asset, the relevant authorities, i.e. VicTrack and the Shire, have expressed no interest in acquiring it.

The proponent submits that:

- the justification for including the land in a public zone and/or a reservation for transport purposes is obsolete and no longer appropriate given it does not accommodate public infrastructure or assets
- the land presents a unique 'in-fill' development opportunity given its proximity to Somerville Activity Centre and Somerville Station, and that the proposed C1Z provides the most appropriate alternate zone given the land is no longer used or required for public purposes.

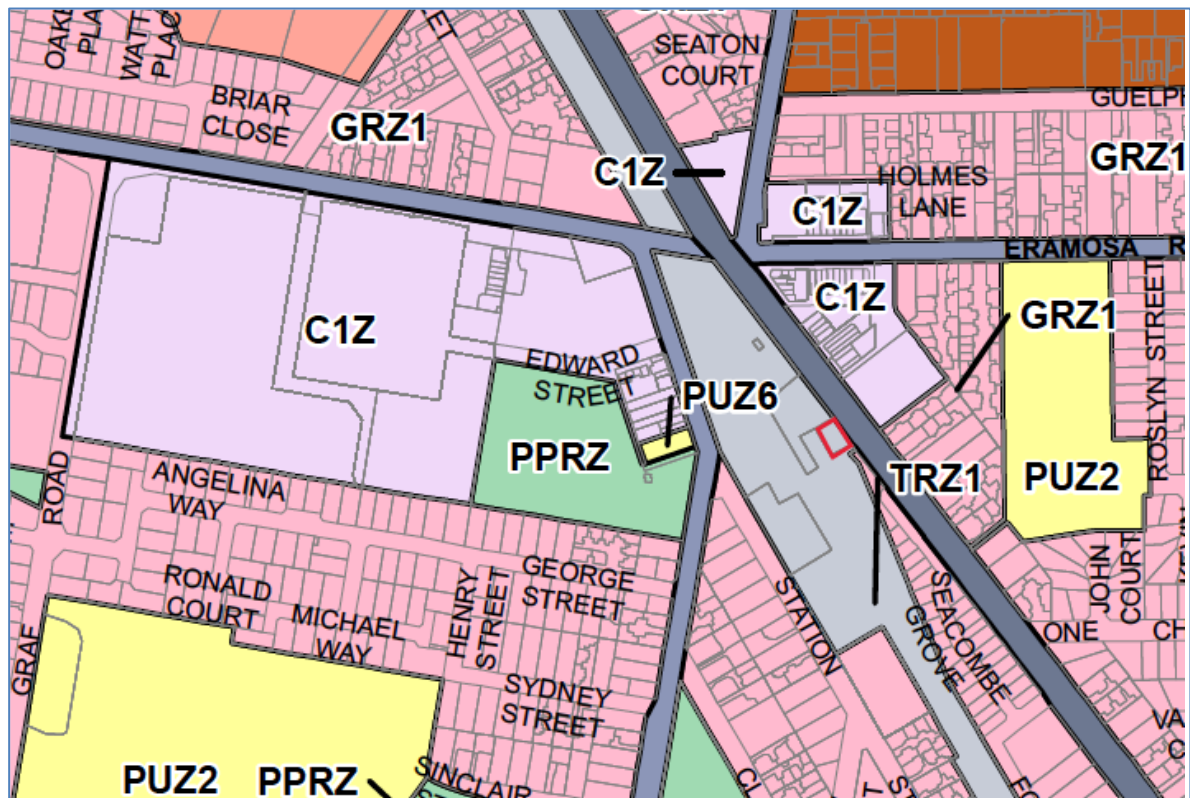
The proponent seeks to have the land rezoned prior to its intended future sale.

Figure 1: Aerial, zoning and Melway maps

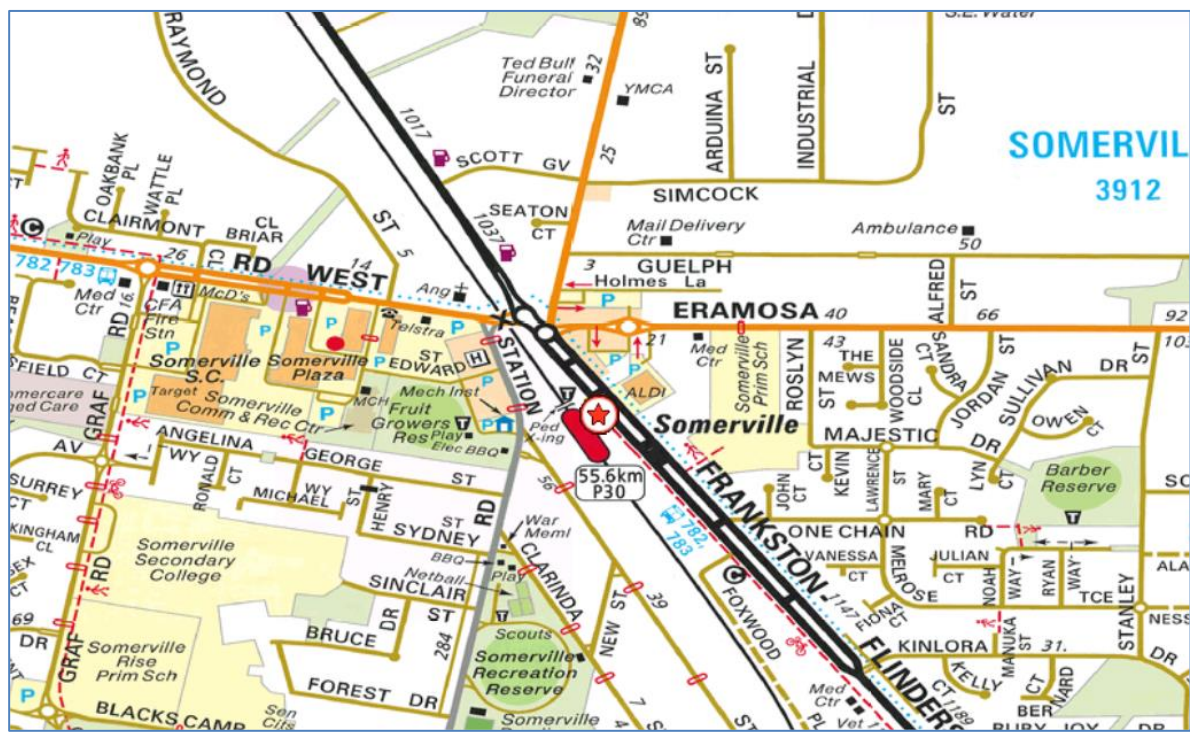
Aerial Map



Current Zoning Map



Melway Map



Strategic planning assessment

The strategic planning assessment of the amendment request provided by MPA (Attachment 2) submits that the amendment:

- Is consistent with the strategic policy context at both the State and local level regarding:

- Building up activity centres as a focus for high-quality development, activity and living.
- Supporting continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.
- Directing growth to the Shire's activity centres, close to services and facilities, including increased housing diversity and a concentration of commercial and non-commercial services to serve the needs of the community, visitors and tourists.
- Aligns with the vision and objectives of Council's adopted Activity Centres Strategy (2018), Somerville Township Structure Plan (2019) and Housing and Settlement Strategy: Refresh 2020-2036 (2020).
- Identifies the C1Z as the most appropriate zone relative to others such as the Mixed Use Zone (MUZ), given it provides the opportunity and flexibility for a wider range of commercial and accommodation uses without the same discretionary restrictions on certain floor area requirements.
- Aligns with the broader application of the DDO30 across the activity centre and will thus support and ensure any future built form outcome on the land is consistent with the preferred development of the Somerville Activity Centre.
- Assists to limit and manage, via the DD30's discretionary 11 metres / three storeys height control, the height and scale of future development alongside the existing rail corridor with attached benefits for the protection of sightlines per VicTrack's requirements.

Officers support the above observations and findings.

Comments from external referrals

VicTrack

The proponent referred the amendment request to VicTrack for comment. VicTrack confirmed that it does not have any objection to the proposal, noting that the land is no longer part of the rail corridor.

VicTrack advised that any future use and development of the land would need to respond appropriately to the rail corridor interface which is dynamic but that interface issues could be resolved as part of any future planning permit application.

Department of Transport (DoT)

The DoT has advised that it does not object to the proposed rezoning.

Comments from internal referrals

Economic Development (EcoDev)

The EcoDev Team supports the amendment and considers that the land provides an excellent opportunity for commercial development given its proximity to a major road, Somerville Station and established commercial developments including Aldi. The EcoDev Team also considers that the rezoning could attract retail or provide office accommodation and professional services, as well as spearhead the redevelopment of the railway station precinct, which is one of the objectives in Council's adopted Somerville Township Structure Plan (2019).

Property Operations

The Property Operations Team confirmed no objection to the proposal, noting that the Shire has no intention to acquire the land for public purposes.

Development Engineering

The Development Engineering Team does not object to the proposal, but identified that an agreement under section 173 of the Act (a 'Section 173 Agreement') is required prior to the rezoning to ensure:

- the land is provided with a stormwater drainage inlet within the property, and
- stormwater discharge from the land is appropriately connected to the existing Shire-owned underground drainage system.

Council could request that the Section 173 Agreement be prepared and registered on the land's title either:

- at the start of the amendment process, i.e. prior to seeking authorisation from the Minister for Planning to prepare and publicly exhibit the amendment; or
- at the end of the process, i.e. prior to adopting the amendment and submitting it to the Minister for Planning for approval.

Given the costly nature of preparing and registering a Section 173 Agreement, officers consider that the second option is the preferred approach because:

- the amendment will have been through the rigours of due process, including public exhibition and any subsequent public planning panel process
- it will provide the greatest degree of certainty to Council, the landowner and community about commitment to the amendment
- Council will retain the power at this stage to refuse to submit the amendment for final approval until this requirement is met.

The amendment process can thus be undertaken without additional and potentially unnecessary administrative and cost burden to the proponent of preparing the agreement in the event Council decides at any stage not to proceed with the amendment.

Vegetation Officer

The Shire's vegetation officer noted that the land contains a mature specimen of a Golden Cypress tree that has fair health, poor structure and moderate retention value. While the large tree is in a prominent position at the front of the land, its significance is diminished by ongoing pruning and lopping to maintain statutory clearances from the adjacent low and high voltage overhead power lines. The officer does not consider that the tree is of special significance or warrants special protection and thus does not object to the proposed rezoning.

Other Shire Departments

The Shire's Traffic and Transport Team and Road, Drainage and Cleansing Operations Team have both indicated no objection to the amendment.

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

Council must decide whether to:

- Option A – support the amendment request by resolving to seek authorisation from the Minister for Planning, pursuant to section 8A of the Act to prepare the amendment to the Mornington Peninsula Planning Scheme; or
- Option B – refuse the amendment request on the basis that it lacks strategic justification.

If Council refuses the request, the proponent has no right of appeal.

Having considered the proponent's request and strategic planning assessment, officers conclude that the amendment is strategically justified given that it would create a net community benefit as explained in the Explanatory Report (Attachment 3). Officers therefore recommend that Council resolve to proceed with Option A.

Next steps

If Council resolves to submit the amendment to the Minister for authorisation, officers will lodge the amendment authorisation request.

Following receipt of the authorisation request, the Minister must notify Council within 10 business days whether authorisation is granted (with or without conditions), refused, or further review is required.

If the Minister grants authorisation, Council must exhibit the amendment in the form and manner directed by the Minister, consistent with any conditions of authorisation (Conditions of authorisation cannot be appealed and Council does not have the authority to exhibit the amendment in any other way than as directed by the Minister.).

If the Minister refuses authorisation, the amendment cannot proceed. Council (and the proponent) do not have any right of appeal of the Minister's decision.

If the Minister decides that further review is required, they may request more information about the amendment. Council (with the assistance of the proponent) must supply the requisite information to the satisfaction of the Minister. There are no further statutory timeframes imposed on the Minister if they decide further review is required, meaning that the Minister can take as long as they like to decide whether to authorise the amendment.

If 10 business days elapse and Council has not been notified of the Minister's decision, Council may proceed to prepare and exhibit the amendment without the Minister's authorisation.

Following exhibition of the amendment, Council must review any/all written submissions received before deciding next steps in the process. Next steps will be either:

- adopt the amendment (with all changes requested by submissions),
- refer submissions that cannot be resolved to an independent planning panel (appointed by the Minister) to review the submissions and provide recommendations back to Council, or
- abandon all or part of the amendment.

ENGAGEMENT

If authorised by the Minister, the amendment will be exhibited for public inspection over a period of at least six weeks in accordance with the requirements of Part 3, Division 1 of the Act and any relevant directions of the Minister.

COMMUNICATIONS PLAN

Not applicable, as per requirements of the Act.

LEGAL AND REGULATORY FRAMEWORK

As per the Act, under:

- section 8A (2), Council as planning authority for its municipal district must not prepare an amendment to the State standard provisions or the local provisions of a planning scheme in force in its municipal district unless it has applied to the Minister under this section and the Minister has authorised it to do so.
- section 8A (3), an application under this section must be made in accordance with the regulations and contain the information required by the Minister.
- section 19, Council must give prescribed notice of its preparation of the amendment following Ministerial authorisation.

SUSTAINABILITY CONSIDERATIONS

The amendment's environmental, social, and economic effects are articulated in the Explanatory Report (Attachment 3).

The amendment is not expected to have any climate change impacts.

FINANCIAL CONSIDERATIONS

Not applicable given the amendment is proponent-led.

The proponent is required to pay Council statutory fees at various stages during the planning scheme amendment process in accordance with regulation 6 of the *Planning and Environment (Fees) Regulations 2016*. These include:

- \$3,149.70 to consider the amendment request (already paid)
- \$15,611.10 to \$41,695.80 to review community submissions received during exhibition (depending on the number of submissions)
- \$496.90 for Council to adopt the amendment.

In the event a planning panel is required following exhibition, there will be additional fees to appoint the panel and for any third-party representation – all of which is yet to be determined at this stage in the amendment process and will depend on the number and nature of submissions. These costs will be borne by the proponent.

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 Tettersoo, 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 377 (Cr Gill)

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

That a list of all roads considered to require variations in speed in order to improve traffic safety be brought to the next Council Meeting as part of an on-going review into applications to the Department of Transport. And that any policy to restrict the number of roads under speed trial consideration be removed and advocacy be based on the need and urgency to save lives under Council's Towards Zero aspirations and any previous agreements.

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

Background

The Mornington Peninsula Shire Council (Shire) has a strong commitment to eliminate severe road trauma, as demonstrated by the Shire formally committing to becoming Victoria's first 'Towards Zero' municipality in 2016 and adoption of our Mornington Peninsula Towards Zero 2020-2025 Road Safety Strategy.

The Traffic and Transport Team has undertaken a review of the speed limit across five sections of road (see below). The review was based on the Victorian Department of Transport's (DoT) Speed Zoning Guidelines which considers factors such as the type and width of road, the land use abutting the road, the number of properties and driveways, the presence of pedestrians and cyclists, crash risk, traffic volume and any crashes that have occurred. There has also been a number of community requests to investigate these speed limits.

Based on investigations, the Traffic and Transport Team has submitted applications to the DoT to implement the speed limits that are appropriate on these five sections of road:

1. Bentons Road, Mount Martha between Moorhead Avenue and Century Drive (currently 70 kilometres per hour [km/h]). The assessment determined that the appropriate speed limit for this section of Bentons Road is 60 km/h.
2. Arthurs Seat Road, Red Hill between Whitehill Road and Shoreham Road. The assessment determined that the appropriate speed limit for this section of Arthurs Seat Road is 60 km/h.
3. Hotham Road, Sorrento and Portsea between Melbourne Road and Back Beach Road. The assessment determined that the appropriate speed limit for this section of Hotham Road is 60 km/h.
4. Browns Road, Rye between Dundas Street and Tasman Drive. The assessment determined that the appropriate speed limit for this section of Browns Road is 50 km/h.
5. Grant Road, Somerville between Eramosa Road East and the beginning of the 80 km/h section north of Speedwell Street. The assessment determined that the appropriate speed limit for this section of Grant Road is 50 km/h.

5.1 (Cont.)

The Shire has written to residents on these sections of road where the proposed changes will apply, advising of our application to DoT. Residents will be kept informed of the application progress along with other key road safety stakeholders and Council.

OFFICER COMMENT

Review and implementation of appropriate speed limits is an important part of improving road safety. As such, the Shire's Traffic and Transport team regularly reviews speed limits on Shire-managed roads in response to road safety risks and community concerns.

Potential speed limit changes are assessed against DoT's Speed Zone Guidelines which take into account a number of factors when determining an appropriate speed limit for a road such as the road environment, abutting land uses, the presence of vulnerable road users (pedestrians and cyclists), crash risk, volume of traffic, number of property accesses, intersecting roads and any crashes that have occurred.

When roads warrant speed limit changes, the changes are prioritised, and applications developed for submission to DoT. Prioritisation considers factors such as the current road safety risk, the benefit to road safety of changing the speed limit, input from police, community requests and the likelihood of DoT approval.

In the past, DoT approval of speed limit changes on Shire-managed roads has taken up to two years. However, with changes to DoT processes for assessing and approving speed limit changes, it is expected that the approval timelines will now be around six to nine months. In addition, DoT currently has limited capacity to assess large numbers of speed limit applications.

There are currently approximately 40 Shire-managed locations where a speed limit reduction is considered warranted. The list is a live document that is regularly updated with new locations added and existing locations and priorities on the list regularly reassessed.

In addition to consideration of speed limit changes on individual roads, as per the Council resolution on the 22 November 2022, officers are reviewing unsealed rural road speed limits where 'END 80' signage currently applies in line with the Mornington Peninsula Towards Zero Road Safety Strategy and will apply to the Victorian Department of Transport and Planning to change the speed limit where appropriate.

There is no policy restricting the number of roads that can be considered. With current resourcing and financial budgets, there is generally capacity to seek and implement around six speed limit changes per year. In the officer comment to Notice of Motion 374 at the 18 October 2022 Council Meeting, it was noted that bringing forward review of the Pedestrian Access Strategy would delay the Integrated Transport Strategy and speed limit reduction applications. Council resolved to bring forward review of the Pedestrian Access Strategy and for the strategy to return to Council by 1 August 2023.

The Shire is also advocating for DoT to investigate possible speed limit reductions on high speed State-managed 90 km/h and 100 km/h roads to 80 km/h, other than freeways and highways. These roads generally do not have the necessary safety features (such as safety barriers) to be suitable for higher speed limits, have significant crash histories and are similar road environments to the 33 Safer Speeds roads. This includes roads such as Mornington-Flinders Road, Frankston-Flinders Road, and Nepean Highway (between White Hill Road and Collins Road, Dromana). Due to these advocacy efforts, the speed limit on White Hill Road in Dromana has recently been reduced from 90km/h to 80km/h between Nepean Highway and Boundary Road.

In addition, there is a current Blackspot project to implement traffic calming and a 40 km/h Area speed limit in the Rye/Tootgarook residential area. The project is currently in the design phase, with an update letter to be sent to all residents of the area in February 2023.

5.1 (Cont.)

Information on speed limit reductions, including the list of locations where a speed limit reduction is considered warranted, is available on the Shire's website. [Speed Limits - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](#)

Legal Implications

Not applicable.

Financial and Resourcing Implications

The Traffic and Transport team currently have the resourcing capacity and capital budget to undertake approximately six speed limit review applications on individual roads and implement the speed limit changes each financial year. Should Council wish to progress more, additional resourcing would be required.

Potential Alternative Wording

Not applicable.

5 NOTICES OF MOTION

5.2 Notice of Motion 378 (Cr Gill)

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

1. *That Council immediately renews advocacy efforts to convince the State Government to persist and implement a Wildlife Management Plan for the Mornington Peninsula and that further delays are not consistent with the aspirations of our community and the viability of our native wildlife.*
2. *That this Motion and further available information be sent to all relevant Ministers and all local politicians, and all possible media outlets and released on our social media channels.*
3. *That a follow up campaign be outlined and discussed at a Council Briefing.*

Officer Comment Prepared by	Tom Haines-Sutherland, Manager – Infrastructure Services
Authorised by	Mike McIntosh, Director – Planning and Infrastructure

COUNCILLOR COMMENT

Several Councillors and the Chief Executive Officer met with Department Environment Land Water and Planning officers to discuss a Mornington Peninsula Wildlife Action Plan. There was no indication of action in the foreseeable future.

This points to a reason for great concern as a related problem of 600 kangaroos isolated on a property near Greens Bush has been left in limbo for over 12 months.

OFFICER COMMENT

Council advocacy to the State Government to develop a local plan to protect local native wildlife and habitat is consistent with the vision of the Mornington Peninsula Shire's adopted Biodiversity Conservation Plan, which aims to ensure "Mornington Peninsula's biodiversity is healthy, valued and protected".

Legal Implications

Not applicable.

Financial and Resourcing Implications

Officer time would be required to develop and implement the proposed advocacy campaign. This would require redistributing officer time from existing campaigns that Council has committed to. This may result in existing campaigns being reduced or halted, depending on Council's requirements and priorities.

Potential Alternative Wording

Not applicable.

5.3 Notice of Motion 379 (Cr Bissinger)

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

Council resolves that a round-table workshop with Councillors and relevant officers is conducted within 8-10 weeks of this resolution to explore all possible pathways to activate secondary dwellings within the Mornington Peninsula in response to our growing housing crisis.

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

OFFICER COMMENT

There is currently no land use definition for ‘secondary dwelling’ within the Victorian Planning Scheme. Any change to include a specific definition for ‘secondary dwellings’ within the Victorian Planning Scheme would need to be undertaken by the State Government.

Between August 2020 and March 2021, a pilot program involving four councils trialled a Secondary Dwelling Code. The councils involved in the pilot were Greater Bendigo, Murrindindi, Kingston and Moreland. Mornington Peninsula Shire Council made a submission to this pilot program on 9 March 2021 (available at [Submissions to the State Government - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://www.mornpen.vic.gov.au/submissions-to-the-state-government)). However, this pilot program ended with no changes being made to the Victorian Planning Scheme.

Surf Coast Shire Council is trialling domestic use of tiny houses on wheels as part of a targeted review of parts of its *Community Local Law 2021*.

Legal Implications

Not applicable.

Financial and Resourcing Implications

Not applicable.

Potential Alternative Wording

Council resolves that a round-table workshop with Councillors and relevant officers is conducted within 8-10 weeks of this resolution to explore all possible pathways and consequences of activating ‘small secondary dwellings’ within the Mornington Peninsula in response to our growing housing crisis.

5.4 Notice of Motion 380 (Cr Bissinger)

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

That Council resolves that a round-table workshop with Councillors and relevant officers is conducted within 8-10 weeks of this resolution to explore the provision and use of shipping containers for use at sporting grounds for our sporting community including amenity blocks to facilitate female participation in sports and also at various other locations deemed appropriate for our arts community as storage facilities.

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

OFFICER COMMENT

Officers are currently finalising a draft Sports Pavilion Strategy, which is anticipated to be completed by mid-2023. The strategy will consider condition, functionality and use of pavilions and will ultimately guide the upgrade, redevelopment and construction of new sporting pavilions in the Mornington Peninsula Shire (Shire), including providing direction to Council on priorities for unisex change facilities.

Officers have also done considerable work with sporting clubs over the past five years to remove shipping containers as they are unsightly, attract vandalism and were originally intended to be temporary storage solutions only, however Shire sporting reserves have now over time accumulated over 100 shipping containers.

Council has previously (up until this 22/23 Financial Year (FY) budget) allocated funding to provide and relocate the existing portable unisex change facilities at sporting reserves where there are either no change facilities, a shortfall of facilities or where there is a project that impacts access to change facilities. Council may choose to fund this program in the 23/24 FY budget.

The portable facilities provided by Council have only ever been 'dry' change facilities (no amenities) and separate portable toilets (portaloos) as providing full amenities is very costly as they require full services connections, DDA compliance etc. The use of shipping containers for female change rooms and showers also raises the issue of fairness and equity in potentially accepting a lesser standard of services than existing male facilities.

In addition, the number of additional or upgraded facilities required is significant. Further details will be included in the Draft Sports Pavilion Strategy as previously mentioned.

Regarding the usage of shipping containers as storage facilities for the arts community, similar to the above, officers are generally not supportive of shipping containers as they are unsightly, attract vandalism and end up accumulating beyond the intended 'temporary' outcome. Officers seek to work with user groups to balance the storage needs of all user groups. The demand for storage from all groups outweighs the availability in our facilities. Consideration therefore needs to be given to how storage is managed and provided within these spaces.

5.4 (Cont.)

Legal Implications

Not applicable.

Financial and Resourcing Implications

Not applicable.

Potential Alternative Wording

Not applicable.

5.5 Notice of Motion 381 (Cr Marsh)

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

That Council:

1. *Recognises the substantial delay in implementing the Council resolution dated 27 July 2021 (Item 5.1), which requires, among other things:*
 - A. *That a report be brought back to Council by the end of 2021 that identifies how Council can better support businesses and business owners across the Mornington Peninsula Shire. Specifically, that the report address support and assistance for businesses in:*
 - *Planning and planning applications*
 - *Economic development.*
 - B. *That a renewed Economic Development Strategy be prepared, in consultation with Councillors and key community stakeholders and brought back to Council by June 2022.*
2. *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.*

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

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, including the two parts listed in 1A and 1B above. 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.

OFFICER COMMENT

Officers have undertaken significant work to support businesses over the last 12 months. This work includes initiatives such as Covid recovery support for business, the parklet programme, an increased focus on grants and program funding streams, improved networking opportunities, industry development and mentoring programmes, planning process improvements, provision of concierge services and business promotion and recognition.

The Economic Development team have implemented a range of steps to review current practices and processes including improving business enquiries response times, access to accurate information and offering on-demand resources and programmes tailored to business needs. Further details of what has been delivered in 2022 and the improvement measures taken will be further expanded upon in the report to be provided to Council at the Council Meeting on 21 February 2023.

Development of the new Economic Development and Tourism Strategy has commenced with the appointment of a consultant to support Council with the development of the strategy in January 2023. A timeline for the development of the Economic Development and Tourism Strategy and further details of the work undertaken over the last 12 months to support businesses will be provided in the Chief Executive Officer's report.

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

Advice to the Public

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

MEETING CLOSED TO THE PUBLIC

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

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

RECOMMENDATION

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

7.1 Consideration of Naming Proposals

This matter is considered to be confidential under section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information and opinions which if released would result in the unreasonable disclosure of personal affairs.

7.2 CN1743, CN1745, CN1746 - Maintenance Contract Extensions

This matter is considered to be confidential under section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.