



**MORNINGTON  
PENINSULA**  
*Shire*

**AGENDA**

**COUNCIL MEETING**

**TUESDAY, 11 JUNE 2024**

**6.30PM**

**MUNICIPAL OFFICES  
BESGROVE STREET, ROSEBUD**

## MORNINGTON PENINSULA SHIRE COUNCIL

### WARDS AND COUNCILLORS

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

### EXECUTIVE TEAM

<b>Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh Mr Derek Rotter Mr Bulent Oz</b>	<b>Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Environment Acting Director - Infrastructure Chief Financial Officer</b>
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### RECORDING

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

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

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# 1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Simon Brooks

## 1.1 Acknowledgement of Country

To be read by Cr Kate Roper

*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 the previous Council Meetings held on 28 May and 3 June 2024, be confirmed.**

### **2.4 Councillor Briefing Sessions**

Councillor Briefing Sessions – 21 May 2024

#### **RECOMMENDATION**

**That Council receives and notes the record of Councillor Briefing Sessions for 21 May 2024.**

**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
  6. 2024 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 2019-2024 Decision Registers (Attachments 1-6) as at 3 June 2024.

**RECOMMENDATION**

**That Council receives and notes the Decision Register Summaries for 2019-2024 (Attachments 1-6) as at 3 June 2024.**

**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 with or without notice can be submitted.

Questions with notice are to be received in writing by 12.00pm the Friday prior to the relevant Council Meeting and can be lodged via the Shire's website. Questions received by this time will be provided with a considered response prepared by the relevant Shire officer and read by the Chief Executive Officer (CEO) at the Council Meeting.

Questions without notice must be lodged in person no later than 15 minutes prior to the commencement of the meeting. The question will be read by the CEO and taken on notice with a written response forwarded to the person asking the question within 7 days of the Council Meeting and published on the Shire's website.

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

### 3 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 Cr O'Connor	Tori Hayat, Team Leader – Arts and Culture
Association of Bayside Municipalities	Cr Marsh	Cr Roper	Laura Crilly, Team Leader – Water and Coasts
Audit and Risk Committee	Cr Marsh Cr Roper	Mayor	Bulent Oz, Chief Financial Officer
Australian Coastal Councils	Cr Race	N/A	Laura Crilly, Team Leader – Water and Coasts
Bass Park Trust	Cr Marsh	N/A	Pam Vercoe, Manager – Legal and Governance
Community Consultative Committee on Gaming	Cr O'Connor	Cr Dixon	Kathleen van der Weerden, Social Planning Officer and Kate Hills, Team Leader – Community Wellbeing
Climate Emergency Community Reference Group	Cr Race	Cr Roper	Chris Yorke, Energy and Carbon Management Officer
Disability Advisory Committee	Cr Dixon	Cr O'Connor	Monica Seal, Disability Community Inclusion Officer
Friends of Lospalos	Cr Brooks	N/A	Chris Munro, Manager – Community Partnerships
Greater South East Melbourne	Mayor	Deputy Mayor	John Baker, Chief Executive Officer
Hastings Liquor Industry Accord	Cr Dixon	N/A	Katherine Cooper, Team Leader – Economic Development
Health and Wellbeing Committee	Cr Celi	Cr O'Connor	Kate Hills, Team Leader – Community Wellbeing
Hinterland Local Area Action Plan Advisory Committee	Cr Mar	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Interface Councils	Mayor	Deputy Mayor	Emma Lindsay, Coordinator – Advocacy

<b>Association/Committee</b>	<b>Representative/s</b>	<b>Substitute Representative/s</b>	<b>Shire Contact</b>
Koala Conservation Group	Cr Mar	N/A	James Rose, Team Leader – Natural Systems
Local Government Mayoral Taskforce Supporting People Seeking Asylum	Cr Brooks	Cr Race	Chris Munro, Manager – Community Partnerships
Metropolitan Transport Forum	Cr O'Connor	Cr Celi	Justine Lewis, Transport Strategy Coordinator
Mornington Liquor Industry Accord	Cr O'Connor	N/A	Katherine Cooper, Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Mar	Cr Race	James Rose, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Celi Cr O'Connor Cr Roper	Cr Holland	Jenny Brown, Senior Cemeteries Officer
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Pam Vercoe, Manager – Legal and Governance
MAV Emergency Management Committee	Cr Mar	N/A	Andrew Joseph, Team Leader – Community Resilience and Emergency
MAV Human Services Committee	Cr Celi	N/A	Tanya Scicluna, Director – Community Strengthening
Northern Mornington Peninsula Local Area Action Plan Advisory Committee	Cr O'Connor	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Peninsula Advisory Committee for Elders	Cr Dixon	Cr Roper	Helen Ridgeway, Positive Ageing Officer
South East Councils Climate Change Alliance	Cr Race	Cr Brooks	Nicci Tsernjavski, Climate Change Partnerships Officer and Chris Yorke, Energy and Carbon Management Officer
Southern Mornington Peninsula Local Area Action Plan Advisory Committee	Cr Celi	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Southern Peninsula Liquor Industry Accord	Cr Celi	N/A	Katherine Cooper, Team Leader – Economic Development
Triple A Housing Committee	Cr Gill	Cr O'Connor	Kate Hills, Team Leader – Community Wellbeing
Victorian Local Governance Association (VLGA)	Cr Roper	Cr Mar	Pam Vercoe, Manager – Legal and Governance

<b>Association/Committee</b>	<b>Representative/s</b>	<b>Substitute Representative/s</b>	<b>Shire Contact</b>
Western Port Local Area Action Plan Advisory Committee	Cr Dixon	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment

## 4 MANAGEMENT REPORTS

### PLANNING & ENVIRONMENT

#### 4.1 Planning Scheme Amendment C241morn (Balcombe Estuary and associated reserves) - Public exhibition outcomes and adoption of amendment

Prepared By	Christian Lynch, Senior Strategic Planner
Authorised By	Director - Planning and Environment
Document ID	A13084377
Briefing Note Number	BN1865 – 26 March 2024
Attachment(s)	<ol style="list-style-type: none"><li>1. Amendment C241morn - Submissions 1 to 20 (redacted)</li><li>2. Amendment C241morn - Submissions 21 to 40 (redacted)</li><li>3. Amendment C241morn - Submissions 41 to 64 (redacted)</li><li>4. Summary of submissions and officer responses</li><li>5. Amendment C241morn - d-DDO Map</li><li>6. Amendment C241morn - d-VPO Map</li><li>7. Amendment C241morn - ESO32 Map</li><li>8. Amendment C241morn - Zone Map</li><li>9. Amendment C241morn - ESO32 ordinance</li><li>10. Amendment C241morn - Clause 66.06</li><li>11. Amendment C241morn - Clause 66.06_track changes</li><li>12. Amendment C241morn - Clause 72.03</li><li>13. Amendment C241morn - Clause 72.03_track changes</li><li>14. Amendment C241morn - Clause 72.08</li><li>15. Amendment C241morn - Clause 72.08_track changes</li><li>16. Balcombe Estuary and associated reserves: Ecological and Planning Study (Biosis, 2022)</li><li>17. Amendment C241morn - Explanatory Report</li><li>18. Amendment C241morn - Instruction Sheet</li><li>19. Amendment C241morn - Authorisation letter</li><li>20. CFA letter - Confirmation of submission issues resolved</li><li>21. South Mornington Football Netball Club - Confirmation of submission withdrawal</li></ol>

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#### EXECUTIVE SUMMARY

This report presents the outcomes of public exhibition of Amendment C241morn to the Mornington Peninsula Planning Scheme (the planning scheme) and recommends that Council adopts the amendment with changes and submits it to the Minister for Planning for approval.

Amendment C241morn seeks to implement recommendations from Council's adopted Balcombe Estuary and Associated Reserves: Ecological and Planning Study (Biosis, 2022) (the Study) by introducing a new Schedule 32 to the Environmental Significance Overlay

**4.1 (Cont.)**

(ESO32), rezoning land currently within residential zones (to reflect public ownership and conservation or recreational values), and deleting redundant planning provisions.

The amendment was publicly exhibited for six weeks in late 2023. Sixty-four submissions were received – 59 of which support the amendment. Two submissions from State Government agencies requested changes to the amendment which Shire officers support. The South Mornington Football Netball Club lodged a submission which they later withdrew following further consultation with Shire officers. A submission from the CFA (Country Fire Authority) has also been resolved following further consultation and agreed changes being made to the amendment.

There are no unresolved submissions remaining, therefore Shire officers recommend that Council adopts the amendment as revised and requests the Minister for Planning approve the amendment as required under section 29 of the *Planning and Environment Act 1987* (the P&E Act).

Shire officers also recommend several minor changes to amendment maps to correct anomalies identified during the exhibition process.

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

- 1. Receives, notes and considers in accordance with section 22(1) of the *Planning and Environment Act 1987*, all submissions received in response to Amendment C241morn to the Mornington Peninsula Planning Scheme as at Attachments 1, 2 and 3 to this report.**
- 2. Notes and endorses the summary of submissions and Shire officers' response to submissions in relation to Amendment C241morn to the Mornington Peninsula Planning Scheme as at Attachment 4 to this report.**
- 3. Amends Amendment C241morn as exhibited, in response to all submissions in accordance with section 23(1)(a) of the *Planning and Environment Act 1987*, generally in accordance with Attachments 5 – 18 to this report.**
- 4. Adopts Amendment C241morn as revised, to the Mornington Peninsula Planning Scheme pursuant to section 29(1) of the *Planning and Environment Act 1987*, generally in accordance with Attachments 5 – 18 to this report.**
- 5. Requests the Minister for Planning pursuant to section 31 of the *Planning and Environment Act 1987* to approve Amendment C241morn to the Mornington Peninsula Planning Scheme generally in accordance with Attachments 5 – 18 to this report.**
- 6. Notifies all submitters to Amendment C241morn to the Mornington Peninsula Planning Scheme in writing of Council's decision.**
- 7. Notifies all individuals that have requested to be provided updates of Amendment C241morn to the Mornington Peninsula Planning Scheme in writing of Council's decision.**
- 8. Authorises the Director – Planning and Environment to make minor editorial and administrative changes to Attachments 5 – 18 to this report if required.**

**COUNCIL & WELLBEING PLAN**

**4.1 (Cont.)**

This aligns with the Council and Wellbeing Plan, in particular:

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

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

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, B, C, D, F, H and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

- Recommendation 186 of Council's adopted Mornington Peninsula Planning Scheme Review No.4 (2018) which recommends that strategic work be undertaken to determine whether an Environmental Significance Overlay (ESO) should be applied to the Balcombe Estuary and associated reserves given its ecological values.
- At the 15 August 2022 Council Meeting, Council resolved to, among other things:
  - Adopt the Balcombe Estuary and Associated Reserves: Ecological and Planning Study (Biosis, 2022)
  - Seek authorisation from the Minister for Planning to prepare Amendment C241morn to the Mornington Peninsula Planning Scheme
  - Undertake exhibition of Amendment C241morn to the Mornington Peninsula Planning Scheme following receipt of authorisation from the Minister for Planning.

**DISCUSSION****Purpose**

4.1 (Cont.)

The purpose of this report is to present the outcomes of public exhibition of Amendment C241morn to the Mornington Peninsula Planning Scheme and recommend that Council adopts the amendment with changes and submits it to the Minister for Planning for approval.

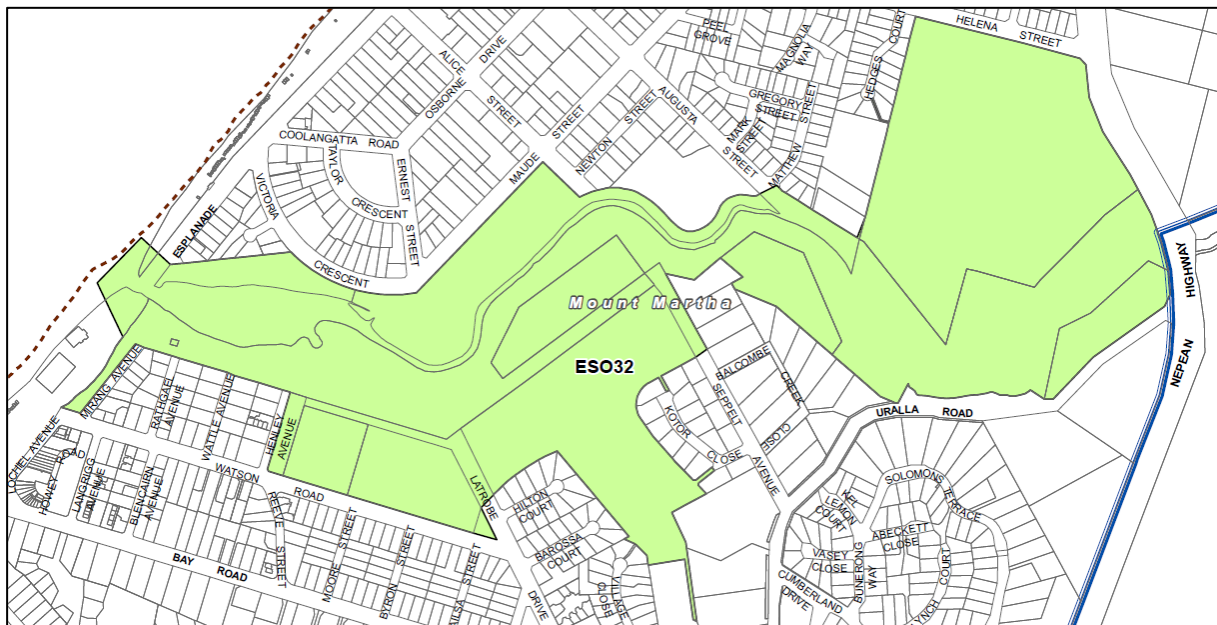
**Background**

Amendment C241morn seeks to implement recommendations from Council’s adopted Balcombe Estuary and Associated Reserves: Ecological and Planning Study (Biosis, 2022) (the Study). Specifically, the amendment proposes to:

- Introduce a new Schedule 32 to the Environmental Significance Overlay (ESO32) to the area which explicitly identifies critically important ecological values and environmental systems in the area whilst acknowledging the importance of existing community infrastructure.
- Rezone land currently within residential zones to reflect public ownership and conservation or recreational values.
- Delete redundant planning provisions to avoid unnecessary duplication of controls and improve the overall efficiency of the planning scheme.

The amendment affects land shown in Figure 1 below.

Figure 1: Amendment area



**The Study**

Adopted by Council on 15 August 2022, the Study (Attachment 16) was commissioned by Council in response to Recommendation 186 of Council’s adopted Mornington Peninsula Planning Scheme Review No.4 (2018). The review recommended that strategic work be undertaken to determine whether an ESO should be applied to the area given its ecological values. The Shire therefore engaged Biosis (environmental consultants) to undertake an ecological study and recommend associated planning controls that would balance the needs of protecting ecological values with maintaining existing sport, recreation and community uses in the area.

The adopted Study recommended that:

**4.1 (Cont.)**

- A bespoke ESO should cover the whole study area and include certain exemptions for development associated with minor sport and recreation.
- The existing Schedule 1 to the Vegetation Protection Overlay (VPO1) that applies to the area should be removed and replaced by the ESO to provide stronger planning protection against native vegetation removal.
- There should not be any major changes to the existing Public Conservation and Resource Zone (PCRZ) and Public Park and Recreation Zone (PPRZ), noting that the PPRZ allows for consideration of expanding sport and recreational facilities (albeit subject to the consideration of an ESO).
- Any future sport and recreational development should be located in areas with low or minimal ecological value (i.e. in areas that were not mapped as containing significant native vegetation).
- Any future masterplan to expand sporting facilities in the area should consider the detailed ecological mapping conducted as part of the Study.

Amendment C241morn was therefore prepared to give effect to the above planning recommendations.

**Authorisation**

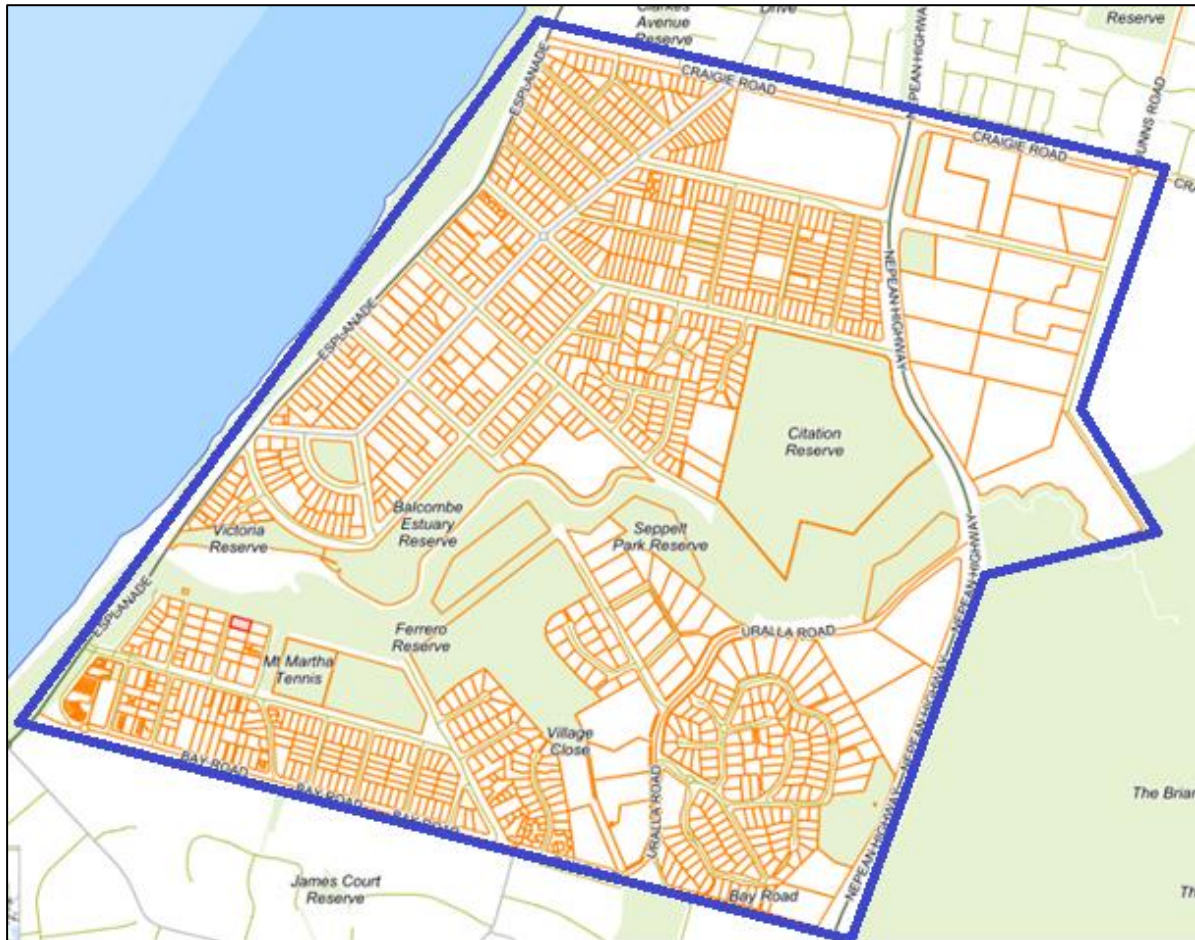
Council resolved on 15 August 2022 to seek authorisation from the Minister to prepare and exhibit Amendment C241morn. The amendment was authorised by the Department of Transport and Planning (DTP) on 30 November 2022 under delegation from the Minister. Authorisation was granted on the condition that minor changes were made to the amendment's Explanatory Report and the proposed ESO32 control. These changes are detailed in the authorisation letter (Attachment 19) and were completed to the satisfaction of DTP prior to exhibition.

**Public exhibition**

The amendment was publicly exhibited for a period of six weeks, from 2 November to 15 December 2023. Notice of the amendment was given by public notices in the Government Gazette and Mornington News as well as a dedicated webpage on the Shire's website. Individual letters with amendment notices were also sent to:

- owners and occupiers of land surrounding the amendment area (as shown in blue outline in Figure 2)
- the sporting, recreation and other user groups within the amendment area, as well as local community groups and environmental organisations
- prescribed ministers and other relevant ministers, including the Minister for Climate Action and the Minister for Community Sport
- public authorities including the Country Fire Authority (CFA), Melbourne Water, South East Water, VicRoads, and United Energy
- submitters from the previous consultation process for the preparation of the Study (totalling more than 400 submitters).

*Figure 2: Amendment notification area*



During the exhibition period, members of the community could enquire about the amendment with Shire officers from the Strategic Planning team via phone or email, or by arranging an appointment at Shire offices.

Two in-person community information sessions were also held to allow community members to speak directly with a Shire officer. These sessions were held on:

- Session 1: Monday, 13 November (12.00pm – 2.00pm)
- Session 2: Wednesday, 15 November (5.00pm – 7.00pm).

Five community members attended across the two information sessions.

An individual meeting was also held with representatives of Balcombe Estuary Reserves Group (BERG) which is a key stakeholder for the amendment. The meeting allowed Shire officers to brief BERG on the details of the proposed amendment and answer any questions.

Shire officers also reached out to all of the sporting, recreation and other user groups located within the amendment area to offer individual meetings with Shire officers. Meetings were held with representatives from the Mount Martha Cricket Club and the South Mornington Football Netball Club. No other requests for individual meetings were received.

### **Submissions**

A total of 64 submissions were received, although one was later withdrawn. A copy the redacted submissions are included in Attachments 1, 2 and 3. Of these, 59 submissions

**4.1 (Cont.)**

(94%) supported the amendment, one stated no objection, two requested minor changes and one submission – from the CFA – raised concerns with the amendment.

Submitters to the amendment were varied and included:

- owners and occupiers of land in the vicinity of the amendment area
- BERG members
- various community and environmental groups
- other interested local residents

Submissions were also received from Public Authorities including South East Water (SEW) and the Department of Environment, Energy and Climate Change (DEECA) which requested changes to the amendment. The Head of Transport for Victoria (VicRoads) also provided a submission stating no objection to the amendment.

***Submissions in support***

As stated above, most submissions support the amendment. Key themes raised in these submissions can be summarised as follows:

- The Balcombe Estuary and Reserves need to be protected for current and future generations to enjoy.
- The amendment strikes a balance between the recreational needs of the local community and conservation of the Balcombe Estuary as a valuable environmental and ecological asset.
- The ecology of the area is unique, and it is one of the only estuaries in Port Phillip Bay.
- The Balcombe Estuary has significant biological importance because it is home to many species of significant flora and fauna.
- Green spaces should be protected as they are essential to health and wellbeing.
- The Balcombe Estuary is an irreplaceable asset for the Mornington Peninsula and is appreciated by both locals and visitors to the area.
- Protection of natural assets like the Balcombe Estuary is important on the Mornington Peninsula as other areas are being damaged by development and environmental events.

***Submissions with concerns*****CFA submission**

The CFA raised the following concerns in its submission:

- It is unclear how the Amendment addresses Bushfire Policy under Clause 13.02-1S, in terms of minimising bushfire risk.
- There are concerns that bushfire risk could potentially increase over time through the application of the ESO given the ESO is seeking to 'protect and enhance' the ecological values of the area, which includes native vegetation.

**4.1 (Cont.)**

The CFA stated that bushfire risk is particularly relevant in the area and needs to be minimised given the number of adjoining residential properties that are at risk of bushfire.

Shire officers met with the CFA in early March 2024 to discuss their concerns in more detail. During this meeting, the CFA confirmed that it is not objecting to the Amendment and is keen to work with the Shire to resolve the above concerns to avoid the need for its submission to be referred to an independent Planning Panel for review under the requirements of the *Planning and Environment Act 1987* (P&E Act). The CFA requested that Shire officers provide further information generally in relation to the following matters to satisfy the CFA that the Amendment responds appropriately to State Government bushfire policy:

- What is intended by the words 'protect and enhance' in the proposed ESO. Specifically, whether this involves increasing fuel loads in the reserves by way of planting substantial additional vegetation.
- Further details around how bushfire risk is managed by Council in the public reserves, including through conservation works undertaken by contracted providers and local community groups.

For clarity, 'protect and enhance' in the context of the proposed planning controls relates to allowing things like:

- Non-native vegetation and exotic weeds to be removed without a planning permit to the minimum extent necessary to carry out conservation works.
- Non-native vegetation to be modified for the reasonable maintenance of any existing sporting, recreation and community facilities, and for vegetation to be modified to ensure the safe access of motor vehicles along any existing or approved access track or road.
- Maintenance of landscaping, including pruning, which does not affect the stability, general form and viability of the native vegetation.

The above matters are explicitly addressed in the proposed ESO. The ESO also requires the preparation of various assessment and plans to ensure any future works in the reserves:

- Minimise the impact of any proposed lighting on flora and fauna, and particularly with respect to aquatic ecology.
- Maintain water quality of the estuary to best practice environmental standards.
- Protect and improve the condition of native habitat, including revegetation for ground stabilisation and the management of invasive environmental weeds.

It is further noted that the Amendment's exhibited Explanatory Report details that Council is the Committee of Management for all Crown Land within the amendment area and manages the land in accordance with the Mornington Peninsula Municipal Fire Management Plan (MFMP). As stated in the Explanatory Report, fire management works within public land under the MFMP aims to reduce fuel hazard and risk to neighbouring properties from potential bushfire and typically consists of slashing, removing or trimming vegetation to reduce connectivity between shrubs and trees, and removing fallen, dead branches. Such works are carried out in designated Fire Management Zones (FMZs), which are generally located around reserve boundaries adjacent to assets and in high bushfire risk areas.

The Explanatory Report also states that land affected by the Amendment includes two FMZs and associated fire protection measures:

**4.1 (Cont.)**

- Asset Protection Zone (intensive fuel management, including slashing, to reduce the risk of flames or radiant heat from potential bushfire on houses); and
- Bushfire Moderation Zone (vegetation modification to reduce fuel hazard, spread and intensity of potential bushfire.

These FMZs are inspected annually to identify works required to reduce the overall fuel hazard to acceptable limits. Identified works are then prioritised and implemented over the year. Grass slashing occurs regularly throughout the year.

Following further discussions with the CFA in early May, proposed changes to the amendment were drafted and put to the CFA in response to their outstanding concerns. Shire officers and the CFA have come to an agreement on two changes being made to the proposed ESO32 to further address bushfire risk. These changes are outlined below.

- For Application requirements (section 4.0), update wording of the second sub point under the 'Land Management Plan' requirement to the following:
  - *Specify measures to protect and improve the condition of native habitat, including proposals for revegetation, indicating proposed species, methods of ground stabilisation and measures to prevent or manage invasion by environmental weeds while ensuring no overall increase to bushfire risk.*
- Under Decision guidelines (section 5.0), update wording of dot point six to the following:
  - *Whether any proposed revegetation or landscaping plan, including species selection, enhances the ecological value of the Reserves and ensures overall bushfire risk is not increased.*

These changes have been included in the updated ESO32 (Attachment 9).

The CFA has confirmed in writing (Attachment 20) that the above changes, in combination with the other additional information provided in March 2024, has resolved their submission concerns.

**South Mornington Football Netball Club**

The South Mornington Football Netball Club's submission raised the following points:

- Ovals at Citation Reserve require urgent resurfacing and drainage works and the Club has been working with the Shire to have these works funded as a priority.
- The provision of netball courts at Citation Reserve is needed as the Club is experiencing a growth in netball participation.
- The Club is experiencing growing participation in women's AFL which may require additional infrastructure upgrades at the Reserve.
- The Club has made applications to join Mornington Peninsula Football Netball League (MPFNL), which if successful could require the Club to construct fencing for the collection of entrance fees.
- The Club will likely require additional parking, access and drainage works to accommodate the growing participation noted above.
- The Club requests that the impacts of the amendment on the Club be minimised.

**4.1 (Cont.)**

Shire officers from both the Strategic Planning and Community Infrastructure & Open Space Planning teams met with a Club representative in February to discuss their concerns. It was confirmed at the meeting that the Club's concerns centred on the provision of sporting and other infrastructure at Citation Reserve and the funding of needed oval upgrade works.

In response to the Club's main concerns regarding the condition of their grounds, Shire officers noted that a bid has been submitted for consideration as part of the 2024-25 Council Budget to fund reconstruction works to the main oval at Citation Reserve.

Shire officers also discussed the implications for the ESO on the identified infrastructure projects. Noting that Council does not yet have any detailed plans or funding for the proposed projects, Shire officers explained that future delivery of upgrades would not be impeded by the ESO provided that:

- Future works can be designed to avoid removal of significant native vegetation or habitat, and
- It can be demonstrated through appropriate assessments required under the ESO that works will not negatively impact other ecological values of the Balcombe Estuary and Creek environs (such as through water quality, lighting, etc).

Shire officers also explained that specific planning permit exemptions have been included in the proposed ESO (including for the removal or modification of vegetation) so the Club can continue to operate and maintain its existing facilities, provided the conditions of the exemptions are met. Otherwise, a planning permit would be required.

Following the meeting, the Club provided the Shire with written notice confirming withdrawal of its submission (see Attachment 21).

***Submissions requesting changes to the amendment***

Submissions from SEW and DEECA stated no objection to the amendment but requested minor changes to the permit exemptions included in the proposed ESO.

SEW advised that it has several assets in the area, including gravity sewers, a rising main and a pump station, that would be covered by the proposed ESO. Its submission therefore requested that the following additional permit exemption be included to ensure SEW's assets can continue to be accessed and maintained adequately:

*Remove, destroy or lop native vegetation to the minimum extent necessary to enable the reasonable maintenance of existing minor utility installations.*

Shire officers have no objection to the proposed addition, noting that a similar exemption for works carried out by or on behalf of the public land manager is included in ESO.

The DEECA submission confirmed its overall support for the amendment, but requested a minor addition to the wording of an existing permit exemption in the ESO, which is underlined below:

*Remove, destroy or lop native vegetation to the minimum extent necessary for the reasonable maintenance of any existing Minor Sports and Recreation Facility, Education Centre or Office in the Public Park and Recreation Zone.*

Shire officers have no objection to the proposed addition.

The above changes have been made to the proposed ESO32 which is included in Attachment 9.

### Mapping changes post-exhibition

During exhibition of the amendment, two potential changes to exhibited maps were identified following an enquiry from a landowner near the amendment area and a subsequent review of the ESO boundary. These changes are detailed below.

Firstly, it is noted that the boundary used to inform mapping of the proposed ESO in Amendment C241morn was recommended by the Biosis Study (see Figure 3).

*Figure 3: Proposed ESO extent from the Biosis Study*



The two proposed changes concern the ESO being expanded to cover the Seppelt Avenue Road reserve and the Uralla Road reserve – both of which are Council managed roadways.

Figure 4 below shows the recommended ESO boundary (red) and the proposed addition of part of the Seppelt Road reserve (blue). Figures 5 and 6 show the recommended ESO boundary (red) and the addition of part of the Uralla Road reserve (light blue)

4.1 (Cont.)

Figure 4: Proposed ESO boundary change (Seppelt Avenue)



4.1 (Cont.)

Figures 5 and 6: Proposed ESO boundary change (Uralla Road)



Following exhibition, Shire officers consulted with Biosis to confirm whether it is appropriate for the ESO to cover both these road reserve areas. Biosis advised in writing that the road reserves were not originally included in the recommended ESO boundary, however they confirmed that both areas include native vegetation that warrants protection and inclusion in

**4.1 (Cont.)**

the proposed ESO. The change near Uralla Road would also ensure that the Balcombe Creek waterway is entirely covered by the ESO.

In response to Biosis' advice, Shire officers have had the ESO32 amendment map updated by in line with the above changes (Attachment 7). These changes also necessitated the updating of the DDO and VPO1 deletion maps (Attachments 5 and 6).

**Options for consideration**

Because Council has received submissions that requested changes to the amendment, pursuant to section 23(1) of the P&E Act, Council must decide whether to:

- Option 1: change the amendment in the manner requested by submissions, or
- Option 2: refer submissions to a planning panel, or
- Option 3: abandon the amendment or part of the amendment.

Shire officers recommend that Council proceeds with Option 1, because the requested changes to the amendment are appropriate and agreed to by Shire officers.

Option 2 is not applicable as all submissions have been resolved, therefore Council is not required to refer the amendment and submissions to a Planning Panel.

Because there are no unresolved submissions and a Planning Panel is not required, pursuant to section 29(1) of the Act, Council must also decide whether to:

- adopt the Amendment as exhibited, with changes, as per section 29 (1) and submit it to the Minister for approval as per section 31 (1), or
- abandon the amendment and notify the Minister of its decision.

Shire officers recommend that the amendment be adopted as per the first option, given that the amendment is strategically justified and is strongly supported by the community.

**ENGAGEMENT**

Engagement on the amendment was carried out as per the public exhibition requirements set out in the P&E Act and directed by the Minister.

As detailed previously in this report, the amendment was publicly exhibited for a period of 6 weeks, from 2 November to 15 December 2023.

Public notice was given via an advertisement in the Mornington News, notice in the Government Gazette, letters to owners and occupiers of land surrounding the subject site, user groups within the amendment area, relevant authorities, community groups and other stakeholders.

Two in-person community information sessions were held at the Mornington Park Pavilion Hall, and individual meetings were held with BERG, the Mount Martha Cricket Club and the South Mornington Football Netball Club.

A total of 64 submissions were received from nearby owners and occupiers, local residents, BERG members, community and environmental groups, and public authorities. One submission (South Mornington Football Netball Club) was later withdrawn, one submission (from the CFA) raised concerns with the amendment and two submissions (from DEECA and SEW) requested changes to the amendment.

**4.1 (Cont.)****COMMUNICATIONS PLAN**

A Communications Plan is not required as all public notice during the planning scheme amendment process is given in accordance with the requirements of the P&E Act.

Once Council has resolved whether to adopt or abandon the amendment, Shire officers will notify all submitters of Council's decision and update the Shire's webpage.

**LEGAL AND REGULATORY FRAMEWORK**

As per the section 23(1) of the P&E Act, after considering submissions, Council must decide whether to:

- change the amendment in the manner requested; or
- refer the submission to a panel; or
- abandon the amendment or part of the amendment.

As per the section 29(1) of the P&E Act, Council must decide whether to:

- adopt the amendment as exhibited with changes, and submit it to the Minister for approval, or
- abandon the amendment and notify the Minister of its decision.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

The amendment's exhibited Explanatory Report (Attachment 17) outlines the environmental, social and economic effects of the amendment.

**FINANCIAL CONSIDERATIONS**

In accordance with regulation 6 of the *Planning and Environment (Fees) Regulations 2016*, a prescribed fee of **\$516.80** is required to be paid by Council at the time the adopted amendment is submitted to the Minister for approval, as is recommended in this report.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

**4.2 Municipal Heritage Review - Stage 4 Places in Western Port and Hinterland Region (Area 4) and Stage 5 - Other Places (Watchlist)**

Prepared By	Rachel Diamond, Coordinator - Strategic Planning
Authorised By	Director - Planning and Environment
Document ID	A12810040
Briefing Note Number	BN1888 – 7 May 2024
Attachment(s)	<ol style="list-style-type: none"><li>1. Redacted Submissions (Part 1 of 2) (separately circulated)</li><li>2. Redacted Submissions (Part 2 of 2) (separately circulated)</li><li>3. Stage 4 (Area 4) Proposed heritage citations with track changes (Part 1 of 2) (separately circulated)</li><li>4. Stage 4 (Area 4) Proposed heritage citations with track changes (Part 2 of 2) (separately circulated)</li><li>5. Stage 5 Proposed heritage citations with track changes (separately circulated)</li><li>6. Summary of Submissions, Responses and Recommendations - Stage 4 (Area 4): Places in Western Port and Hinterland (separately circulated)</li><li>7. Summary of Submissions, Responses and Recommendations - Stage 5: Places in Western Port and Hinterland (separately circulated)</li><li>8. Mornington Peninsula Heritage Review - Area 4: Western Port and Hinterland Vol. 1 (RBA Architects, 2024) (separately circulated)</li><li>9. Mornington Peninsula Heritage Review - Area 4: Western Port and Hinterland Vol.2 Citations Balnarring to Main Ridge (RBA Architects, 2024) (separately circulated)</li><li>10. Mornington Peninsula Heritage Review - Area 4: Western Port and Hinterland Vol.3 Citations Moorooduc to Tyabb (RBA Architects, 2024) (separately circulated)</li><li>11. Mornington Peninsula Heritage Review - Stage 5- Other Places: Introduction, Methodology and Citations (Heritage Alliance, 2023) revised April 2024 (separately circulated)</li><li>12. Mornington Peninsula Heritage Review - Heritage Advice - Stage 5: 48 O'Neills Road, Somerville (August 2022), 1 Sandy Point Road, Somers (November 2023), 352 Boneo Road, Boneo and 62 Rosebud Parade, Rosebud (March 2023) (Landmark Heritage) (separately circulated)</li><li>13. Corrections to Schedule to Clause 43.01 and existing Heritage Overlay maps (separately circulated)</li><li>14. Amendment C301morn documents (separately circulated)</li><li>15. Amendment C302morn documents - Part 1 of 3 (separately circulated)</li><li>16. Amendment C302morn documents - Part 2 of 3 (separately circulated)</li><li>17. Amendment C302morn documents - Part 3 of 3 (separately circulated)</li><li>18. Amendment C302morn documents (tracked changes) (separately circulated)</li></ol>

**4.2 (Cont.)****EXECUTIVE SUMMARY**

The purpose of this report is to:

- Provide an overview of submissions received in response to the public consultation of the following reviews and associated citations:
  - Mornington Peninsula Heritage Review – Area 4: Western Port and Hinterland Vol. 1, 2 and 3 (RBA Architects, 2023)
  - Mornington Peninsula Heritage Review 2023 –Stage 5 – Other Places – Methodology, Recommendations and Citations (heritage ALLIANCE, 2023)
  - Mornington Peninsula Heritage Review – Heritage Advice – Stage 5: Review of Heritage Overlay (HO) polygon for HO311, 48 O’Neills Road, Somerville (Landmark Heritage, August 2022), Heritage Advice: HO boundary of 1 Sandy Point Road, Somers (Landmark Heritage, November 2023), Heritage Assessment: Cairns Family Cemetery, 352 Boneo Road, Boneo (Landmark Heritage, March 2023), and Heritage Assessment: Arthur Merric Boyd House, 62 Rosebud Parade, Rosebud (Landmark Heritage, March 2023).
- Recommend changes to the draft documents in response to submissions and other matters raised during the consultation period and subsequent further research.
- Recommend that Council resolves to adopt the final Reviews and recommendations.
- Seek Council’s approval to request the Minister for Planning (the Minister) to prepare, authorise and approve planning scheme Amendment C301morn to introduce the HO to additional places on an interim basis.
- Seek Council’s approval to request authorisation from the Minister to prepare and exhibit Planning Scheme Amendment C302morn to:
  - introduce the HO on a permanent basis to the places identified;
  - make administrative corrections to the planning scheme, for the reasons explained in the Explanatory Report;
  - insert a revised version of the Heritage Design Guidelines: Sorrento Heritage Precinct Incorporated Document on a permanent basis.
  - insert the Ocean Beach Road Commercial Precinct Sorrento Heritage Policy for Planning Applications for Places in the Heritage Overlay, September 2015 by HLDC as a Background Document.

**RECOMMENDATION**

**That Council:**

- 1. Receives, notes and considers the submissions provided at Attachments 1 and 2.**
- 2. Notes and endorses the summary of submissions and Shire officers’ response to submissions detailed in the Summary of Submissions, Responses and Recommendations – Stage 4 (Area 4) Places in Western Port and Hinterland at**

## 4.2 (Cont.)

Attachment 6 and the Summary of Submissions, Responses and Recommendations – Stage 5 Other Places at Attachment 7.

3. Adopts the Mornington Peninsula Heritage Review – Area 4: Western Port and Hinterland (Volumes 1, 2 and 3) (RBA Architects, April 2024), generally in accordance with Attachments 8, 9 and 10.
4. Adopts the Mornington Peninsula Heritage Review 2023 – Stage 5 – Other Places – Methodology, Recommendations and Citations (Heritage Alliance, 2023 revised April 2024), generally in accordance with Attachment 11.
5. Adopts the Mornington Peninsula Heritage Review – Heritage Advice- Stage 5: Review of Heritage Overlay (HO) polygon for HO311, 48 O’Neills Road, Somerville (Landmark Heritage, August 2022), Heritage Advice: HO boundary of 1 Sandy Point Road, Somers (Landmark Heritage, November 2023), Heritage Assessment: Cairns Family Cemetery, 352 Boneo Road, Boneo (Landmark Heritage, March 2023), and Heritage Assessment: Arthur Merric Boyd House, 62 Rosebud Parade, Rosebud (Landmark Heritage, March 2023); generally in accordance with Attachment 12.
6. Notifies all submitters and affected property owners in writing of Council’s decision.
7. Adopts the revised Incorporated Document Heritage Design Guidelines: Sorrento Heritage Precincts included at Attachment 17.
8. Requests the Minister for Planning to prepare, authorise and approve Amendment C301morn to the Mornington Peninsula Planning Scheme under section 20(4) of the *Planning and Environment Act 1987*, to apply an interim Heritage Overlay to the properties and precincts identified in the Heritage Review Stages Four and Five, generally in accordance with the documentation at Attachment 14.
9. Seeks authorisation from the Minister for Planning to prepare Amendment C302morn to the Mornington Peninsula Planning Scheme under section 8A of the *Planning and Environment Act 1987* to apply a permanent Heritage Overlay to the properties and precincts identified in the Heritage Review Area Stages Four and Five, to include the revised Incorporated Document Heritage Design Guidelines: Sorrento Heritage Precincts, to include the Ocean Beach Road Commercial Precinct Sorrento Heritage Policy for Planning Applications for Places in the Heritage Overlay, September 2015 by HLDC as a Background Document and to make corrections to existing Heritage Overlays and administrative corrections, generally in accordance with the documentation at Attachments 15, 16 and 17.
10. Undertakes exhibition of Amendment C302morn 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.
11. Authorises the Director – Planning and Environment to make editorial and administrative changes to the attachments to this report as required.

**COUNCIL & WELLBEING PLAN**

This aligns with the Council and Wellbeing Plan, in particular:

**4.2 (Cont.)**

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

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

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, B and D which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

At the former Planning Services Committee Meeting held on 19 August 2019, the Committee adopted the Heritage Review Area 3 Report and noted that Stage 4 of the municipal heritage review would be commenced following the completion of Stage 3. Stage 3 was implemented by Amendment C262morn which was split into two parts. Part 1 implemented the recommendations to which no submissions were received (gazetted 25 November 2021). Part 2 included the remaining findings of Stage 3 to which submissions were considered by a panel and ultimately gazetted on 26 May 2022.

At the Council Meeting held on 30 April 2024, Council resolved to adopt the 2023 Planning Scheme Review which recommended to incorporate the findings of Stages 4 and 5 of the Heritage Review (once completed) into the planning scheme via a planning scheme amendment; and to undertake a review of the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document.

**DISCUSSION****Purpose**

The purpose of this report is to:

- present an overview of submissions received in response to the public consultation undertaken to inform Stages 4 and 5 of the Municipal Heritage Review
- to seek adoption of the following (Final Reviews):
  - Mornington Peninsula Heritage Review – Area 4: Western Port and Hinterland Vol. 1, 2 and 3 (RBA Architects, 2024)
  - Mornington Peninsula Heritage Review – Stage 5: Introduction, Methodology and Citations (Heritage Alliance, 2023) revised April 2024
  - Mornington Peninsula Heritage Review - Heritage Advice – Stage 5: 48 O’Neills Road, Somerville (August 2022), 1 Sandy Point Road, Somers (March 2023), 352 Boneo Road, Boneo and 62 Rosebud Parade, Rosebud (March 2023) (Landmark Heritage).

**4.2 (Cont.)**

- seek approval from Minister for Planning to approve Amendment C301morn and authorisation to prepare Amendment C302morn.

**Background**

The Mornington Peninsula Shire Heritage Review (the Review) encompasses a review of European Heritage across the Shire, including a review of previous heritage studies under the former Hastings, Flinders and Mornington Shires, a new Thematic History, and the identification of potential additional heritage places to be included in the HO under the planning scheme. The Shire is committed to ensuring properties of identified heritage significance are protected by the Heritage Overlay in the Mornington Peninsula Planning Scheme (the Planning Scheme).

The objective of the Review is to identify any gaps in those earlier studies and assess identified modern buildings (i.e. those generally built after World War II) for heritage protection. The Review is broken up into stages based on geographical area (see Figure 1); the first three of which have been completed and implemented as follows:

- Stage 1 – Mount Eliza, Mornington, Mount Martha; completed and implemented via Planning Scheme Amendment C174 (Part 1) (gazetted 26 March 2015).
- Stage 2 – Safety Beach, Dromana, Arthurs Seat, McCrae, Rosebud, Capel Sound, Tootgarook, Rye, St Andrews Beach; completed and implemented via Planning Scheme Amendment C214morn (gazetted 24 October 2019).
- Stage 3 – Blairgowrie, Sorrento, Portsea; completed and implemented via Planning Scheme Amendments C262mornpt1 (gazetted 25 November 2021) and C262mornpt2 (gazetted 26 May 2022).

The current project constitutes:

- Stage 4 – Western Port and Hinterland region which spans the Watson, Cerberus and Red Hill Wards.
- Stage 5 – Other Places.

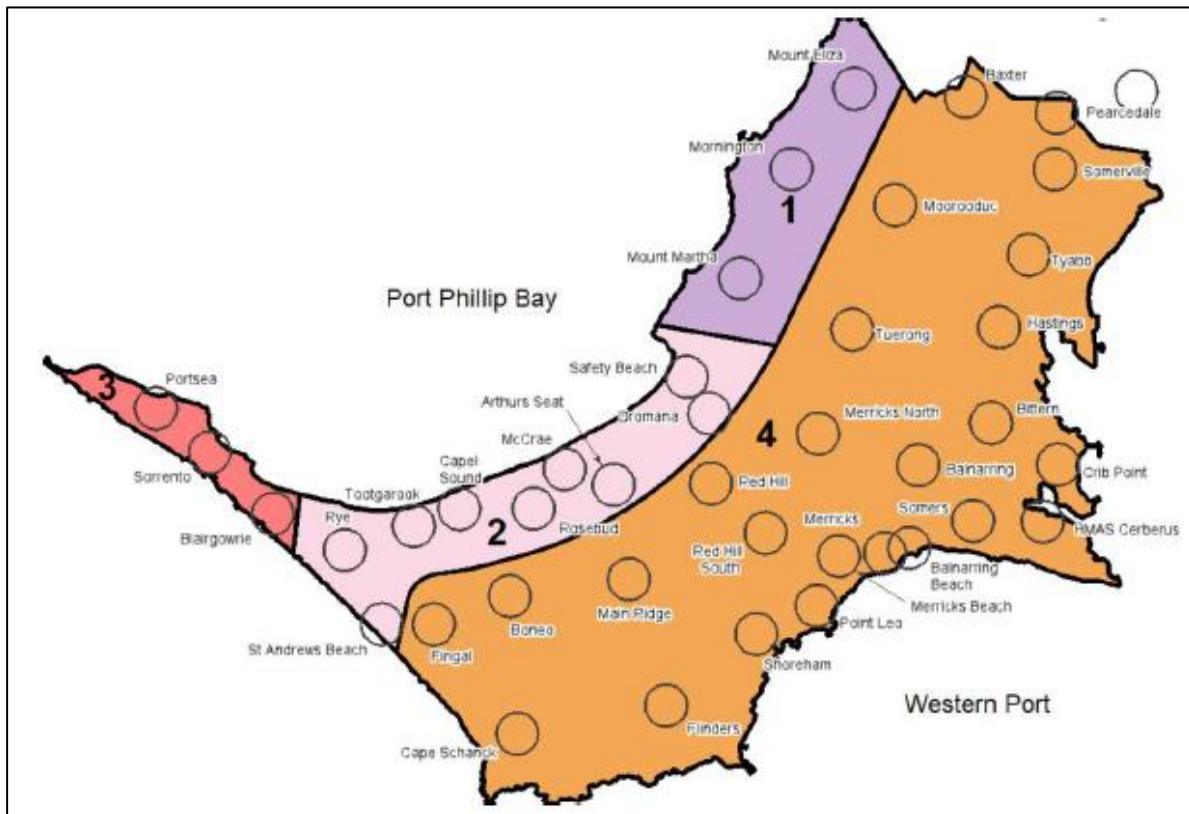


Figure 1: Map of Shire-wide Heritage Review Stages

### Project methodology

A stakeholder reference group (SRG) was formed to provide feedback on the initial scoping, research findings and final lists of recommended places for heritage assessment and possible protection. The SRG comprised relevant ward councillors, the Mornington Peninsula branch of the National Trust of Australia (Vic) and the following local historical societies:

- Balnarring and District Historical Society
- Dromana and District Historical Society
- Flinders District Historical Society
- Hastings-Western Port Historical Society
- Rye Historical Society
- Somerville, Tyabb and District Historical Society.

Heritage consultants were engaged to prepare Stages 4 and 5 of the Review by undertaking preliminary historical research in online databases, libraries and archives. For places that could not be seen and that had no published images, council plans and architectural archives were consulted. For the post-war and late twentieth century places, contemporary publications were searched for awards, reviews and the name of the architect. Each place was then visited and photographs taken from a public place. Some could not be seen from a public place so the consultants relied on council building files and drawings or photographs in published words or online real estate images.

Stages 4 and 5 of the Review comprise of three parts:

**4.2 (Cont.)**

- Part 1 – Places in Western Port and Hinterland region of the Peninsula – RBA Architects & Conservation Consultants were engaged to undertake the Area 4 Review. Sixty-two places were deemed to be of heritage significance with citations drafted for community consultation. (Stage 4).
- Part 2 – Places in Flinders, Merricks Beach, Mornington, Mount Eliza, Mount Martha, Portsea, Shoreham, Somers and Sorrento – heritage Alliance were engaged to undertake this part of the Review which encompassed places that had previously been identified as having potential heritage significance but were not assessed in earlier heritage studies. Eighteen places were originally identified as having heritage significance with citations drafted for community consultation. (Stage 5).
- Part 3 – Places in Boneo, Rosebud, Somers and Somerville (Watchlist) – Landmark Heritage were engaged to undertake this part of the Review which encompassed an assessment and preparation of heritage citations for the Cairns Family Cemetery at 352 Boneo Road, Boneo, the Boyd House at 62 Rosebud Parade, Rosebud, 1 Sandy Point Road, Somers and 48 O’Neills Road, Somerville for community consultation. RBA Architects & Conservation Consultants were engaged to undertake the review of the remaining places in Somers and Somerville. (Stage 5).

The heritage consultants detailed their methodology and recommendations in the form of the following assessments which were made available on the Shire’s website:

- Mornington Peninsula Heritage Review Area 4: Western Port and Hinterland, Final Report (Volumes 1, 2 and 3), RBA Architects & Conservation Consultants (March, 2023).
- Mornington Peninsula Heritage Review 2023, Stage 5 – Other Places – Methodology and Recommendations, heritage Alliance (March 2023).
- Memorandum of Advice Heritage Assessment: Cairns Family Cemetery, 352 Boneo Road, Boneo (Landmark Heritage), March 2023 (Stage 5).
- Memorandum of Advice Heritage Assessment: Arthur Merric Boyd House, 62 Rosebud Parade, Rosebud (Landmark Heritage), March 2023 (Stage 5).
- Memorandum of Advice Heritage Advice: HO boundary of 1 Sandy Point Road, Somers (Landmark Heritage), March 2023 (Stage 5).
- Memorandum of Advice Heritage Advice: Review of HO polygon for HO311 O’Neills Road, Somerville, (Landmark Heritage), August 2022 (Stage 5).

**Options for consideration*****Option 1***

That Council adopt the Final Reviews as outlined in this report, including the commencement of the planning scheme amendments, or

***Option 2***

That Council does not adopt the Final Reviews as outlined in this report or commence the planning scheme amendments.

Shire officers recommend that Council proceed with Option 1 because the Final Reviews are based on sound research completed by qualified heritage experts and the application of the Heritage Overlay is strategically justified.

**4.2 (Cont.)**

Option 2 is not recommended because this may result in Council not fulfilling its obligations under the *Planning and Environment Act 1987* to protect places identified as having local heritage significance.

**ENGAGEMENT**

A total of 101 draft heritage citations were prepared for community consultation. It is Council's standard approach to complete a 'desktop' review of places and draft heritage citations prior to seeking feedback and input from property owners and the community.

Community consultation with affected landowners and occupiers as well as the broader community was undertaken from 19 June 2023 until 28 July 2023. In response to requests from landowners, the closing date was extended further to 25 August 2023. The draft citations were sent directly to owners and occupiers to allow owners to validate the information and correct any known facts in the information. The affected property owners were also able to attend one-on-one information sessions in July 2023 in Shoreham, Tyabb, Bittern and Mornington. Approximately 29 interested parties attended, where the heritage consultant and Shire officers answered questions regarding specific properties and the process of applying a heritage overlay.

Subsequently, Shire officers liaised with the property owner and the heritage consultants to ensure each of the citations is as accurate as possible.

**Submissions**

A total of 66 submissions were received in response to the 101 draft heritage citations. A copy of each submission is included at Attachments 1 and 2. The table below summarises the number of submissions which either support, conditionally support with changes, or oppose the proposed application of a HO:

No. of properties affected	Total No. of Submissions	Support	Conditionally support	Comment only	Oppose
101	66	18	4	7	37

No submissions were received in relation to 46 of the 101 properties. Several properties received more than one submission.

Notably, a submission was received from the Mornington Peninsula Branch (the Branch) of the National Trust commending Council for undertaking the Review and the methodology used. The Branch supports the recommendations based on the information provided and on its own observations; and suggested additional properties be investigated in the future.

Similarly, the Flinders District Historical Society made a submission supporting the majority of the recommendations and suggestions for additional properties. Some of those suggested are either already affected by a Heritage Overlay or have been previously considered and not supported. The remaining properties will be considered as part of the next stage in the Municipal Heritage Review and the ongoing monitoring of historically significant places on the Mornington Peninsula.

**Responses to submissions**

All written submissions were referred to the heritage consultants for review. Where required, the heritage consultants and or Shire officers have undertaken site visits (with the permission of landowners) and completed more research in response to additional information received. In some cases, historical facts and the detailed description of the place have been amended in the citation in response to specific submissions.

**4.2 (Cont.)**

In addition, Shire officers engaged either RBA or Landmark Heritage to complete a peer review of the draft heritage citations prepared by heritage Alliance which received submissions opposing the proposed application of the HO. This was considered necessary due to the impending retirement of the lead heritage Alliance consultant and resultant inability to appear before a future planning panel. Subsequently, the consultant who conducted the peer review will now be able to present expert evidence at a Panel hearing (if required). The peer review resulted in some changes to the citations and some of the recommendations.

There are some common themes in the submissions including concerns regarding alterations to buildings, poor condition of buildings, restricting development potential, detrimental financial impact and the extent of the proposed Heritage Overlay. Attachment 6 (Stage 4) and Attachment 7 (Stage 5) provide a summary of each submission received, the consultant/Shire officer response to each, and the proposed recommendation for each place. Notably, the detailed research and responses to the submissions undertaken by Landmark Heritage regarding the Cairns Family Cemetery, 352 Boneo Road, Boneo, 62 Rosebud Parade, Rosebud and 1 Sandy Point Road, Somers is also provided at the end of Attachment 7.

**Revised citations**

Attachments 3, 4 and 5 provide a tracked change version of each citation showing the recommended changes in response to the submissions and further research. The changes have not altered the heritage significance of the places. The final version of each citation is included at Attachments 9, 10, 11 and 12.

In accordance with the Planning Practice Note 01 'Applying the Heritage Overlay' (August 2018), each heritage citation includes a Statement of Significance, history, description, comparative analysis, recommended specific controls and extent of the proposed heritage overlay. The specific controls include the following and are applied by indicating yes or no in the Schedule to Clause 43.01 of the Planning Scheme:

- External paint controls
- Internal alteration controls
- Tree controls
- Solar energy system controls
- Outbuildings and/or fences not exempt
- Prohibited uses permitted
- Aboriginal heritage place.

The heritage consultants have recommended specific controls as appropriate for each place. Similarly, the extent of each proposed overlay is either described in words and/or mapped on each heritage citation.

**Revised recommendations and key findings**

In response to submissions and further assessment, it is now recommended that the heritage overlay be pursued for 90 places and no longer pursued for 14 places as outlined in Attachments 6 (Stage 4) and 7 (Stage 5).

The reviews completed by the heritage consultants provide the strategic justification for seeking to apply a HO to the recommended places as part of the proposed Amendments

**4.2 (Cont.)**

C301morn (interim controls) and Amendment C302morn (permanent controls). Therefore, adoption of the following documents is sought:

- Mornington Peninsula Heritage Review Area 4: Western Port and Hinterland, Final Report (Volumes 1, 2 and 3), RBA Architects & Conservation Consultants (April 2024) (Attachments 8, 9 and 10)
- Mornington Peninsula Heritage Review 2023, Stage 5 – Other Places – Methodology and Recommendations, (Heritage Alliance, 2023) revised April 2024 (Attachment 11)
- Mornington Peninsula Heritage Review - Heritage Advice - Stage 5: Review of HO polygon for HO311, 48 O’Neills Road, Somerville (Landmark Heritage, August 2022), Heritage Advice - HO227, 1 Sandy Point Road, Somers (Landmark Heritage, November 2023) Heritage Assessment: Cairns Family Cemetery, 352 Boneo Road, Boneo (Landmark Heritage, March 2023), and Heritage Assessment: Arthur Merric Boyd House, 62 Rosebud Parade, Rosebud (Landmark Heritage, March 2023); (Attachment 12).

**Planning Scheme Amendments for Interim and Permanent Heritage Controls**

A planning scheme amendment is required to formally recognise the heritage significance of the places identified to ensure they are protected from inappropriate development under the Heritage Overlay. The Final Reviews must be adopted by Council to form the strategic justification for a Planning Scheme Amendment. Following adoption, a request for authorisation to prepare the Planning Scheme Amendment will be sent to the Minister.

Should the Minister for Planning authorise preparation of the amendment, a formal public exhibition period will be undertaken, and any submissions received will then be referred to an Independent Planning Panel (if the submission cannot be resolved) for consideration, prior to final adoption by Council and ultimately the final approval by the Minister. It is important that all affected property owners make a further submission to the formal exhibition period, regardless of whether they made a submission regarding the draft citations and proposal to apply a Heritage Overlay in 2023. Making a submission in response to the exhibition of the Planning Scheme Amendment will allow owners the opportunity to have their submission considered by the Independent Panel. As such, it is recommended that Council notify all submitters of the adoption of the reviews and the subsequent exhibition of the Planning Scheme Amendment.

It is usual practice to seek to apply the Heritage Overlays on an interim basis at the same time as commencing the process to introduce the Heritage Overlays permanently. If approved the interim Heritage Overlays will have an expiry date, typically 12 months after gazettal.

The reason interim controls are usually sought is to ensure temporary protection of the newly identified heritage places whilst the Planning Scheme Amendment for permanent controls is progressed. If interim controls are not sought, Shire officers will need to react on a one-off basis to any application for demolition and request Council to seek interim controls to suspend each demolition application (under section 29A of the Building Act 1984). This reactive process would be costly, time consuming and not transparent, therefore a single process to apply interim controls on all places is recommended.

**Proposed Planning Scheme Amendment C301morn and C302morn**

The Planning Scheme Amendment for the application of interim controls on newly identified places will be Amendment C301morn. The proposed amendment documents for Amendment C301morn are at Attachment 14.

**4.2 (Cont.)**

The Planning Scheme Amendment for the application of permanent controls to all newly identified places will be Amendment C302morn. The proposed amendment documents for Amendment C302morn are at Attachments 15, 16 and 17. To assist with understanding the proposed changes to the Scheme, a tracked change version of the amendment documents is also included at Attachment 18.

**Corrections to the Schedule to Clause 43.01 and existing Heritage Overlay maps**

Landmark Heritage provided advice on HO mapping refinements for Hope Campbell House at 1 Sandy Point Road, Somers, and the John Brunning & Sons Complex, Trees at 48 O'Neills Road, Somerville. A summary of the submissions received for these places, the Shire officer response and recommendations are also included at Attachment 7 (Stage 5).

In addition, several errors in the Schedule to Clause 43.01 and existing HO maps in the planning scheme have been identified. These range from the deletion of an existing HO to reflect the demolition of a place, to rectifying the boundary of the overlay on the HO map to ensure the entirety of a place is affected. These corrections are proposed to be made by Amendment C302morn and are summarised at Attachment 13.

**Review of Heritage Design Guidelines: Sorrento Heritage Precinct Incorporated Document**

As a separate heritage matter, it is proposed to revise, update and rename the existing Incorporated Document entitled 'Heritage Design Guidelines: Sorrento Historic Precinct'. The review is necessary as the Incorporated Document has an expiry clause of 30 June 2024. The document still refers to the previous heritage overlay HO1 which applied to a large part of Sorrento which was removed as part of the Heritage Review Area 3 process and replaced in part with five new precincts (approved under Amendment C262morn Part 2 on 26 May 2022).

The Incorporated Document also contains content from the previous local policy at Clause 22.17 Sorrento Historic Precinct Policy. This policy was subsequently removed from the planning scheme and included in the Incorporated Document as part of the Planning Policy Framework (PPF) translation (approved under Amendment C279morn on 22 July 2021). At the time of the PPF translation it was noted by the Department that the Incorporated Document would need to be reviewed once the new precincts were gazetted. Hence the 2024 expiry clause.

Now that the Heritage Review Area 3 heritage overlays have been in the planning scheme since May 2022, the applicability and efficacy of the Incorporated Document has been reviewed to ensure good built form outcomes. The rationale for the suggested changes is based on the following:

- The Department directed Council to examine all policies and guidelines and whether they were still applicable after the approval of the Heritage Review Area 3.
- The Heritage Review Area 3 revised the precinct boundaries, elevated some places to have individual HO status and included new detailed precinct citations and Statements of Significance.
- The five new precincts should be accurately reflected in the Incorporated Document.
- The Shire's heritage planner and heritage consultant have reviewed the guidelines to ensure the document has clear directions for new built form, to assist owners, applicants and decision makers.

**4.2 (Cont.)**

- Some of the new content is derived from useful information in the Ocean Beach Road Commercial Precinct Sorrento Heritage Policy for Planning Applications for Places in the Heritage Overlay, September 2015, by HLDC (Helen Lardner).

The Guidelines have been revised with the assistance of the Shire's heritage consultant as shown in tracked changes at Attachment 18. Therefore, adoption of the revised document at Attachment 17 is now sought so the following can be included in the request for planning scheme Amendment C302:

- A revised Incorporated Document Heritage Design Guidelines: Sorrento Heritage Precincts.
- Include the Ocean Beach Road Commercial Precinct Sorrento Heritage Policy for Planning Applications for Places in the Heritage Overlay, September 2015 by HLDC as a Background Document (Attachment 16).

**COMMUNICATIONS PLAN**

A Communications Plan is not required as all public notice during the planning scheme amendment process will be given in accordance with the requirements of the *Planning and Environment Act 1987*.

Once Council has resolved whether to adopt the Final Reviews, Shire officers will notify all submitters and affected landowners of Council's decision and update the Shire's website.

**LEGAL AND REGULATORY FRAMEWORK**

In accordance with the *Planning and Environment Act 1987*, Council is required to recognise and conserve places of heritage significance through the application of the Heritage Overlay to places of identified heritage significance in the Mornington Peninsula Planning Scheme.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

There are no climate change or sustainability considerations regarding the proposed application of the Heritage Overlay.

**FINANCIAL CONSIDERATIONS**

Council engaged the heritage consultants to complete the reviews in accordance with Council's allocated budget. Commencing in 2020, the assessment of over 200 places to complete Stages 4 and 5 of the Heritage Review amounts to a total expenditure of \$397,945 (excluding GST).

The cost of administering the proposed Planning Scheme Amendments, including the potential independent planning panel, have been budgeted for in the 2024/2025 financial year.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

#### 4.3 Mount Eliza Activity Centre - Car Parking Strategy

Prepared By	Shahniaz Arafath, Traffic and Road Safety Engineer; Mathew McQuinn, Traffic & Transport Engineer
Authorised By	Director - Planning and Infrastructure
Document ID	A13040701
Briefing Note Number	BN1889 – 7 May 2024
Attachment(s)	1. Mount Eliza Township Activity Centre (TAC) Car Parking Strategy - Draft Report

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#### EXECUTIVE SUMMARY

Mount Eliza is one of the Mornington Peninsula Shire's (Shire) large Township Activity Centres (TAC) that facilitates business, community activities and social interaction. Therefore, it is important to have well-planned car parking within this activity centre. To ensure that the provision of car parking is appropriate to support the TAC, a draft Mount Eliza Activity Centre Car Parking Strategy (the Strategy) has been prepared.

The goal of this Strategy is to make recommendations (short, medium and long term) for future parking management at the activity centre.

This report is to seek Council endorsement to place the draft Mount Eliza Activity Centre Car Parking Strategy on public exhibition for community feedback. This will ensure that community input has been considered prior to finalising the Strategy for adoption.

#### RECOMMENDATION

##### That Council:

- 1. Approves the draft Mount Eliza Activity Centre Car Parking Strategy (Attachment 1) for community consultation for a period of four (4) weeks.**
- 2. Authorises the Director of Planning and Environment to make minor editorial or administrative changes to the draft Mount Eliza Activity Centre Car Parking Strategy (Attachment 1) as necessary, prior to the commencement of exhibition.**

#### COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.5: A community that is well connected through sustainable, accessible and integrated transport options.

#### GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, D and I which are:

**4.3 (Cont.)**

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

Not applicable.

**DISCUSSION****Purpose**

To seek Council endorsement to place the draft Mount Eliza Activity Centre Car Parking Strategy on public exhibition for community feedback. This will ensure that community input has been considered prior to finalising the Strategy for adoption.

**Background**

Stantec has been engaged by the Shire to prepare the Mount Eliza TAC Parking Strategy (the Strategy), which is seeking to address the following issues:

- Increased double story development with mixed uses, with limited additional parking provided.
- Pressure on the parking provision requirements of the Mornington Peninsula Shire Planning Scheme.
- Limited vacant land suitable for additional car parking in Mount Eliza.
- Perceptions of high parking demands throughout the Mount Eliza TAC by traders and the broader community.

The key purpose of the Strategy is to:

- Support the long-term vision for the Mount Eliza TAC through integrated traffic and parking analysis and planning.
- Ensure that the provision of car parking is appropriate to support the prosperity, vibrancy, liveability and amenity of the centre.
- Provide a clear framework to manage car parking.
- Identify options to reduce parking pressure.
- Assess the feasibility of implementing a Schedule to the Parking Overlay in the Mornington Peninsula Planning Scheme for the Mount Eliza TAC.

The draft Strategy is included as Attachment 1.

While there is a clear reliance on private car travel to the Mount Eliza TAC, parking management is not simply about building and providing more car parking. There is a range of actions available to ensure that the right type of parking is available in the right location at the right time to satisfy user needs and to limit the need to construct additional car parking infrastructure.

**4.3 (Cont.)**

The Mount Eliza Township Activity Centre (Mount Eliza TAC) will continue to be a focus of economic growth and cater to the needs of residents and visitors into the future. The *Mornington Peninsula Activity Centres Strategy* (2018) estimates that between 2016 and 2036, in the order of 4,500sqm of commercial (retail and office) growth could be expected to be supported within the Mount Eliza TAC through increased visitation and general population growth.

Mount Eliza is currently a car-focused township, supported by some sustainable transport facilities. Critical to supporting the role and function of the Mount Eliza TAC is the provision of well-planned car parking, noting the limited public transport network and high levels of car dependency within the Mornington Peninsula. The impact of car parking availability on accessibility is a concern for residents, traders and visitors. Unlike other townships on the Peninsula, Mount Eliza does not tend to have extreme seasonal fluctuations. The management of car parking in the centre requires a strategic approach to manage both current and future demands.

**Parking objectives**

Having regard to the strategic context for the centre and the purpose of the Mount Eliza TAC Parking Strategy, the following parking objectives have been developed to provide guidance for the development of parking management measures:

1. Manage parking as a finite resource
2. Support the local economy
3. Manage car parking to prioritise access according to user needs
4. Make parking easier
5. Reduce the financial burden on the Shire
6. Support the environment.

**Key considerations and findings**

Parking demand and duration surveys were conducted within the Mount Eliza TAC Study Area (Figure 1) on Thursday 16 November 2023 and Saturday 18 November 2023. All public parking and publicly accessible privately managed parking were included in the surveys.

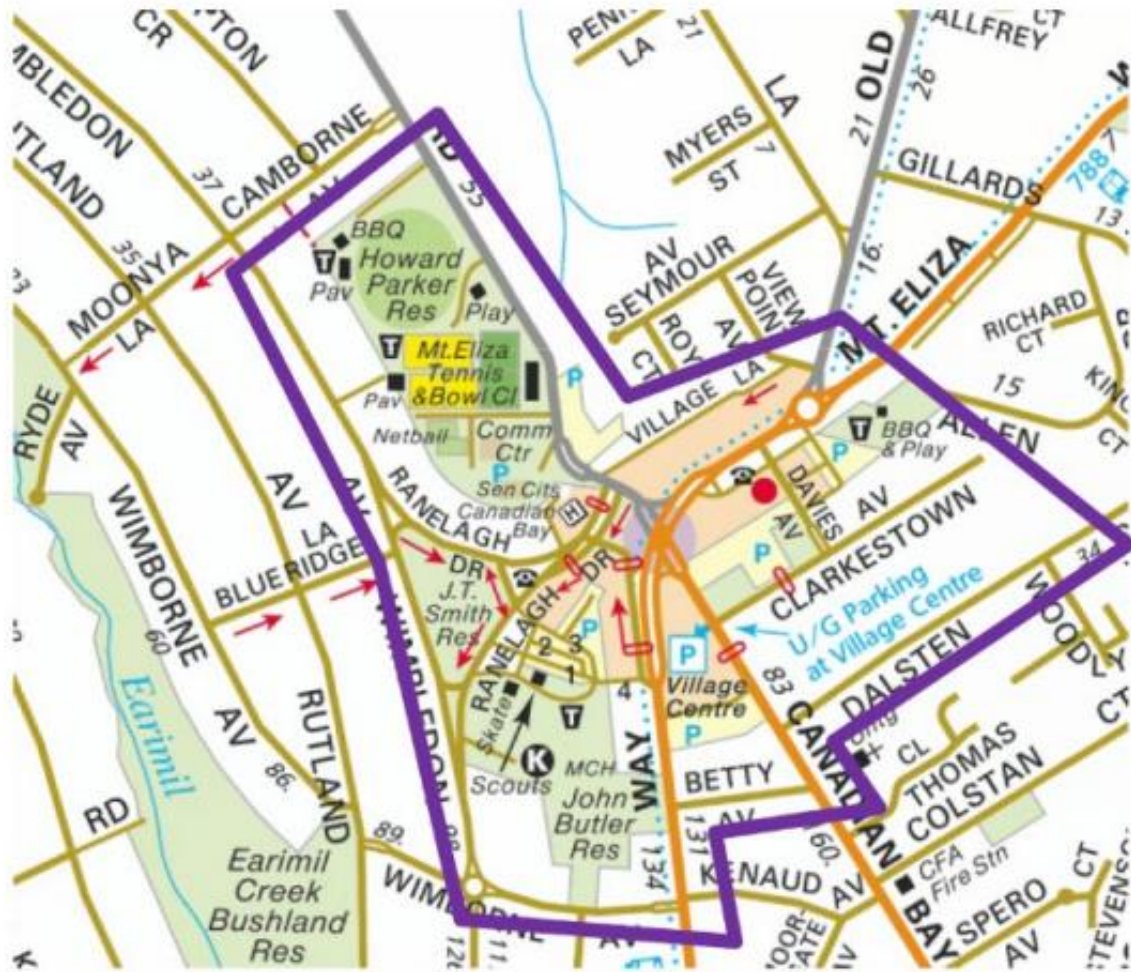


Figure 1: Mount Eliza TAC – Study Area

Following are some key findings of the parking data analysis:

- The car parking inventory for the full study area identified a total of 1,423 parking spaces (496 on-street and 927 off-street). There is 1,067 parking spaces servicing the commercial area (550 on-street and 717 off-street).
- The full study area experienced a peak occupancy of 66% on the Thursday at 12:00pm, whilst on a Saturday the peak occupancy was 50% at 11.00am. The commercial area peak occupancy of 76% also occurred on the Thursday at 12.00pm, with a peak occupancy on a Saturday of 61% at 11.00am. This shows parking occupancies at peak times are still well below the parking capacity.
- Duration of parking on a Thursday and a Saturday is predominantly one hour or less, representing 77% and 82% of all recorded stays respectively.
- Average duration of parking within one hour (1P) and 2P areas align well with posted restrictions.
- Average duration of parking within ¼P areas were above the 15-minute limit, with a maximum stay of up to 3.5 hours.
- Average duration of parking within 3P areas are lower than the posted restriction, with average stays mostly less than two hours.

**4.3 (Cont.)**

- There is a level of short-stay parking occurring within 3P and unrestricted parking areas.
- Vehicles were observed overstaying time restrictions within many areas, with maximum recorded stays across restriction types all above the marked restrictions.
- The car parking surveys did not identify any specific trends of Mount Eliza being used as a 'Park n Ride' location by drivers travelling to Frankston.

Overall, surveys indicate that parking spaces with short-term restrictions (two hours or less) are all nearing or above optimal maximum capacity during peak times, whilst some capacity exists within the 3P restricted parking areas. Unrestricted parking in close proximity to the centre is in high demand, however capacity increases toward the periphery of the study area.

Managing future car parking was also investigated, with the key findings being:

- The *Mornington Peninsula Activity Centres Strategy (2018)* estimates that between 2024 and 2036, in the order of 2,732sqm of commercial (retail and office) growth could be expected to be supported within the Mount Eliza TAC through increased visitation and general population growth. Commercial growth between 2024 and 2036 is expected to generate an additional demand for 93 parking spaces. It is anticipated that this growth in parking demand can be accommodated by the Mount Eliza TAC based on existing spare capacity, future developments constructing additional on-site parking, and the potential for redistribution of existing demand.
- A car parking model was developed to estimate the car parking generation characteristics of the various land uses found within the Mount Eliza TAC. It showed that land uses within the TAC currently generate peak car parking demand at rates approximately 10% below the Column B rates specified in Clause 52.06 of the Mornington Peninsula Planning Scheme. This is primarily due to it being a mixed-use precinct with patrons tending to visit more than one business when within the TAC and different businesses generating peak parking demand at different times of day. On this basis, adopting Column B parking rates in the Mount Eliza TAC should be considered.

Whilst Column B parking provision rates are lower than the Planning Scheme default Column A rates that currently apply to the Mount Eliza TAC, Column B rates are recommended for commercial activity centres as they reflect the existing and likely future parking demand, provide greater certainty to Planning Permit applicants and the community in terms of parking provision requirements and would support economic prosperity in the centre as local businesses will not need planning permission to reduce parking requirements if a change of land use is sought (for example, change from a shop to a restaurant). Column B parking rates were implemented in the Mornington, Rosebud and Hastings activity centres in 2022.

- The need and viability of a Cash-In-Lieu of Car Parking scheme, where developers who don't provide adequate on-site parking financially contribute to the construction of future public parking, was investigated as part of the study. The investigation concluded that the need for pursuing a Cash-in-Lieu arrangement for the Mount Eliza Activity Centre is not justified. As such, the further pursuit of a Cash-in-Lieu scheme is not recommended.

**Options for consideration**

The surveys conducted in November 2023 showed that car parking across the commercial area peaks with an overall occupancy level of 76%, representing a total of 255 vacant car parking spaces from a total supply of 1,067 spaces. Therefore, in terms of overall numbers, the Mount Eliza TAC has adequate parking to accommodate existing and future demand.

**4.3 (Cont.)**

However, more can be done to increase the effectively available supply of parking without the need to construct additional parking spaces by:

- Spreading parking demand spatially (to where vacancies exist).
- Altering parking restrictions to better allocate parking between short-stay and long-stay user groups.
- Improving turnover in the area of highest demand, within the core of the TAC.
- Improving parking compliance.

On the basis of the policy context, background research, the established parking objectives and best practice parking management, the following recommendations for managing existing car parking demand within the Mount Eliza TAC are summarised below.

***Managing Existing Demands***

1. Implement a centre wide Parking Wayfinding Signage System (static and/ or electronic), which includes navigation information for both Shire-owned and privately-owned car parks.
2. Expand areas of 3P parking in John Butler Reserve Car Park and Ranelagh Drive.
3. Promote areas around the Howard Parker Reserve and Playground as alternate long stay parking areas.
4. Continue to review pedestrian connections (quality of route, surface, lighting, safety, crossings) through the centre and within car parks to make the centre attractive to walk from parking locations to destination.
5. Increase level of parking compliance within the centre.
6. Investigate the feasibility of implementing Smart Parking technology in Mount Eliza to assist drivers to find available parking, thereby providing an improved user experience; reducing circulation and congestion and subsequent vehicle emissions; and provide data to inform future parking management decisions.
7. Undertake ongoing monitoring of parking usage within the centre in relation to drivers using Mount Eliza as a 'Park n Ride' destination.
8. Investigate if opportunities exist to increase parking supply on the parcel of land on the corner of Canadian Bay Road and Village Lane where informal parking exists.

***Managing Future Demands***

9. Adopt Victorian Planning Provisions Column B parking provision rates for non-residential uses within the Commercial zone of the activity centre as the appropriate parking provision for new development.
10. Require that parking associated with new development be provided on individual development sites or reductions are justified using decision guidelines specified within Clause 52.06 of the Mornington Peninsula Planning Scheme
11. Not pursue a Cash-In-Lieu of Car Parking scheme.

***Monitoring and Review***

12. Monitor parking use in the area over time and review strategy after 10 years.

**ENGAGEMENT**

Input was sought from key stakeholders, including Mount Eliza Chamber of Commerce, Ranelagh Residents Association, Committee for Greater Frankston, Mount Eliza Neighbourhood House and Canadian Bay Hotel during development of the Strategy through several stakeholder workshops.

It is proposed to publicly exhibit the draft Mount Eliza Activity Centre Car Parking Strategy for a period of four weeks from 17 June to 14 July 2024 to seek feedback from the community on:

- Draft Strategy Report
- Key findings of the parking demand and duration survey
- Proposed Recommendations.

Following the public exhibition period, the draft Strategy will be finalised and presented to Council for adoption.

**COMMUNICATIONS PLAN**

The four-week public exhibition period for the Mount Eliza Activity Centre Car Parking Strategy is proposed to be promoted by the following methods:

- Media release
- Letters to the businesses within the TAC
- Shire website
- Notification to the Mount Eliza Chamber of Commerce and all key stakeholders
- Social media campaign
- Community drop-in session
- Shape web page for individuals and groups to provide feedback on the draft Strategy.

**LEGAL AND REGULATORY FRAMEWORK**

The Mount Eliza Activity Centre - Car Parking Strategy will comply with the *Disability Discrimination Act 2006*.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Implementation of Mount Eliza Township Activity Centre (TAC) Car Parking Strategy will help in achieving Shire's sustainability and climate change goals. The strategy recommends investigating implementing smart parking technology which would assist in the parking management task within the TAC, increase the efficiency of parking use, reduce traffic congestion and provide additional parking data to inform future decision making. All these measures ultimately help in reducing vehicle emissions caused by drivers due to congestion and searching for car parking within the TAC.

**4.3 (Cont.)**

**FINANCIAL CONSIDERATIONS**

There are no foreseeable significant financial implications that will result from the recommendation in this report seeking approval to consult on the draft Strategy.

The recommendations in the draft Strategy, if adopted, would be subject to consideration as part of Council's annual budget process.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## COMMUNITY STRENGTHENING

### 4.4 Signage Policy

Prepared By	Merg Mikaelian, Team Leader - Community Safety; Dale Gilliatte, Manager - Community Safety, Health & Compliance; Sally Kellett, Business Support Officer - Community Safety and Compliance
Authorised By	Director - Community Strengthening
Document ID	A12993315
Briefing Note Number	BN1899 – 21 May 2024
Attachment(s)	<ol style="list-style-type: none"> <li>1. Signage Policy - Proposed</li> <li>2. Signage Policy - Current</li> </ol>

### EXECUTIVE SUMMARY

The Mornington Peninsula Shire's (Shire) Signage Policy was adopted in 2012 with the intention to specify appropriate and consistent signage guidelines and provides a process for the assessment of signage requests.

Based feedback received from relevant internal teams and at a Councillor workshop held on 6 March 2024, the updated draft policy has been modernised and simplified to make it easier for both Shire officers and the community to understand the requirements for the display of signage.

It has been designed to complement existing signage controls under the Mornington Peninsula Planning Scheme and Community Amenity (Amendment) Local Law 2022.

This report provides Council with the re-drafted Signage Policy (Attachment 1) for consideration and endorsement.

### RECOMMENDATION

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

### COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.1: A healthy and self-determined community where everyone feels valued, supported and safe.

### GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, E and I which are:

**4.4 (Cont.)**

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- E. Innovation and continuous improvement is to be pursued.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

- Council and Wellbeing Plan 2021-2025
- Mornington Peninsula Shire Commercial Activities on Footpaths Policy.

**DISCUSSION**

The current Signage Policy (Attachment 2) is 92 pages long and incorporates the procedures in which signage will be assessed. It is quite complicated with different requirements for different zonings and articulates different requirements for 13 different sign types. Further, it is out of date with responsible teams named that do not exist and signage uses that are no longer relevant.

Based on feedback received from relevant internal teams and at a Councillor workshop held on 6 March 2024, the updated draft policy has been modernised and simplified to make it easier for both Shire officers and the community to understand the requirements for the display of signage. It has been designed to complement existing signage controls under the Mornington Peninsula Planning Scheme and Community Amenity (Amendment) Local Law 2022. The outdated procedural information has been removed as it is not required in a policy and the policy has been based on land tenure (private/Shire owned/State authority) rather than signage type. Further feedback that has been included is a clause relating the control of garage sale signage and a clause relating the ongoing maintenance of fixed signage.

Whilst the size and the structure of the policy is vastly different, the controls remain fairly similar. Once the policy has been adopted, it will be the responsibility of the relevant Shire team that will be approving signage, to draft the relevant procedures and assessment criteria, which will be streamlined for more efficient processing.

Council's Policy Management Framework sets the process for developing new policies and reviewing and updating existing organisational policies.

The updated version of the Signage Policy for consideration was completed using the Framework and the Policy Development and Review Checklist. It was determined that a Gender Impact Assessment and Climate Change Considerations Checklist were not required in this instance.

**Background**

The Signage Policy was adopted in 2012 with the intention to specify appropriate and consistent signage guidelines and provides a process for the assessment of signage requests.

**ENGAGEMENT**

Following a Councillor Workshop held on 6 March 2024, the Community Safety, Health and Compliance Unit, in conjunction with other relevant teams across the organisation, re-drafted the Signage Policy (attached) for consideration by Council.

Shire teams engaged and supporting the development of the policy included:

**4.4 (Cont.)**

- Planning and Asset Compliance
- Community Safety
- Statutory Planning
- Strategic Planning
- Economic Development
- Legal and Governance.

As signage requirements are legislated and a regulated function that Council is required to deliver, broader community consultation on the draft policy is not proposed due to the limited ability for community to influence outcomes or change the direction of the policy intent.

**COMMUNICATIONS PLAN**

The policy, once adopted, will be uploaded to the Shire website alongside all other Council policies.

**LEGAL AND REGULATORY FRAMEWORK**

Signage is regulated by several Acts, Regulations and Local Laws:

- *Planning and Environment Act 1987*
- *Summary Offences Act 1966*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Safety Act 1986*
- *Road Safety Road Rules 2017*
- *Road Management Act 2004*
- Mornington Peninsula Planning Scheme
- Mornington Peninsula Shire Community Amenity Local Law 2022
- Mornington Peninsula Shire Commercial Activities on Footpaths Policy
- VicRoads Tourist Signing Guidelines.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

There is no direct financial impact of this policy on Council's endorsed budget.

**4.4 (Cont.)**

**OFFICER DIRECT OR INDIRECT INTEREST**

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

#### 4.5 CCTV Policy Review

Prepared By	Merg Mikaelian, Team Leader - Community Safety; Dale Gilliatte, Manager - Community Safety, Health & Compliance; Sally Kellett, Business Support Officer - Community Safety and Compliance
Authorised By	Director - Community Strengthening
Document ID	A12993408
Briefing Note Number	BN1900 – 21 May 2024
Attachment(s)	1. CCTV Policy - Proposed 2. CCTV Policy - Current

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#### EXECUTIVE SUMMARY

Closed circuit television (CCTV) systems in public spaces support Victoria Police operations and response for crime prevention and investigation, by Victoria Police.

However, community crime prevention research (Community Crime Prevention Victoria), also notes that CCTV systems should be actively monitored and on their own may do little to address crime prevention and must be used with a suite of other crime prevention strategies, tailored to the specific local issues and context to enhance effectiveness.

The current CCTV Policy (Attachment 2) was adopted in 2014 to provide direction and guidance for the use of CCTV systems in public places for crime prevention and the enhancement of the public perception of safety. The current policy is very much procedurally based, out of date and rarely consistently adhered to.

#### RECOMMENDATION

**That Council:**

- 1. Adopts the re-drafted Closed Circuit Television (CCTV) Policy (Attachment 1).**
- 2. Supports and promotes the Victoria Police private CCTV camera register initiative across the Mornington Peninsula Shire.**
- 3. Notes that Shire officers will continue to work in partnership with Victoria Police to facilitate a range of community safety initiatives and support relevant advocacy for increased funding related to CCTV and other community safety activities.**

#### COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.1: A healthy and self-determined community where everyone feels valued, supported and safe.

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**4.5 (Cont.)****GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, E and I which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- E. Innovation and continuous improvement is to be pursued.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

Council and Wellbeing Plan 2021-2025.

**DISCUSSION**

Incorporating feedback from a Councillor workshop held on 18 March 2024, the updated draft CCTV Policy (Attachment 1) has been modernised and simplified. The policy changes the focus away from Council installing and maintaining any new CCTV systems, with any further requests being referred to Victoria Police, as the responsible authority.

It commits Council to the ongoing maintenance of its existing CCTV systems, however, the annual expenditure will be capped, with any shortfall amount to be funded by Victoria Police or any other third-party agency.

This policy will reduce the ongoing costs to Council while retaining the effectiveness of existing CCTV systems for public safety on the Peninsula.

Council's Policy Management Framework sets the process for developing new policies and reviewing and updating existing organisational policies. The draft CCTV Policy was completed using the Framework and the Policy Development and Review Checklist. It was determined that a Gender Impact Assessment and Climate Change Considerations Checklist were not required.

**Background**

Closed circuit television (CCTV) systems in public spaces support Victoria Police operations and response for crime prevention and investigation, allow Victoria Police resources to be deployed more efficiently and assist criminal prosecution. Mornington Peninsula Shire Council (Shire) has a legal obligation to establish a clear decision-making process for the installation and maintenance of CCTV systems on Shire land and infrastructure.

The visible presence of surveillance devices can enhance perceptions of safety within the community, which can be constructive in developing public confidence and reducing the fear of crime. However, community crime prevention research (Community Crime Prevention Victoria), also notes that CCTV systems should be actively monitored and on their own may do little to address crime prevention and must be used with a suite of other crime prevention strategies, tailored to the specific local issues and context to enhance effectiveness.

The current CCTV Policy (Attachment 2) was adopted in 2014 to provide direction and guidance for the use of CCTV systems in public places for crime prevention and the enhancement of the public perception of safety. The current policy is very much procedurally based, out of date and rarely adhered to.

**4.5 (Cont.)**

A significant issue relating to this policy has been the lack of adherence to a section that states:

*Council will seek grant funds from the State and Federal Government to implement CCTV Systems in public spaces. CCTV systems will only be installed where State or Federal Government grants are made available to offset the costs to the community.*

*The whole of life costs of the CCTV system will be considered and balanced against the identified needs for a system.*

*Costs include:*

- *The consultation, project design and grant funding processes*
- *The tendering and installation of the CCTV system(s)*
- *Maintenance*
- *Network and Technical Management of the system in liaison with Victoria Police*
- *Evaluation of the CCTV System.*

The Shire currently maintains 44 CCTV systems and receives no funding from the State or Federal Government or any other third party. Further, the Shire is required to use Victoria Police approved contractors for maintenance and have no control over the maintenance schedule, making it difficult to ascertain the budget requirements.

The Shire continues to regularly receive requests for installation of CCTV systems. It is Shire officer's advice that further installation of CCTV systems is unsustainable.

It is worth noting that the Shire does not access or use any of the data produced by the CCTV systems, it is solely for the use by Victoria Police.

With the increase of private CCTV systems being installed in homes and businesses, Victoria Police have created a secure State-wide database recording residential and business CCTV locations that can be accessed only by Police investigators.

Mornington Police are urging residents to register with their local police stations their CCTV cameras set up outside their homes and businesses, especially cameras covering driveways, front yards, streets or rear lane ways and security doorbells that activate when pressed to enhance Victoria Police crime prevention capability.

**ENGAGEMENT**

Following a Councillor workshop held on 18 March 2024, the Community Safety, Health and Compliance Unit, in conjunction with other relevant teams across the organisation, re-drafted the CCTV Policy (attached) for consideration by Council.

Council teams engaged and supporting the development of the Policy included:

- Infrastructure Services
- Community Safety
- Legal and Governance.

Victoria Police were consulted to the point of requesting the data they keep on times and any use of footage to assist in resolving criminal matters and how often contractors are used to

**4.5 (Cont.)**

retrieve it. Unfortunately, information received from Victoria Police indicates that they do not keep track of when they need/use CCTV footage and is obtained on a job-by-job basis.

As the use and maintenance of CCTV systems requirements are legislated and a regulated function that Council is required to deliver, broader community consultation on the draft policy is not proposed due to the limited ability for community to influence outcomes or change the direction of the policy intent.

**COMMUNICATIONS PLAN**

The Policy, once adopted, will be uploaded to the Shire's website alongside all other Council policies.

**LEGAL AND REGULATORY FRAMEWORK**

The use and management of CCTV systems is governed by various Acts, Regulations and Standards:

- *Charter of Human Rights and Responsibilities Act 2006*
- *Crown Land Act 1978*
- *Evidence Act 2008*
- *Freedom of Information Act 1982*
- *Information Privacy Act 2000*
- *Occupational Health and Safety Act 2004*
- *Public Records Acts 1973*
- *Private Security Act 2004*
- *Surveillance Devices Act 1999*
- Australian Standards (various)
- Staff Policies and Codes of Conduct.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

CCTV systems cost Council approximately \$200,000.00 per year in maintenance. It is unclear what the exact future costs would be, however, current quotes indicate that system upgrades are in excess \$1,000,000.00 without any future maintenance budget committed.

Council currently receives no funding from the State or Federal Government or any other third party to support the maintenance of CCTV systems.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## OFFICE OF THE CEO

### 4.6 Instruments of Appointment and Authorisation

Prepared By	Diana Harris, Governance Officer
Authorised By	Acting Manager - Governance
Document ID	A13109872
Briefing Note Number	Not applicable
Attachment(s)	1. Authorisations under the Planning and Environment Act 1987

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### 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 (Attachment 1) has 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 *Planning and Environment Act 1987*.

### 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 Instruments come into force upon the resolution of Council.**

### COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

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.

**4.6 (Cont.)****GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

The Appointment of Authorised Officers by Council occurs regularly to ensure new employees or employees changing roles are appointed in a timely manner. The previous report was presented to Council for endorsement on 30 April 2024.

**DISCUSSION****Purpose**

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

***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*:

- Sheena Hyland – Infringement Review Administration Officer – new employee
- Jacqueline Raftopoulos – Infringement Review Administration Officer – new employee
- Prash Manickavasagam – Planner – new employee
- Nerya Grenimann – Planner – 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.

**4.6 (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**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

**4.7 Attendance at Greater South East Melbourne delegation in Canberra**

Prepared By	Simone Borthwick, Executive Officer to the Mayor & Deputy Mayor; Jess Orr, Team Leader - Councillor Support
Authorised By	Chief Executive Officer
Document ID	A13123304
Briefing Note Number	Not applicable
Attachment(s)	Nil

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**EXECUTIVE SUMMARY**

This report seeks Council's endorsement for the Mayor, Cr Simon Brooks to attend the Greater South East Melbourne (GSEM) delegation in Canberra to be held 26 – 27 June 2024.

In accordance with the Councillor Expenses Reimbursement, Resources and Facilities Policy 2022 (the Policy), Council approval in the form of a resolution is required for all Councillor training, conferences and seminars held interstate and overseas.

**RECOMMENDATION**

That:

- 1. Council approves the attendance and associated expenditure of funds for Mayor, Cr Simon Brooks to attend the Greater South East Melbourne (GSEM) delegation in Canberra to be held 26 – 27 June 2024.**
- 2. The amount expended is to be allocated from the Mayor's Training, Conferences and Seminars and Events account.**
- 3. In accordance with section 6.2.6 of the Councillor Expenses Reimbursement, Resources and Facilities Policy 2022, Mayor Cr Simon Brooks will provide Council with a report of their attendance via a Councillor delegates report within 30 days of return from travel.**

**COUNCIL & WELLBEING PLAN**

Attendance at the GSEM conference supports 'Theme 3: A flourishing, healthy and connected community' from our Council and Wellbeing Plan 2021 – 2025.

**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A and F which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.

## **RELEVANT COUNCIL DECISIONS AND POLICIES**

Councillor Expenses Reimbursement, Resources and Facilities Policy 2022.

## **DISCUSSION**

Councillors travelling on Council related business are entitled to reimbursement of costs associated with the provision of daily sustenance including breakfast, lunch, dinner and refreshments with the exception of alcohol.

In accordance with the Policy, each Councillor is allocated \$16,000 per four-year term and an additional \$3,500 for the term of Mayor for training, conferences, and seminars and Events expenditure.

The total cost for Mayor, Cr Simon Brooks is estimated to be \$1,553 and will be allocated from the Training, Conferences, Seminars and Events account.

The breakdown of these costs is:

- Accommodation staying at QT Hotel Canberra is approximately \$1,553 for six nights.

The reason for the six nights of accommodation is that the Mayor will also be attending the National General Assembly in Canberra from Tuesday, 2 July 2024 (approved by Council at the Council Meeting on 19 March 2024).

## **Background**

GSEM advocates for jobs, infrastructure, investment, liveability and wellbeing for the south east and everyone who works and lives in the region.

GSEM has organised for a delegation to attend Canberra in June 2024. This delegation presents an opportunity to meet with senior public servants, Ministers, Shadow Ministers, and Members of Parliament to advocate for GSEM priority projects.

Mornington Peninsula Shire Council is one of the eight (8) councils that make up GSEM. South East Melbourne is one of the fastest growing regions in Australia's fastest growing city and is one of the country's most important economic area.

GSEM's vision is for job creation, job retention, future proofing the community and ensuring liveability and sustainability. Job growth and congestion busting strategies are needed to keep the region working, moving, and thriving.

## **ENGAGEMENT**

Not applicable.

## **COMMUNICATIONS PLAN**

Not applicable.

## **LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

## **CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**4.7 (Cont.)**

**FINANCIAL CONSIDERATIONS**

Budget considerations are outlined above as applied by the Policy.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

#### 4.8 Update to 2024 Council Meeting and Briefing Timetable

Prepared By	Tegan Lewis, Senior Council Reports Officer
Authorised By	Acting Chief Executive Officer
Document ID	A13143204
Briefing Note Number	Not applicable
Attachment(s)	Nil

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#### EXECUTIVE SUMMARY

The purpose of this report is to recommend a change to the 2024 Meeting and Briefing Timetable adopted at the 12 December 2023 Council Meeting.

#### RECOMMENDATION

- 1. That Council adopts a change to the 2024 Meeting and Briefing Timetable to reduce the number of Community Council Meetings scheduled from eight to four.**
- 2. That the remaining scheduled Council Meetings be relocated to the Rosebud Council Chamber with the exception of the Community Council Meeting on 20 August 2024 to be held in Hastings.**

#### COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

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.

#### GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, E and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- E. Innovation and continuous improvement is to be pursued.
- I. The transparency of Council decisions, actions and information is to be ensured.

#### RELEVANT COUNCIL DECISIONS AND POLICIES

The 2024 Meeting and Briefing Timetable adopted on 12 December 2023 resolved to:

1. That Council adopts the Council Meeting and Briefing Timetable for the period 1 January 2024 to 31 December 2024 being Option 1 as set out in Attachment 1.

**4.8 (Cont.)**

2. That Council revokes all previous resolutions relating to the commencement time and/or structure of Council Meetings and Briefings.
3. That Councillor workshops be scheduled on a Wednesday as required.
4. That there be eight Community Council Meetings.

**DISCUSSION****Purpose**

The purpose of this report is to recommend a change to the Meeting and Briefing timetable for the 2024 year.

**Background**

In 2023 four Community Council Meetings were scheduled to coincide with the presentation of the Quarterly Report in the Briars, Red Hill, Nepean and Watson wards.

At the 12 December 2023 Council Meeting an amendment to the motion was carried to increase the Community Council Meetings from four to eight. To date Council has held three Community Council Meetings in Mornington, Tyabb and Balnarring.

Mornington Peninsula Shire (Shire) officers have encountered significant issues with facilitating the Community Council Meetings, such as:

- The need to move existing Community bookings (Community Groups) out of the halls to facilitate our use.
- Small presentation screen for run sheet and when hosting Councillors online.
- Community groups using the halls when Shire officers arrive to set-up.
- Shire officer time setting up and packing down.
- Noise issues from surrounds.
- Lack of Wi-Fi at the halls.
- Damage to equipment while being transported.
- Issues with microphones cutting in and out during meetings.
- Although power banks have been provided these have been problematic.

As outlined in the below table we have seen a decline in the number of attendees at our Community Council Meetings in 2024. The largest attendance of 35 was seen at the 19 March Meeting at the Peninsula Community Theatre, this could be attributed to the Annual Budget – operating expenses being heard at this meeting.

Four weeks prior to a Community Council Meeting invites are sent to all Community Groups in that ward. On average, Shire officers send 150 invites out to each ward with the number of RSVPs received reflected below.

<b>Community Council Meeting Date</b>	<b>RSVPs received from Community Groups</b>	<b>Planning Application RSVPs received</b>	<b>Total Attendees</b>
19 March 2024	35	0	36
30 April 2024	2	10	12
28 May 2024	2	0	10
25 June 2024	0		

**Options for consideration**

***Option 1***

Reduce the number of Community Council Meetings to four with the remaining Community Council Meeting held on 20 August in Hastings to coincide with the Quarter 4 Community Report.

***Option 2***

Keep the Meeting and Briefing Schedule as is with the five remaining meetings held in – Sorrento, Mornington (x 2), Hastings and Balnarring.

**ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

If adopted the updated 2024 Meeting and Briefing Timetable will be published on the Shire’s website and a public notice listing the changes displayed at each Customer Service Centre.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Reducing the number of Community Council Meetings will result in a cost saving to Council, with a reduction in:

- Catering costs
- Costs to transport necessary equipment.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## 5 NOTICES OF MOTION

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

### 5.1 Notice of Motion 449 (Cr Marsh) - Closed briefings and workshops

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

*That Council resolves to seek independent legal advice on the intended purpose of closed briefings and workshops and the appropriateness of using them to brainstorm ideas and gauge support or tacit approval from Councillors. The advice shall also consider Recommendation 22 of the Operation Sandon special report from the Independent Broad-based Anti-corruption Commission (IBAC).*

Officer Comment Prepared by	Pamela Vercoe, Manager – Legal and Governance
Authorised by	John Baker, Chief Executive Officer

#### OFFICER COMMENT

Council Briefings are held regularly to provide Councillors with detailed information on matters that will, or are likely to, proceed to a Council Meeting for a formal Council decision. They are also used sometimes to provide information on changes in the sector. They provide the opportunity for Councillors to ask questions, seek clarification, receive updates and provide feedback on proposals and reports that will later come to Council.

It is important that Councillors have the detail of relevant issues before making decisions at Council Meetings. No formal decisions are made at a Council Briefing.

Workshops are more informal and provide the opportunity for Mornington Peninsula Shire (Shire) officers to consult with Councillors to seek their views and input on current work as part of engagement with relevant stakeholders. They are a process for Councillors, Shire officers and sometimes external parties to collaborate to develop or advance proposals on matters of strategic importance.

Briefings and workshops are not open to the public and agendas are not published on the public website. Council Briefing and workshop documents are not intended for public release and in many cases contain confidential information as defined in section 3(1) of the *Local Government Act 2020*.

Some benchmarking has been completed with other councils on briefings and workshops, none of which are open to the public, but provide the opportunity for Councillors to be better informed about matters that will be the subject of Council decisions.

IBAC made a number of recommendations following Operation Sandon that investigated allegations of corrupt conduct involving councillors and property developers in the City of Casey and examined the adequacy of Victoria's current systems and controls for safeguarding the integrity of the state's planning processes.

There is no recommendation in the Sandon report that addresses the issue of whether briefings should be public or not.

Recommendation 22 of the investigation states:

**5.1 (Cont.)*****IBAC recommends that the Minister for Local Government ensures that Local Government Victoria:***

- (a) develops and publishes a Model Transparency Policy to specify the minimum standards for council openness and transparency*
- (b) ensures that the Model Governance Rules and Model Transparency Policy:*
  - i) highlights the importance of open government and the related risks in holding pre-council meetings*
  - ii) notes the limited circumstances in which it may be appropriate to hold pre-council meetings immediately before a public council meeting, such as to discuss procedural arrangements for the meeting*
  - iii) makes clear that councillors must not discuss the substance of agenda items in detail, reach agreements on council agenda items in private, and that briefings should involve the presentation of information only.*

Local Government Victoria (LGVIC) are currently addressing some of the Sandon recommendations around Councillor Conduct, however we are yet to hear further on the model Governance Rules and model Public Transparency Policy. These are recommendations and have not been adopted.

A potential risk of holding all briefings in the manner proposed in this Notice of Motion is that conversations would be less wide ranging. Shire officers will simply present information and respond to clarification questions only. There will be little to no broader discussion taking place.

Another potential risk to consider with making all workshops public is that wide ranging discussions often described as “blue sky thinking” may be restricted on the basis that the conversation may be attributed with more weight than is intended. In a fast-moving workshop set in an innovative environment ideas are often considered and rejected quite quickly.

This would however allow for Councillors to be informed from a Shire officer perspective on the decisions they will be taking at Council and functionality would be more in line with the Sandon Recommendations. It should be noted that the recommendation concerning briefings has not been responded to by LGVIC and there is no indication whether they will act on this recommendation.

**Legal Implications**

Nil.

**Financial and Resourcing Implications**

Nil.

**Potential Alternative Wording**

Nil.

## 5.2 Notice of Motion 452 (Cr Gill) - Meeting with stakeholders regarding Rosebud Hospital

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

*That Council calls a meeting of key stakeholders as soon as possible to form a coalition to protect and enhance the future of the Rosebud Hospital from Government cutbacks or closure.*

### Background

State Health Minister Mary-Anne Thomas has referred to possible hospital mergers after commissioning a committee to review Victoria's hospitals. The distance to Frankston Hospital for Southern Peninsula residents is the main reason to keep Rosebud Hospital open and well-resourced and not just a triage service facility. We need to ensure appropriate and timely medical treatment for all of our community.

Officer Comment Prepared by	Randal Mathieson, Manager – Advocacy, Communication and Engagement and Chris Munro, Acting Director – Community Strengthening
Authorised by	Sam Stanton, Director – Corporate Strategy and Business Improvement

### OFFICER COMMENT

The Mornington Peninsula Shire is supportive of an upgraded and expanded Rosebud Hospital and in 2022/23 called on the state government for the following:

- Investment in Rosebud Hospital to reduce community wait times and improve patient outcomes.
- Extension of the Frankston Medical Research and Education precinct to Rosebud, delivering jobs and specialist services to our community.
- A modern hospital with more specialist services to deliver healthcare closer to home.

The lead agency for the hospital is Peninsula Health, and we work with them to support their advocacy efforts.

With the Council having formally adopted their advocacy priorities for 2024 – Port of Hastings (Surplus land), Recycled Water, and Housing/Homelessness – we do not have the capacity to add another priority and coordinate a community campaign.

Acknowledging Peninsula Health as the lead agency in this matter, we believe an appropriate next step is to arrange a meeting with Peninsula Health to get an update on the current situation and discuss how we can continue to help them with their advocacy efforts for the redevelopment of the Rosebud Hospital.

### Legal Implications

Not applicable.

**5.2 (Cont.)****Financial and Resourcing Implications**

Council has formally adopted its advocacy priorities for 2024: Port of Hastings (Surplus land), Recycled Water, and Housing/Homelessness. Our Advocacy unit does not have the capacity to add another priority and coordinate a community campaign. Therefore, additional resourcing would be required to coordinate a coalition.

**Potential Alternative Wording**

Acknowledging Peninsula Health as the lead agency in this matter, Shire officers suggest the appropriate next wording for the Notice of Motion as follows:

*That Council arranges a meeting with Peninsula Health to seek an update on the current situation and discuss how we can continue to help them with their advocacy efforts for the redevelopment of the Rosebud Hospital.*

**5.3 Notice of Motion 453 (Cr Gill) - Cross Peninsula Bus Service**

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

*That the Mayor and Chief Executive Officer jointly write to Government MP Paul Mercurio requesting that promised cross Peninsula Bus Services be made available by December this year.*

**Background**

There is likely to be a State election next year raising the possibilities that the Public Transport Bus Service Network here will remain the worst resourced in Victoria unless implementation has begun before other promises are made for the next election.

Officer Comment Prepared by	Randal Mathieson, Manager – Advocacy, Communication and Engagement
Authorised by	Sam Stanton, Director – Corporate Strategy and Business Improvement

**OFFICER COMMENT**

MP Paul Mercurio provided the following response to our recent request for an update on the cross-Peninsula bus service.

*“We received funding in the 23/24 budget for planning and consultation regarding the cross Peninsula bus service.*

*Planning has been underway and consultation will happen in the latter half of this year – I will let you know when it is scheduled.*

*We received funding in the 24/25 budget for infrastructure i.e., bus stops. The locations for these will be decided upon through the consultation process when a route is decided.*

*It is my hope that the 25/26 budget will provide funding for the buses and drivers.”*

**Legal Implications**

Not applicable.

**Financial and Resourcing Implications**

Not applicable.

**Potential Alternative Wording**

Not applicable.

#### 5.4 Notice of Motion 454 (Cr Mar) - South Eastern Councils Biodiversity Network

Cr Debra Mar has given notice of her intention to move the following motion at the meeting.

*That Council writes to the South Eastern Councils Climate Change Alliance (SECCCA) to request that it incorporates the South Eastern Council Biodiversity Network into its operations, potentially as an annual round table event.*

#### Background

On 4 October 2022 Council resolved:

*That Council:*

- 1. Receives a report at its 20 December 2022 Council Meeting exploring the establishment of a South Eastern Councils Biodiversity Network consisting of Hobsons Bay, Melbourne, Port Phillip, Kingston, Frankston, Bayside and Mornington Peninsula.*
- 2. The Network to be comprised of Councillors and Council officers from the network councils in the south eastern metropolitan area with the purpose of information sharing, collaboration in relation to joint projects, advocacy in relation to common objectives, work with State and Federal Governments on environmental initiatives and explore wildlife corridors and ecosystems across the region and engage with traditional owners within the region.*

#### Part B

*That if this Notice of Motion 367 is carried, we will wait until the end of October 2022 for the results from other councils' Notice of Motion, that wish to join the South Eastern Councils Biodiversity Network, that will allow the network to form.*

#### Part C

*That if there are not enough councils' Notice of Motion carried to form the South Eastern Councils Biodiversity Network then this Notice of Motion 367 will be null and void in its current form.*

The network was to comprise of Councillors and Mornington Peninsula Shire (Shire) officers from the network councils in the South Eastern metropolitan region, with the purpose of:

1. information sharing
2. collaboration in relation to joint projects
3. advocacy in relation to common objectives
4. working with State and Federal Governments on environment initiatives
5. exploring wildlife corridors across the region
6. engaging with traditional owners across the region
7. protecting endangered species.

Some Shire officers have been working with a group of other interested councils as well as other agencies who auspice biodiversity networks.

## 5.4 (Cont.)

Officer Comment Prepared by	Melissa Burrage, Manager – Climate Change and Sustainability
Authorised by	David Simon, Acting Director – Planning and Environment

**OFFICER COMMENT**

The interest in establishing a South East Councils Biodiversity Network (SECBN) by Councillors from various councils is known to Shire officers and SECCCA. Shire officers working with other interested councils on the biodiversity network proposal is being led by the Natural Systems team. Discussions with SECCCA, is being led by the Climate Change team.

SECCCA has received:

1. A consultant report, commissioned by Bayside, Frankston and City of Greater Dandenong, to investigate and make recommendations regarding the establishment of a South East Council Biodiversity Network (SECBN); and
2. A letter from Bayside City Council requesting that “*SECCCA incorporates the South Eastern Council Biodiversity Network into its operations, potentially as an annual round table event.*”

In response SECCCA has subsequently made a recommendation to the Management Committee and Councillor Advisory Group members that SECCCA initially hosts a round-table discussion with key biodiversity stakeholders in early 2025 to consider potential issues and assess the strategic alignment of biodiversity actions with the SECCCA Strategic Plan. Following this event, SECCCA plans to evaluate the actions and, if appropriate, further consider incorporation of this into SECCCA operations.

The feasibility and relevance of this proposal will then be considered by the SECCCA Management Committee, alongside process and cost implications. Feedback is due by 20 June 2025.

This process of evaluation is necessary to ensure existing SECCCA projects can be delivered successfully and confirm that the work aligns with SECCCA’s Strategic Plan and budget.

Shire officers recognise the potential operational efficiencies for the SECBN if SECCCA led such work, however they also support the SECCCA Management Committee’s careful consideration of strategic alignment and resource implications.

**Legal Implications**

Not applicable.

**Financial and Resourcing Implications**

Not applicable.

**Potential Alternative Wording**

*That Council writes to the South East Councils Climate Change Alliance (SECCCA) to show Council’s support for their consideration of a round-table event regarding the strategic alignment and resourcing implications of incorporating the South Eastern Council Biodiversity Network into its operations, and potentially as an annual round table event.*

## 5.5 Notice of Motion 451 (Cr Roper) - Recording of Individual Councillor Voting

Cr Kate Roper has given notice of her intention to move the following motion at the meeting.

*During the next planned review of the Governance Rules a change is considered to record all individual Councillor voting decisions made in Council meetings, including confidential meetings, for transparency and public records.*

### Background

Officer Comment Prepared by	Pamela Vercoe, Manager – Legal and Governance
Authorised by	Mike McIntosh, Acting Chief Executive Officer

### OFFICER COMMENT

Under section 60 of the *Local Government Act 2020* (the Act), a Council must develop, adopt and keep in force Governance Rules that include the conduct of Council meetings. A Council may amend its Governance Rules and must ensure that a process of community engagement is undertaken when amending its Governance Rules.

It is planned that a wholistic review of Governance Rules will be completed early 2025 following which a period of community consultation will be undertaken prior to presenting the final draft to Council for adoption.

The review will address any anomalies that have been identified, consider current learnings as well as the recommendations handed down through Operation Sandon which was an investigation by the Independent Broad-based Anti-corruption Commission into allegations of corrupt conduct involving councillors and property developers.

Recommendation 19 of the Operation Sandon Report recommends that the Minister for Local Government ensures that Local Government Victoria develops and publishes Model Governance Rules to operate as the minimum standards for council meeting procedures.

Recommendation 24 requires the Model Governance Rules require council meeting minutes to state the names of Councillors who spoke on each motion and the names of Councillors who voted for and against each motion (regardless of whether a division was called).

In the absence of the Model Governance Rules, the review of Council's Governance Rules will consider all relevant Operation Sandon recommendations.

It should be noted that section 61 (5) of the Act states '*voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public*', therefore whilst a division can be called during the consideration of a confidential item, the individual vote of Councillors cannot be included in the public minutes.

### Legal Implications

Nil.

### Financial and Resourcing Implications

Nil.

**5.5 (Cont.)**

**Potential Alternative Wording**

Nil.

## **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.