



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 7 MARCH 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 Simon Brooks Cr Antonella Celi Cr Debra Mar
Watson	Vacant

EXECUTIVE 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 O'Connor

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 21 February 2023, be confirmed.

2.4 Councillor Briefing Sessions

Councillor Briefing Sessions – 14 February 2023

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 14 February 2023.

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
 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 24 February 2023.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2023 (Attachments 1-5) as at 24 February 2023.

2.6 Public Question Time

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

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

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

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

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

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

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

3 MANAGEMENT REPORTS

OFFICE OF THE CEO

3.1 2023/2024 Budget - Revenue

Prepared By	Mark Schubert, Manager - Finance
Authorised By	Chief Financial Officer
Document ID	A11926595
Briefing Note Number	Not applicable
Attachment(s)	1. Appendix A - Schedule of Fees and Charges 2023/24 (circulated separately)

EXECUTIVE SUMMARY

The purpose of this report is to recommend adoption of the current differential rating structure for 2023/24 and fees and charges appendix (Attachment 1) for the 2023/24 Annual Budget.

Rates and charges are required by the *Local Government Act 2020* and the Regulations to be disclosed in Council's Annual Budget. The Fair Go Rates System (FGRS) sets out the maximum amount councils may increase rates in a year. For 2023/24 rating year, the rate cap has been set at 3.50%. The cap applies to general rates and is calculated on the basis of council's average rates and charges. The Capital Improved Value (CIV) and the differential rating of the property determines the share of the rates for each rateable property. It is proposed to keep the current differential rating categories as per below table:

Type or class of land	2023/24 %
General Land	100.00%
Vacant residential land	140.00%
Vacant Commercial land	140.00%
Vacant Industrial land	140.00%
MP Agricultural Land	35.00%
Conservation Land	75.00%
Trust For Nature Land	35.00%
Cerberus Land	50.00%

3.1 (Cont.)

This is the first meeting of the Budget process that will focus on the revenue estimated for Mornington Peninsula Shire in 2023/24.

RECOMMENDATION

That Council:

1. **Adopts the current differential rating structure for 2023/24 as per the below table:**

Type or class of land	2023/24 %
General Land	100.00%
Vacant residential land	140.00%
Vacant Commercial land	140.00%
Vacant Industrial land	140.00%
MP Agricultural Land	35.00%
Conservation Land	75.00%
Trust For Nature Land	35.00%
Cerberus Land	50.00%

2. **Adopts Attachment 1 Appendix A – Schedule of Fees and Charges 2023/24, excluding Waste Management Administration fees, which will be adopted in a future Budget report.**

COUNCIL & WELLBEING PLAN

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

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

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION**Purpose**

The purpose of this report is to recommend adoption of the current differential rating structure for 2023/24 and fees and charges appendix (Attachment 1) for the 2023/24 Annual Budget.

These key elements then help to form the revenue for the 2023/24 Annual Budget.

3.1 (Cont.)**Background**

The Fees and Charges proposed for 2023/24 Budget, have been reviewed in line with increasing Council fees by 7.4% based on September 2022 Quarter Consumer Price Index where applicable, benchmarked against 20 other Councils, Statutory fees updated where the rate has changed or recommended for further increase/decreases in line with cost recovery.

Options for consideration

Council may adopt changes to the fees and charges presented in this report. Any changes made by Council will then be modelled for the revenue impact in the 2023/24 draft Budget and Councillors will be updated in the following Budget briefing.

ENGAGEMENT

Community submissions are still open through the Budget portal until 15 March 2023.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Adopting the differential rating structure and schedule of fees and charges for 2023/24 will form the expected revenue ahead of the next FY24 Budget meeting for operational expenses.

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 Instrument of Appointment and Authorisation

Prepared By	Diana Harris, Governance Officer
Authorised By	Manager - Governance
Document ID	A11909837
Briefing Note Number	Not applicable
Attachment(s)	1. Planning and Environment Act Authorisation Instruments 2. Land Act Authorisation Instrument

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 (Attachments 1 and 2) 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 officers as Authorised Persons under the *Planning and Environment Act 1987* and the *Land Act 1958*.

RECOMMENDATION

1. **That Council 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 members of Council staff referred to in Attachment 1 be appointed under the *Planning and Environment Act 1987*.**
 - B. **The member of Council staff referred to in Attachment 2 be appointed under the *Land Act 1958*.**
 - C. **The Instruments come 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 and updates to existing authorisations are

3.2 (Cont.)

actioned promptly. The previous report was presented to Council for endorsement on 7 February 2023.

DISCUSSION**Purpose**

The purpose of this report is to authorise the Shire officers for the purposes of enforcing the *Planning and Environment Act 1987* and the *Land Act 1958*. Appointments are formally made by a signed Instrument of Appointment and Authorisation (Attachment 1).

Planning and Environment Act 1987

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.

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

- Ian Emmanuel – Development Engineer – authorisations reviewed
- Maddison Brown – Development Engineer – authorisations reviewed
- Melvyn Moraes – Development Engineer – authorisations reviewed
- Mathew Hopwood-Glover – Municipal Building Surveyor – new staff member.

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*:

- Mathew Hopwood-Glover – Municipal Building Surveyor – 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.

3.2 (Cont.)

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.

3.3 Approval for Attendance at the Australian Coastal Councils Association Inc National Forum - Councillor Anthony Marsh

Prepared By	Amanda Sapolu, Manager - Governance and Legal
Authorised By	Chief Executive Officer
Document ID	A12002944
Briefing Note Number	Not applicable
Attachment(s)	Nil

EXECUTIVE SUMMARY

Councillor Marsh has requested approval to attend the Australian Coastal Councils Association Inc (ACCA) 2023 National Forum on Coastal Hazards in Fremantle from 29 to 31 March 2023 (the Forum).

Councillor Marsh was appointed as the Council delegate to the ACCA on 20 December 2022 by Council resolution.

Expenses relating to the Forum will be attributed to Councillor Marsh's conferences, training and seminars budget.

If Councillor Marsh is unable to attend, a substitute delegate should be appointed by the Mayor in his stead.

RECOMMENDATION

- 1. That Council approves the attendance of Councillor Anthony Marsh at the Australian Coastal Councils Association Inc 2023 National Forum on Coastal Hazards in Fremantle from 29 to 31 March 2023, with associated expenses to be deducted from the Councillor's training, conferences and seminars expenses account.**
- 2. If Councillor Anthony Marsh is unable to attend, that the Mayor be authorised to nominate another Councillor to attend, with associated expenses to be deducted from that Councillor's expense account.**

COUNCIL & WELLBEING PLAN

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

RELEVANT COUNCIL DECISIONS AND POLICIES

Councillor Expenses, Reimbursements, Resources and Facilities Policy

Item 3.7 Ordinary Council Meeting 20 December 2022

DISCUSSION**Purpose**

The purpose of this report is to seek authorisation from Council for the attendance of Councillor Anthony Marsh to attend the ACCA Forum.

3.3 (Cont.)**Background**

On 20 December 2022 Council appointed Councillor Marsh as the delegate to the ACCA

The Forum is being scheduled in Fremantle from 29 to 31 March 2023.

The Forum website states:

The Forum is being convened in response to the impact of more frequent and severe extreme weather events along the Australian coastline and growing concern about how to best manage coastal hazards. It was originally scheduled to be held in May 2020 but was postponed due to the Covid 19 Pandemic.

The Forum will provide an opportunity for representatives of coastal councils and other coastal stakeholders, including Federal and State Government agencies, to share knowledge about managing coastal hazards.

Delegates will also have the opportunity to consider the Federal Government's Disaster Ready Fund, which has been established to invest up to \$200m a year on reducing the impacts of natural disasters.

The Disaster Ready Fund is aimed at shifting the focus from funding for recovery and repair to prevention and resilience ahead of disaster impacts.

Other topics will include:

- *Why coastal hazards are becoming more widespread around our coastline.*
- *Coastal hazard case studies from around Australia.*
- *The range of options for responding to coastal erosion.*
- *Assessment of relevant policy and funding options to address the issue.*

If Councillor Marsh or another delegate attends, costs are likely to be approximately:

Conference	\$1,740
Accommodation (3 nights)	\$900
Airfares	\$1,000
Meals	\$250
Transfers and local travel	\$100
Parking	\$200
Total	\$4,190

Councillor Marsh has expended \$7,754.18 of his \$16, 000 conferences, training and seminars budget.

3.3 (Cont.)

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

The approval to attend interstate conferences requires a resolution of Council.

SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

The anticipated costs are approximately \$4,190. This will be deducted from the Councillor's training, conferences and seminars budget. Councillor Marsh has spent \$7,754.18 of his 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.

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

3.4 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	A11970094
Briefing Note Number	Not applicable
Attachment(s)	1. Title - Road Between 15 & 1/22 Robinson Place, Portsea 2. Strategic Land Review - Potential Disposal - Feb 2023

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.
- 1 Cooma Street, 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;
 - B. 1 Cooma Street, Crib Point; and
 - C. 2 Valley Court, Mount Eliza.

3.4 (Cont.)

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 C at least 4 weeks prior to selling.
4. That if any submissions to the proposed sales in 2 A to C 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 C 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.

3.4 (Cont.)

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. The Strategic and Infrastructure Planning Unit has reviewed the proposed land sale and has no objection.



Figure 2 – 58-60 Revell 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.

The Shire’s Roads, Drainage and Cleansing team and Strategic and Infrastructure Planning unit have reviewed the proposal land sale and have no objections.



Figure 3 – 1 Cooma Street, Crib Point

3.4 (Cont.)

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 and Strategic and Infrastructure Planning unit have reviewed the proposal land sale and have no objections.



Figure 4 – 2 Valley Court, Mount Eliza

3.4 (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 \$3,000,000. The total selling costs is estimated to be \$50,000.

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 ensures 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	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.

5.3 Notice of Motion 384 (Cr Marsh)

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

That Council:

1. *Publish an itemised listing of all Councillor expenses relating to conferences, training, seminars, other events, and hospitality on the Mornington Peninsula Shire website each month. Add-ons and optional extras, such as dinners, social activities, accommodation etc. shall be itemised separately. At a minimum, each listing shall show the Councillor's name, date, name and type of event or activity, purpose (benefit to the community), and the associated public cost. It is irrelevant if the expenditure is incurred (paid in advance) or reimbursed. Any cost born by the ratepayer for such things is considered relevant to this motion.*
2. *The disclosure period must cover the current Council term, not only the current financial year.*
3. *That a copy of the complete itemised disclosure is tabled via a Management Report at the first Council meeting each quarter, ensuring transparent and accountable use of public money by Councillors.*
4. *Acknowledges that it is not practical for the relevant policies to cover all possible scenarios and that the onus always sits with individual Councillor to reflect on whether any expenditure incurred or reimbursed is an appropriate use of public money.*

Background

It is appropriate that the public can regularly scrutinise the Councillor group's use of public money. Without complete and regular disclosure, there is no feedback loop with those we represent regarding whether our use of public money is appropriate. Only a fraction of Councillor expenses come to public meetings for disclosure, debate, and a decision. A large portion of Councillor expenditure flies under the radar, with little or no opportunity for public scrutiny (not disclosed in meaningful detail). Whilst policies exist to guide appropriate Councillor expenditure, such policies can never cover all possible eventualities. It is incumbent on Councillors to consider and reflect on whether their use of public money is appropriate, irrespective of whether it is expressly excluded or even supported by the relevant policy. By regularly itemising and tabling such expenses and providing an opportunity for discussion and review, we will significantly improve transparency, accountability, and trust within our community.

Officer Comment Prepared by	Pam Vercoe, Manager – Governance
Authorised by	John Baker, Chief Executive Officer

OFFICER COMMENT

At the Council Meeting on Tuesday 7 February, Council resolved:

That the Councillor Expenses, Reimbursement, Resources and Facilities Policy be brought back to a Council briefing for review within the next month with a view to update any policy gaps.

Following this resolution, work has begun on a thorough review of the Councillor Expenses, Reimbursements, Resources and Facilities Policy (Policy) to ensure further clarity on what

5.3 (Cont.)

expenses can be claimed and when. This review will include benchmarking with other Councils, and a self-assessment against the sample policies recommended by the Local Government Inspectorate (LGI).

It was further noted following the meeting that Councillor expenses on the Shire website were only for the current financial year. This has now been updated to reflect the total expenses reimbursed for the whole Council term from 16 November 2020 to current. This information is updated monthly.

The Shire currently publishes Councillor expenses under the following categories:

- Councillor Allowance
- Information and Communication
- Private car mileage
- Superannuation
- Parking and travel
- Expenses – other
- Childcare.

Initial benchmarking with other Councils has not identified any Council that has itemised expenses other than the categories prescribed under the *Local Government (Planning and Reporting) Regulations 2020* being travel expenses, professional development expenses and expenses to support the performance of the role.

The *Local Government Act 2020* further provides for the reimbursement of child care costs and costs incurred by a Councillor who is a carer in a care relationship as defined under the *Carers Recognition Act 2012*. Under section 42 of the *Local Government Act 2020*:

A Council must make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role.

The Local Government Inspectorate conducted a review of Councillor expenses in 2020 and made several recommendations including Local Government Victoria to provide policy guidance to councils and publishing Councillor expenses data on councils' websites on a quarterly basis. There was no recommendation for expenses to be individually itemised.

Consideration will be given to the public benefit of publishing all Councillor expenses individually on the Shire website with recommendations made to Council at the briefing on 14 March following the review of the Policy.

Legal Implications

Not applicable.

Financial and Resourcing Implications

Not applicable.

Potential Alternative Wording

That further to the resolution of Council of 7 February 2023, the review considers how to improve public transparency and accountability of Councillor expenses.

5.4 Notice of Motion 385 (Cr Bissinger)

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

For Councillors and officers to workshop ideas on providing a safer environment for our ever-growing number of bike riders, including highlighting issues in different wards, with various types of bike lanes that can be considered, also the provision of bike hoops at destinations. Consideration to be given to funding strategies including advocacy. A workshop to be completed by the end of May 2023.

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

OFFICER COMMENT

Officers have undertaken significant work in relation to improving the cycling safety and the cycling network on the Peninsula.

A draft RideSafe Strategy has been developed. The vision of the RideSafe Strategy 2020 is to encourage more people to cycle on the Mornington Peninsula for transport and recreation purposes, by providing a safe, low stress, integrated and connected cycling network that focuses on the user experience.

The following four strategic objectives have been developed to assist in achieving this overarching vision.

1. Improve cycling infrastructure to reduce the risk to users

The effect of cyclist trauma on limiting participation is very strong. The provision of infrastructure to lower the perceived risk will likely have a strong influence on participation rates. Along with the associated infrastructure, the most effective way to reduce the risk and increase the safety of cycling is to encourage more people to cycle.

2. Develop a connected cycling network to ensure all areas of the Peninsula can be accessed by bicycle

In order to take up cycling as a legitimate transport option, people want a network of low stress cycling routes that connect directly and conveniently to other local and regional routes and destinations, and that integrate with routes of other transport modes.

3. Enhance the user experience to encourage more people to cycle

The Strategy seeks to encourage and facilitate cycling and non-vehicular modes of transport for both recreational trips and short distance trips through the creation of a cyclist friendly environment. Cyclist friendly environments are created through low stress, integrated, and connected networks which also include safe crossing points, wayfinding signage, cycle storage facilities, rest stations, are designed to appropriate standards and well maintained.

5.4 (Cont.)**4. Educate road and trail users and promote cycling on the Mornington Peninsula**

Educating all road users about cyclist safety is important in creating a safe cycling environment, which ultimately leads to increased participation. The Strategy recognises the importance of supporting cycle tourism through promotion of the Peninsula's key cycling routes and recreational trails. A key focus of this strategy, in line with increasing cycle tourism, is increasing the participation of underrepresented groups.

The draft Strategy is available to view at [Background Paper: RideSafe Strategy - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://www.mornpen.vic.gov.au/Background-Paper-RideSafe-Strategy-Mornington-Peninsula-Shire).

In addition, Council's road safety advocacy is seeking State/Federal funding for cycling safety improvements on a number of high-risk locations for cyclists. These improvements include on-road cycling with more cycle lanes and removal of crucial gaps in cycle lane networks, throughout the Mornington Peninsula Shire ([Safety First | Shape our Future \(mornpen.vic.gov.au\)](https://www.mornpen.vic.gov.au/Safety-First-Shape-our-Future)).

The finalisation of the Strategy was put on hold due to resourcing constraints during COVID- 19. It was intended to recommence the Strategy next financial year (FY23/24) once the Integrated Transport Strategy had been completed. However, Council decided at the 18 October 2022 Council Meeting to delay the Integrated Transport Strategy and to instead progress an unplanned review of the Pedestrian Access Strategy. This means that finalisation of the draft RideSafe Strategy is now scheduled for completion in 24/25 FY.

Legal Implications

Not applicable.

Financial and Resourcing Implications

Not applicable.

Potential Alternative Wording

That Council be briefed on the draft RideSafe Strategy and schedule for completion.

5.5 Notice of Motion 386 (Cr Gill)

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

That Council invites Professor Michael Buxton, a leading Green Wedge planner and advocate, to speak about Green Wedge planning matters in general and about local concerns regarding the Green Wedge on the Mornington Peninsula.

Background

Michael Buxton has been a leader in this field for many decades and would be a valuable and knowledgeable asset in helping Mornington Peninsula Shire Council protect our Green Wedge.

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

OFFICER COMMENT

None.

Legal Implications

None.

Financial and Resourcing Implications

Unknown. Professor Michael Buxton may charge a fee to speak to Council.

Potential Alternative Wording

None.

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.