



**MORNINGTON  
PENINSULA**  
*Shire*

**AGENDA**

**COUNCIL MEETING**

**MONDAY, 26 AUGUST 2024**

**6:30 PM**

**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 Ms Katanya Barlow Mr Derek Rotter Mr Bulent Oz</b>	<b>Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Acting 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 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*

### 3 MANAGEMENT REPORTS

#### PLANNING & ENVIRONMENT

##### 3.1 A new Plan for Victoria and draft local government housing targets - submission to Victorian Government

Prepared By	Anne Grogan, Coordinator - Strategic Planning
Authorised By	Acting Director - Planning & Environment
Document ID	A13256559
Briefing Note Number	BN1938 – 30 July 2024
Attachment(s)	<ol style="list-style-type: none"><li>1. Submission by Mornington Peninsula Shire Council - Plan for Victoria consultation and draft housing targets</li><li>2. MAV and PIA joint statement on the proposed Plan for Victoria</li></ol>

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#### STATEMENT OF CONFIDENTIALITY

Not applicable.

#### EXECUTIVE SUMMARY

The Victorian Government has released an engagement program for a new Plan for Victoria (to replace Plan Melbourne) and is seeking submissions from the community, including local government, about the future planning of Victoria's cities, suburbs, towns and regions. Their engagement program seeks feedback on four 'pillars':

- Pillar 1: Affordable housing and choice
- Pillar 2: Equity and jobs
- Pillar 3: Thriving and liveable suburbs and towns
- Pillar 4: Sustainable environments and climate action.

Concurrently, the Victorian Government released draft housing targets for each municipal council to address the state-wide housing crisis. The release of the draft housing targets follows the earlier Victoria Housing Statement's ambitious goal to build 800,000 new homes in the next 10 years (80,000 a year).

The draft housing target for the Mornington Peninsula Shire is 31,000 dwellings by 2051 (1,148 new homes per year over the next 27 years). This figure is consistent with the planned capacity under Council's adopted *Housing and Settlement Strategy* and proposed Planning Scheme Amendment C219morn (1,200 new homes per year for the next 15 years).

Mornington Peninsula Shire (Shire) officers have prepared a submission with commentary based on Council's adopted policies, strategies and advocacy efforts, with the top priorities affecting the Peninsula being:

- Accommodating population growth in housing that is affordable, diverse and allows people to age in place.

**3.1 (Cont.)**

- Delivering required infrastructure in a timely manner and implementing a mechanism to fund this infrastructure.
- Stronger emphasis on climate change risk mitigation in settlement planning and built form.
- Protection of the Mornington Peninsula Green Wedge.

The submission lists 30 recommendations which seek inclusion of specific matters in the detailed Plan for Victoria, consequential changes to the Victorian Planning Provisions to improve the planning system, and a review of the calculation and application of the draft housing targets.

It is recommended that Council seeks to work with the State Government to ensure that both the final housing target and Plan for Victoria reflect the important and distinct role the Peninsula plays in the context of the wider metropolitan region and ensure that the special values of the Peninsula are recognised and protected. An emphasis on previous advocacy for the release of surplus Port zoned land will also assist in the delivery of housing targets and other key strategic directions.

It is also recommended that Council request that a draft Plan for Victoria be circulated to the local government sector for more meaningful assessment and review prior to release of a final version by the Minister for Planning.

This report presents and seeks adoption of the submission, to be sent to the State Government before the 30 August 2024 closing date.

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

- 1. Adopts the submission to the proposed Plan for Victoria and draft housing targets contained in Attachment 1 to this report.**
- 2. Forwards the adopted submission to the Department of Transport and Planning (DTP) by 30 August 2024.**
- 3. Writes to the Minister for Planning requesting that a draft version of the Plan for Victoria be provided to the Mornington Peninsula Shire Council (and all other Victorian councils) for comment before the Plan is finalised and reiterates the need for the timely planning and release of Port zoned land for alternative uses, including more housing.**

**COUNCIL & WELLBEING PLAN**

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

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

- Strategic Objective 1.1: An accessible and unique natural environment that helps our community to be healthy and well.
- Strategic Objective 1.2: A healthy ecosystem, in which our coastline, bushland, wildlife and green wedge is resilient to the climate emergency and development.
- Strategic Objective 1.3: A sustainable built environment that respects the natural environment and protects the community from the impacts of the climate emergency.

**3.1 (Cont.)**

Theme 2: A robust, innovative and diverse economy.

- Strategic Objective 2.2: A strong food economy, promoting growth to enhance community access.

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.3: A community in which people from all generations, backgrounds and abilities can access local services.
- 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, C and H which are:

- 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.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

- Advocacy Strategy (2022)
- Activity Centres Strategy (2018)
- Beyond Zero Waste Strategy 2030 (2020)
- Biodiversity Conservation Plan (2019)
- Ensuring Our Future: Our Climate Emergency Response Plan (2020)
- Economic Development and Tourism Strategy (2024)
- Flood and Stormwater Strategy (2022)
- Food Economy and Agroecology Strategy 2022-2028 (2022)
- Green Wedge Management Plan (2019)
- Housing and Settlement Strategy Refresh 2020-36 (2020)
- Industrial Areas Strategy (2018)
- Integrated Water Management Plan (2022)
- Mornington Peninsula Localised Planning Statement (2014)
- Neighbourhood Character Study and Guidelines (2019)

**3.1 (Cont.)**

- Pedestrian Access Strategy (2024)
- Social and Affordable Housing Policy (2023)
- Sustainable Transport Strategy 2015-2020 (2015)
- Triple A Housing Plan 2020-2030 (2020)
- Western Port Coastal Villages and Surrounding Settlements Strategy (2019)
- Various adopted township and structure plans.

**DISCUSSION****Purpose**

The purpose of this report is to present a recommended submission to the State Government's proposal for a Plan for Victoria, including a response to draft housing targets for the Mornington Peninsula Shire (Shire).

**Background**

In late 2023, the Minister for Planning (the Minister) announced that a new Plan for Victoria (the Plan) will be developed, which is set to replace the existing metropolitan planning strategy – Plan Melbourne 2017-2050 – by the end of 2024. This is the first time the Government has prepared a state-wide planning strategy, historically delivering a metropolitan only strategy.

The State Government commenced a community engagement program in February 2024 to seek feedback from all Victorians on the future of Victorian cities, suburbs, towns and regions, including ideas on the best places to locate new homes, green spaces, jobs, education, transport and health services.

The community engagement program sets out four key pillars to guide conversations and responses:

- Pillar 1: Affordable housing and choice
- Pillar 2: Equity and jobs
- Pillar 3: Thriving and liveable suburbs and towns
- Pillar 4: Sustainable environments and climate action.

As part of this consultation on 4 July 2024 the State Government released the following eight 'Big Ideas' to transform Victoria and is seeking feedback on the best way to deliver these 'Big Ideas':

1. More homes in locations with great public transport access
2. More housing options for all Victorians, including social and affordable homes
3. More jobs and opportunities closer to where you live
4. More options for how we move from place to place
5. More certainty and guidance on how places will change over time

**3.1 (Cont.)**

6. More trees and urban greening in our parks and community space
7. More protections from flooding, bushfire and climate hazards
8. Greater protection of our agricultural land.

As a related initiative, the State Government released draft state-wide housing targets on 17 June 2024 to address Victoria's housing crisis. For the Mornington Peninsula, the draft target is 31,000 new homes by 2051.

The deadline for submissions to the Plan and the draft housing targets is 30 August 2024.

It is understood that the State Government will not be releasing a draft of the Plan for community comment on proposed strategies and actions before it is finalised. Therefore, the only opportunity to provide a submission is during the current broad community consultation period which closes on 30 August 2024.

A recommended submission has been prepared - Attachment 1. It is based on an array of Council's adopted strategies, policies, plans and advocacy initiatives.

The submission:

- details the top priorities for future planning of the Peninsula
- responds to the draft housing target for the Shire
- provides a local response to the eight 'Big Ideas'
- includes a list of 30 recommendations which seek inclusion of specific matters in the Plan, consequential changes to the Victorian Planning Provisions (VPPs) to improve the planning system, and a review of the calculation and application of the draft housing targets.

The submission notes disappointment that the local government sector is not able to provide meaningful feedback on a draft version of the Plan and requests the State Government release a draft version of the Plan for local government consultation prior to the Plan being finalised.

The draft submission also refers to helpful suggestions in the joint statement on the proposed Plan for Victoria by the Municipal Association of Victoria and the Planning Institute of Australia (Victoria). A copy of this joint statement is included in Attachment 2.

**Key issues for the Mornington Peninsula**

The submission includes the following top priorities for the Mornington Peninsula Shire:

- Accommodating population growth in housing that is affordable, diverse and allows people to age in place.

Housing in the Shire is becoming increasingly unaffordable. It is now significantly more expensive to rent a home on the Mornington Peninsula than in Melbourne. The Shire has a shortage of approximately 4,716 social houses. Low-income local residents are being forced out of the region, away from their families and support networks or are being rendered homeless. The supply of future homes must also provide a diversity of size and housing typology to allow housing choice for each life stage.

**3.1 (Cont.)**

- Delivering required infrastructure in a timely manner and implementing a mechanism to fund this infrastructure.

The Shire has an extensive list of important infrastructure projects that are required to meet the needs of its community - from road upgrades to bicycle paths and footpaths, coastal infrastructure, community facilities, leisure and recreation facilities, and other essential infrastructure. The Development Contributions Plan Overlay has been unsatisfactory in delivering funds. In the current rate-capped environment and with several economic headwinds affecting both the Shire's and Victoria's capacity to raise funds for these important projects, new fairer mechanisms of funding such projects are required.

- Stronger emphasis on climate change risk mitigation in settlement planning and built form.

The Shire faces a wide array of increased risks from climate change; including more frequent and higher intensity bushfires, coastal inundation and inland flooding and decreased agricultural output and drought. The Plan for Victoria must set the agenda for ensuring that Victoria's planning system is responsive to the most up to date data on climate change risks, and that these risks are able to be fully accounted for when making planning decisions.

- Protection of the Mornington Peninsula Green Wedge

Council's adopted Mornington Peninsula Green Wedge Management Plan (GWMP, 2019) plans for the ongoing protection of the Mornington Peninsula Green Wedge (the Green Wedge) and the Urban Growth Boundary (UGB) to preserve arable land in the peri-regional area for food production and to protect the resource base of the Green Wedge for its conservation, landscape and informal recreational values. The key directions of the GWMP are to confirm the UGB, prohibit urban expansion into the Green Wedge, protect the landscape and protect the capacity of agricultural land.

**Draft housing targets**

The draft housing targets identify the number of homes to be built between now and 2051 for each local council. For the Mornington Peninsula, the draft target is 31,000 new homes by 2051. This equates to 1,148 new homes per year over the next 27 years. This is consistent with what the Shire is already planning for under Council's adopted Housing and Settlement Strategy: Refresh 2020-2036 (2020) and proposed Planning Scheme Amendment C219morn (1,200 new homes per year).

Under existing planning controls (and Amendment C219morn), the Shire has a conservative housing capacity of between 25,400 and 25,200 net additional dwellings respectively. This meets the 15-year housing supply that councils are required to plan for under State planning policy.

There will be a need to identify additional capacity in future years, that is after 2036, to ensure there continues to be sufficient housing capacity. There are a number of options that can be explored to provide future additional capacity, including a review of existing Low Density Residential Zone land, release of surplus Port of Hastings land, or increased density in the Shire's activity centres.

The draft submission notes that provision of future housing is not simply a projected number and cannot be planned in isolation of other key infrastructure and constraints to development in the Shire. These matters include:

- The need for funding for infrastructure to support new housing, including increased public transport.

**3.1 (Cont.)**

- The State Government should release and properly plan surplus Port of Hastings land to deliver a mix of housing, industry, farming and conservation areas.
- The need to ensure additional housing also includes social housing to cater for the Shire’s most disadvantaged residents.
- The role of the Mornington Peninsula Localised Planning Statement.
- The importance of protecting the Mornington Peninsula Green Wedge for its agricultural, environmental, landscape, recreational and tourism benefits.
- The significant climate change risks on the Mornington Peninsula including sea level rise, coastal erosion and bushfire risk.

**List of recommendations to the State Government**

The submission provides commentary on the calculation of the draft housing targets and response to the eight ‘Big Ideas’ as relevant to the Mornington Peninsula.

The 30 recommendations in the submission are replicated below and fall into the following categories:

- Recommendations for specific matters to be included in the Plan for Victoria.
- Recommendations for changes to the Victorian Planning Provisions to improve the planning system.
- Recommendations for the basis of calculation and application of the draft housing target.

<b>Topic</b>	<b>#</b>	<b>Recommendation</b>
<b>Draft housing targets</b>	1	The draft housing targets be revised to provide a 15-year horizon (as per the existing PPF), with the 27-year horizon being an aspirational target.
	2	That Council work with the Department of Transport and Planning (DTP) to confirm that the modelling for the draft housing target has regard to the Shire’s special characteristics that constrain sustainable residential development, namely the Urban Growth Boundary, extent of Green Wedge, vulnerable coasts on both Port Phillip Bay and Western Port Bay, extent of bushfire prone land and inadequate public transport.
	3	That Council work with DTP to revise the modelling for the draft housing target to reflect potential limitations of areas affected by Design and Development Overlays.
	4	That Council requests DTP to confirm if the urban modelling study area excludes the Mornington Peninsula.
	6	DTP should publicly release modelling maps of housing targets to show how the targets ‘shape’ the Plan for Victoria.
	7	DTP should define housing targets as housing capacity targets.

## 3.1 (Cont.)

Topic	#	Recommendation
	8	The draft housing targets should include 'Diversity' targets for housing size, typology, and affordability index.
	9	The draft housing targets should seek to 'shape' future housing distribution and direct it to areas with existing access to frequent public transport and community infrastructure or where State Government investment is already occurring rather than just intensifying existing settlement patterns.
	10	That Council work with DTP to revise the modelling for the draft housing target to address areas of inadequate infrastructure capacity.
	15	The application of the final housing targets must specifically consider the impacts of sea level rise and coastal erosion on housing capacity.
	17	The State Government collaborate with Council to ensure the final housing targets reflect the important and distinct role the Mornington Peninsula plays in the context of the wider metropolitan region and ensure that the special values of the Shire are maintained and enhanced for all Victorians.
	18	The draft housing targets should factor in the proportion of short-term rental accommodation in each local government area.
<b>Big Idea 1:</b> <b>More homes in locations with great public transport access</b>	11	The Plan for Victoria should include an action to review the Development Contributions Plan Overlay for the provision of development and community infrastructure or propose another mechanism to collect contributions from infill development.
	12	The DTP to integrate plans for significant upgrades to public infrastructure and plans to upgrade major roads nearing capacity in areas identified for future housing growth.
	19	The new Plan for Victoria must highlight the Mornington Peninsula Localised Planning Statement and have regard for the Mornington Peninsula's special characteristics that limit its ability to absorb significant population growth.
<b>Big Idea 2:</b> <b>More housing options for all Victorians, including social and affordable homes</b>	13	The Plan for Victoria should include a State-wide mechanism in the Victorian Planning Provision (VPPs) to require mandatory developer contributions to deliver social housing.
	20	The VPPs be amended to introduce a codified Rescode benchmark that any multi dwelling development of three or more dwellings must provide at least one dwelling with no more than two bedrooms.
<b>Big Idea 3:</b> <b>More jobs and opportunities</b>	16	In conjunction with the Council, the State Government should facilitate a precinct plan for land identified as surplus in the Port of Hastings strategic development plan, to provide the southern metropolitan region a large area of land for housing, industry, farming and conservation.

## 3.1 (Cont.)

Topic	#	Recommendation
<b>closer to where you live</b>	21	The new Plan for Victoria should identify strategic locations for high-value employment precincts.
<b>Big Idea 4: More options for how we move from place to place</b>	22	The Plan for Victoria must include actions for the development of public transport infrastructure for urban-fringe councils and propose mechanisms to fund the improvement and development of active transport infrastructure.
<b>Big Idea 5: More certainty and guidance on how places will change over time</b>	5	Council request that DTP should circulate the modelling assumptions and applications to each Victorian municipality.
<b>Big Idea 6: More trees and urban greening in our parks and community space</b>	23	The Plan for Victoria must provide support at the strategic level for the implementation of urban forest strategies, including the consideration of specific mechanisms to improve canopy cover on privately owned urban land.
	24	The Plan for Victoria should include an action to set specific targets to increase canopy cover and deliver planting projects for State owned or managed land.
	25	The new Plan for Victoria must provide support at the strategic level for the development and funding of high-quality open space infrastructure, including maintenance, upgrading and replacement over the life of the assets.
<b>Big Idea 7: More protections from flooding, bushfire and climate hazards</b>	14	The Plan for Victoria should include an action to undertake state-wide sea level rise mapping and a state-wide mechanism in the VPPs to address future development in identified areas vulnerable to sea level rise.
	26	The Plan for Victoria must provide support at the strategic level for the revision of bushfire planning controls and associated mapping based on the latest and best science.
	27	The Plan for Victoria must provide support at the strategic level for the review of urban inundation modelling and mapping and implement the associated planning scheme amendments.
	28	The new Plan for Victoria should include an action to introduce Environmental Sustainability Design standards in the VPPs for 'zero carbon' development.
<b>Big Idea 8: Greater protection of our</b>	29	The new Plan for Victoria should incorporate actions to protect the distinctive role and function of the Mornington Peninsula Green Wedge.
	30	The new Plan for Victoria should identify a scheme for recycled water infrastructure on the Peninsula to increase resilience to

## 3.1 (Cont.)

Topic	#	Recommendation
agricultural land		climate change by accessing a high-quality alternative water supply for agricultural industries

**Options for consideration**

The options for Council are:

- Option A (recommended) – Adopt the submission and forward it to DTP seeking further engagement with the State Government on a draft of the Plan.
- Option B (not recommended) – Do not adopt the submission and take no further action.

Shire officers recommend Option A because it provides Council with an important opportunity to influence development of the new Plan and the final housing target for the Shire, both of which will impact strategic planning and infrastructure delivery for the Peninsula into the future.

Providing the submission and seeking ongoing engagement with the State Government will help ensure that the final Plan and housing targets reflect the needs of the Peninsula, recognising the special values and distinct role the Peninsula plays in the context of metropolitan Melbourne and wider State of Victoria.

**ENGAGEMENT**

The State Government has undertaken a broad community engagement program to seek views on all aspects of planning in Victoria as explained in the body of this report.

To ensure wide-reaching engagement on the Plan with the local community, Shire officers provided the following to the State Government in the early stages of the community engagement program:

- contact details of community organisations on the Mornington Peninsula to be invited to participate in workshops, meetings and events
- a list of Council's adopted strategies and policies
- Council's current advocacy positions
- a survey response listing key priorities for a new Plan for Victoria.

Shire officers also published details of the State Government's consultation program on social media channels to encourage community engagement.

**COMMUNICATIONS PLAN**

If adopted, the submission contained in Attachment 1 will be forwarded to the DTP and published on the Shire's webpage:

[Submissions to the State Government - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://mornpen.vic.gov.au)

A media release will also be issued.

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

The submission has been prepared having regard to the *Planning and Environment Act 1987* where necessary.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

The submission addresses relevant adopted Council strategies and adopted advocacy positions regarding sustainability in strategic planning, environmentally sustainable design and adaption planning for climate change hazards. Specific references are addressed in the following sections of the submission:

- Section 9 - Big Idea six: More trees and urban greening in our parks and community space
- Section 10 - Big Idea seven: More protections from flooding, bushfire and climate hazards
- Section 11 - Big Idea eight: Greater protection of our agricultural land.

**FINANCIAL CONSIDERATIONS**

There are no budget implications resulting from adopting or not adopting the submission as recommended.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

### 3.2 Additional Parking Proposal - Morce Avenue, Sorrento

Prepared By	Peter Bourlotos, Coordinator Traffic & Transport - South
Authorised By	Acting Director - Planning & Environment
Document ID	A13259426
Briefing Note Number	BN1905 – 4 June 2024
Attachment(s)	<ol style="list-style-type: none"><li>1. Sorrento Activity Centre Parking Action Plan</li><li>2. Sorrento Multi Deck carpark business case feasibility report</li><li>3. Existing Carpark Extension Options Report</li></ol>

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#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of at-grade carparking extension options to increase parking supply within the commercial precinct off Morce Avenue.

Nine options were investigated, which included various concepts for decked car parking and extending the existing car parking area in Morce Avenue. A high level economic feasibility of each option was undertaken – five options for decked parking and four options for extending the existing car parking at grade.

To achieve greater parking supply at the Morce Avenue off-street car park, it has been determined that an at grade extension of the existing parking area is significantly more cost effective than constructing decked parking with a comparable increase in parking supply.

The recommended approach increases the current parking demand during the peak summer months. The provision of 58 additional spaces under the recommended scenario would also allow for construction of further stages to increase parking. Importantly, any extension of the existing car park on Morce Avenue does not preclude decked parking from occurring in the future, should Council wish to pursue this option at a later time.

#### RECOMMENDATION

**That Council endorses the at-grade carpark extension options outlined in this report as the preferred approach to increase carparking capacity within the commercial precinct off Morce Avenue, Sorrento.**

#### COUNCIL & WELLBEING PLAN

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

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

- Strategic Objective 1.4: An accessible built environment that supports diverse, current and future community needs.
- Strategic Objective 3.5: A community that is well connected through sustainable, accessible and integrated transport options.

**3.2 (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 and G which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- G. The ongoing financial viability of the Council is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

At the 28 March 2022 Planning Services Committee Meeting, the Committee resolved to:

1. Abandon further investigation in pursuit of a Planning Scheme amendment to introduce a Parking Overlay and/or Cash-In lieu Scheme for the Sorrento commercial precinct.
2. Review existing and consider new concept plans and prepare a business case for the construction of decked parking to maximise the capacity of the existing Morce Avenue public carpark.

**DISCUSSION****Purpose**

The purpose of this report is to present Council with various options to increase parking capacity in the Morce Avenue car park in Sorrento.

**Background**

Sorrento is one of the Mornington Peninsula's key visitor destinations along with other towns on the Southern Peninsula. The Southern Peninsula is the most visited area within the Mornington Peninsula (Mornington Peninsula Visitor Journey Research Summary report, 2022) with an overall 6% increase in visitors in 2023 on 2022 to the Peninsula (Mornington Peninsula Visitation Data March 2024)

Visitors, the community, and traders have expressed ongoing concerns about parking availability in Sorrento for many years. High demand for parking in Sorrento is predominantly seasonal, peaking in summer (late December to late January). However, Sorrento is experiencing increased visitation throughout the year which has resulted in extended periods of higher parking demands and pressures.

An increased level of development has occurred in Sorrento over time and there is forecast to be more development in the future. Many previous developments have relied on Shire-managed public parking to satisfy some, or all their statutory parking provision required from the Planning Scheme. This has impacted on parking supply. However, just as critical is the significant peak demands that are generated from visitors and tourists.

Previous studies have identified parking demands are peaking beyond the capacity of the commercial centre and overflowing into residential streets.

The Sorrento Activity Centre Parking Action Plan 2021 (Attachment 1) determined that provision of additional parking is justified to support the current demand and future growth but also relieve pressure on overflow parking into residential streets. It recommended that a Parking Overlay with a cash-in-lieu scheme be implemented to collect funds for the provision

**3.2 (Cont.)**

of additional car parking and suggested this could go towards a decked car park above the existing Morce Avenue car park.

Following from the resolution on 28 March 2022, a parking survey was undertaken during the busier summer period (2023-24). This confirmed that the demand reached the maximum capacity of the commercial area parking, apart from spare capacity (approximately 40 bays at peak periods) in the private off-street paid parking multi-deck parking station in Morce Avenue. This was potentially due to it being paid parking and not electronically displaying in real time that spaces were available.

The parking survey assessed 1,491 spaces, however, some of these were in residential sections of adjoining streets further from the immediate commercial centre. Parking overflow was also identified in these residential sections. Generally, the immediate parking areas in the commercial centre were fully utilised for majority of the day when surveyed. The Morce Avenue off-street car park (250 spaces) was consistently at capacity from 10.30am to 4.00pm on both surveyed days.

Over the busier summer period the key commercial parking areas including Morce Avenue regularly reach their operating capacity consistent with the findings of the Sorrento Activity Centre Parking Action Plan 2021. Note: the effective maximum operating capacity of an off-street car park is when it is 90% utilised.

Another important observation from the parking survey was a need for a review of parking control time limits especially in all day parking areas where a majority were staying for shorter periods of less than two hours. A further review may identify parking areas that may be better signed to match user patterns and consequently create more efficiency of parking management.

As well as considering more parking, there is a need to encourage active transport and continue advocacy for enhancements to public transport to reduce traffic and consequently emissions.

**Options for consideration**

The business case feasibility study for the deck parking options is attached (Attachment 2) as are alternative existing car park extension options (Attachment 3). In summary the options include:

***Multi-deck Parking options***

- Option 1 - Three storey spiral car park at western part of Morce Avenue car park (Melbourne Road end) – net gain 116 spaces.
- Option 2 - Three storey spiral car park at middle part of Morce Avenue car park near netball courts – net gain 149 spaces.
- Option 3 - Three storey spiral car park at eastern part of Morce Avenue car park (George Street end) – net gain 83 spaces. Due to lower yield and higher construction costs this option was not investigated further.
- Option 4 - A variation of Option 2 using a split deck design to examine yield output, however, due to issues with planning constraints and impacts on David MacFarlan Reserve, it was not investigated further.
- Option 5 - This combines effectively Options 1 and 2 but investigation not pursued due to negative impacts including significant construction costs, restricted view lines and because it would disrupt the pedestrian link between the commercial area and the David MacFarlan Reserve.

## 3.2 (Cont.)

**Existing car park at-grade extension options**

- Option 1 - Southern side of car park adjacent to Morce Avenue – net gain 30 spaces.
- Option 2 - Includes Option 1 and extension at western end connecting to Morce Avenue – net gain 58 spaces.
- Option 3 - Includes Options 1 and 2 and western side of Morce Avenue with retaining wall – net gain 72 spaces.
- Option 4 - Includes Options 1 and 2 and increased extension to the west and realignment of Morce Avenue with large retaining wall – net gain 108 spaces.

The options have been developed considering all constraints and to comply with appropriate standards.

The assessment of each option shows that an at grade extension of the existing off-street car park can achieve similar increased capacity to constructing a multi-deck car park but for significantly less cost. Comparing the optimal options for both approaches shows that an at grade extension of the existing car park – Option 3 would cost \$827,107 to provide 72 additional spaces (\$11,488 per space) whereas the preferred multi deck option, Option 1 for a three storey multi-decked car park would cost \$20.6 million to provide 116 additional spaces (\$178,082 per space). Refer to tables below.

<i>Option</i>	<i>Total Cost</i>	<i>Net Increase in Spaces</i>	<i>Cost per Space</i>
Option 1	\$255,207	30	\$8,507
Option 2	\$404,939	58	\$6,982
Option 3	\$827,107	72	\$11,488
Option 4	\$1,877,940	108	\$17,388

*Table 1: At grade extension to existing car park options*

<i>Option</i>	<i>Total Cost</i>	<i>Net Increase in Spaces</i>	<i>Cost per Space</i>
Option 1	\$20.6 million	116	\$178,082
Option 2	\$19.7 million	149	\$132,408
Option 3	Not estimated	83	-

*Table 2: Multi-decked car park options*

If a multi-decked solution was desired, Option 1 of the decked car parks is the preferred option at this stage as Option 2 encroaches onto the netball courts of David MacFarlan Reserve and would conflict with the masterplan that was endorsed by Council on 23 July 2024.

Given the cost difference, the option to extend the existing car park at grade is considered to be a better option than a multi-decked car park. A further benefit of an extension to the

**3.2 (Cont.)**

existing off-street car park approach, is that the extension of the car park can be undertaken in stages to reach the 72 additional spaces.

There is also a more expensive option to extend the existing car park (Option 4) that would gain an additional 108 spaces at a cost of approximately \$1.9 million (\$17,388 per space). To construct Option 4 for 108 spaces, a staged approach would be recommended, without constructing Option 3, to avoid redundancy and removal of a retaining wall.

An increase of 108 spaces increases the capacity of the Morce Avenue car park by 43% to 358 from 250 spaces and would provide benefit to address growth into the foreseeable future. However, to initially construct only Option 2 and provide 58 additional spaces would provide immediate benefit to address current demand. This would assist to alleviate overflow to residential streets and provide increased parking that is more convenient to the commercial centre at non-peak times compared to some of the more remote parking areas.

The proposal for multi-decked parking could be a future stage to provide additional parking, albeit at a very high cost, and still retain most of the gains achieved through the extension to the existing car park at ground level. This is not, however, recommended due to the significant cost.

**ENGAGEMENT**

Community engagement has not occurred as part of these investigations. If Council decides to progress with any of the options, community consultation would occur as part of the detailed design.

**COMMUNICATIONS PLAN**

At this stage there is no communication plan. If funding is allocated by Council for detailed design of at grade carpark extension options, a communication plan will be developed.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

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

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

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

**3.2 (Cont.)****FINANCIAL CONSIDERATIONS**

There is no budget for any further investigations or design of parking options. Shire officers therefore intend to submit a budget bid for Council's consideration to undertake detailed design and community consultation for the at-grade carpark options within the capital works program for 2025-26 financial year.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

### 3.3 Dromana Community Facilities Project

Prepared By	Kim Barker, Social Infrastructure Planner; Jon Rawlings, Coordinator - Community Infrastructure Planning
Authorised By	Acting Director - Planning & Environment
Document ID	A13120883
Briefing Note Number	BN1935 – 30 July 2024
Attachment(s)	<ol style="list-style-type: none"><li>1. Dromana Community Facilities Project Final Report - draft June 2024</li><li>2. Dromana Community Facilities Engagement Report</li></ol>

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#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of the draft Dromana Community Facilities Project (Attachment 1) for community consultation. Consultation is scheduled to occur over a four-week period, commencing 1 November and concluding 29 November 2024.

The Dromana Community Facilities Project (the Project) is a pilot for the Community Facilities Infrastructure Strategy (the Strategy) which Council endorsed for community consultation at the 25 June 2024 Council meeting and the final Strategy is scheduled to be presented to Council on 9 September 2024 for adoption.

Aligning with the Strategy, the key driver for the Dromana Community Facilities Project is the need to ensure Council has a sustainable asset base that meets the needs of the Dromana community (encompassing Dromana and Safety Beach) now and into the future. There are 16 community facilities included in the Project: 15 facilities within the Dromana township with an additional facility at Safety Beach.

There have been a number of reviews of Community Infrastructure in Dromana over the past 20 years. The learnings from previous reviews have been used to provide a foundation for this project to ensure that it builds on, rather than replicates past work. The Dromana Community Facilities Project seeks to consolidate our understanding of current community activities in Dromana and surrounds, community need and utilisation of facilities in a post- Covid environment and within the current financial climate. The Project additionally aims to optimise the use of existing buildings while looking for opportunities to consolidate services and activities.

The recommendations identify the need for a number of actions that do not require additional infrastructure, including a significant increase in the activation of some buildings, on-going demand for more bookable spaces, better way finding and clarity in naming of buildings.

The Project also confirmed the previous recommendation to develop a new consolidated multi-purpose hub within the Central Precinct area. Going forward, this involves building on the previous work, engaging, and working collaboratively with stakeholders to develop a functional brief and concept design for a consolidated community hub.

#### RECOMMENDATION

**That Council endorses the draft Dromana Community Facilities Project for community consultation for a four-week period after the Council election caretaker period.**

## **COUNCIL & WELLBEING PLAN**

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

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

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

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.3: A community in which people from all generations, backgrounds and abilities can access local services.

## **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 E which are:

- 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.
- E. Innovation and continuous improvement is to be pursued.

## **RELEVANT COUNCIL DECISIONS AND POLICIES**

Key strategic work that has informed the Dromana Community Facilities Project includes Council Plans and Strategies:

- Community Vision 2040
- Council and Wellbeing Plan 2021-25
- Community Facilities Infrastructure Strategy 2024-2034 (draft)
- Annual Report and Budget 2021-22
- Annual Report and Budget 2022-23
- Climate Emergency Plan: Ensuring Our Future 2020
- Asset Management Strategy 2020-30 and Plan 2020
- Disability Inclusion Plan 2018-2022
- Gender Equality Strategy 2020-30 and Action Plan
- Positive Ageing Strategy 2020-25
- Property Strategy 2018
- Pedestrian Access Strategy 2024-2034
- Sports Capacity Plan 2019 – Volume 1 ‘Sport fields’

**3.3 (Cont.)**

- Our Arts and Culture 2024
- Housing and Settlement Strategy Refresh 2020 – 2036.

## Council Policies:

- Asset Management Policy 2019
- Universal Design Policy 2022
- Environmentally Sustainable Design Policy 2022
- Disposal of Council Property Deemed Excess and or Inappropriate Policy 2018
- Community Facilities Tenancies Policy 2009
- Community Facility Usage Policy
- Men's Sheds Policy.

## Victorian State Legislation:

- *Local Government Act 2020*
- Local Government Asset Management – Better Practice Guide
- Victorian Auditor-General's Office (VAGO) Audit – Delivering Local Government Services
- Victoria's Infrastructure Strategy 2021-2051
- Planning for Community Infrastructure in Urban Renewal Areas (Victorian Planning Authority, 2016).

**DISCUSSION****Purpose**

The purpose of this report is to seek Council endorsement to undertake community consultation for the draft Dromana Community Facilities Project.

**Background**

The Mornington Peninsula Shire Council (the Shire) is responsible for the management and maintenance of approximately 250 community buildings across the municipality. Community facilities include health centres, community halls, neighbourhood houses, libraries, preschools, senior citizen centres and sporting pavilions. This infrastructure provides space for community services and activities to occur and for people to meet, socialise, learn, and support one another. They can also be used during emergencies and recovery operations.

Aligning with Council's draft Community Facilities Infrastructure Strategy (the Strategy), the key driver for the Dromana Community Facilities Project (the Project) is the need to ensure Council has a sustainable asset base that meets the needs of the Dromana community (encompassing Dromana and Safety Beach) now and into the future. There are 16 community facilities: 15 facilities within the Dromana township with an additional facility at Safety Beach.

There have been a number of reviews of Community Infrastructure in Dromana over the past 20 years. The learnings from previous reviews have been used to provide a foundation for this project to ensure that it builds on, rather than replicates past work.

Consultants were engaged in July 2023 to deliver the Dromana Community Facilities Project. The Project approach included:

- Reviewing previous works undertaken.
- Workshopping the issues and possible solutions with key staff.
- Reviewing the demographics of Dromana and how these have changed and may change in the future.
- Engaging current users of facilities to understand their ideas and suggestions.
- Engaging community members, who may not use the facilities, to understand their needs and how they might be met.
- Reviewing all the data and making recommendations for how the availability and usage of community facilities could be improved and consolidated.
- Development of the Dromana Infrastructure Action Plan.

The aim of the Project is to:

- Consolidate our understanding of community activities, need and utilisation of infrastructure facilities in a post-Covid environment and within the current financial climate.
- Optimise the use of existing buildings while looking for opportunities to consolidate services and activities where appropriate and plan for an integrated community building(s) in Dromana to reduce the number of older, existing structures.

The recommendations from the Project include improving the utilisation of existing buildings and subsequently consolidating a number of functions into a new dedicated multi-purpose community hub.

A number of recommendations do not require additional infrastructure but do require a corporate response, for example implementing a partnership approach to increase activation of facilities; improving access through lease and license changes; developing a directory of available spaces; continuing to improve the usability of the booking system and addressing immediate issues such as storage and kitchen access.

To progress the development of a consolidated hub in the Central Precinct area Council will engage with stakeholders on a co-developed functional brief, investigating alternative management models for a future facility, co-designing a concept design, and developing a business case and joint advocacy plan.

Funding was previously allocated to undertake concept planning for a Dromana Community Hub in the 2022/23 adopted Council budget (\$100,000).

### **Options for consideration**

Option A: Progress to community consultation on the draft Project.

This option is recommended so that Council can obtain community feedback on the draft Project before it is finalised for Council adoption.

Option B: Do not proceed to community consultation on the draft Project.

This option is not recommended because it would mean that the community would not have an opportunity to provide feedback and the draft Project will not progress to adoption.

## **ENGAGEMENT**

A comprehensive consultation process for the Project was undertaken from August – December 2023 to understand the experience of using community infrastructure in Dromana and Safety Beach. Consultation activities included:

- A scoping workshop involving 30 key internal stakeholders that focused on gathering staff insights into the current and future planning and operations of Dromana's community facilities.
- Guided interviews and focus groups with over 60 current community facility users to understand the challenges of using the infrastructure and their ideas for how they could be improved.
- Discussions with over 80 people at pop up engagements in Dromana to ask them what their knowledge of the community infrastructure was and whether it met their needs.
- Online and intercept survey responses from over 120 people to get a broad understanding of how community infrastructure is/ is not meeting the needs of the local community.

(For further details see Attachment 2: Dromana Community Facilities - Community Engagement Report, December 2023).

Key stakeholders, including community facility users and internal stakeholders will be invited to participate in the codesign process to develop the functional brief and concept design for the community hub.

Consultation with the wider community on the draft Project is planned for November 2024, once the Caretaker Period has ended, as detailed below.

## **COMMUNICATIONS PLAN**

It is proposed to undertake community consultation of the draft Project over a four-week period commencing 1 November and concluding Friday 29 November 2024.

Community Consultation is proposed to include:

- A dedicated webpage on the Shire's webpage where people can download a copy of the draft Project Report and subsequent Action Plan to provide feedback
- An online survey
- Social media feeds and digital promotion
- A media release
- Emails to key stakeholders who have previously been engaged throughout the development of the Draft Project
- Pop up at Dromana market on Sunday, 24 November 2024

**3.3 (Cont.)**

The above engagement activities will occur in accordance with a Communications and Engagement Plan prepared by the Shire's Advocacy, Communications and Engagement team.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

The development of the functional brief and concept plan for the Dromana community hub will address climate and sustainability considerations, both directly and indirectly, aligning with broader Council-led efforts to foster environmental stewardship and sustainable development.

**FINANCIAL CONSIDERATIONS**

The development of the draft Dromana Community Facilities Project and finalisation of the Project following consultation is within existing adopted budget.

The Project recommends a 'facilities manager' be employed to help activate and effectively use facilities. This role would be responsible for understanding local needs; working with community groups to support activation of spaces; managing solutions; liaising with other parts of Council and building capacity to shift to the new target operating model. This 'facilities manager' or local 'broker' role could be trialled as part of a Dromana Pilot, and if successful, potentially considered across the Shire.

Discussions are underway to determine whether existing FTE could be utilised to trial this role. If not, there would be a resource cost involved (of about \$150,000) that would need to be considered as part of the FY 25/26 Council budget process. However, if successful, the better utilisation of facilities and potential rationalisation opportunities may make this investment worthwhile.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

### 3.4 Boundary Road footpath ecology assessment and community consultation

Prepared By	Emily Clarke, Sustainable Transport Planner
Authorised By	Acting Director - Planning & Environment
Document ID	A13139937
Briefing Note Number	BN1937 – 30 July 2024
Attachment(s)	1. Ecology report

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#### EXECUTIVE SUMMARY

The purpose of this report is to update Council on the investigations into, and planning of, a shared path connection from Dromana township to Dromana Secondary College (DSC) and seek endorsement to undertake community consultation on two possible routes following the Council election caretaker period.

The two shared path alignment options are along either Nepean Highway or Boundary Road with potential variations within each route. The report outlines the feasibility of the path alignments, including constructability, ecological impact and safety. Future budget considerations to proceed with a shared path are also highlighted.

Overall, Route 1a (Nepean Highway) is the least impactful (including ecologically) and least costly of the two routes and services a wider catchment. It also provides safer crossing points in areas where the traffic is already travelling at a slower speed at existing intersections where crossings are more commonly expected by motorists. Option 2 (Boundary Road) would be more challenging, given the topography, speed limit, traffic volumes and treatments needed to ensure pedestrian safety, as well as the significantly higher ecological impact, financial costs and need for State Government approvals.

Mornington Peninsula Shire (Shire) officers recommend that community consultation be undertaken on both routes to allow the community to consider the different options and trade-offs before a preferred option is finalised for Council consideration and adoption. Consultation is scheduled to occur over a 6-week period, 4 November to 13 December 2024.

#### RECOMMENDATION

**That Council undertakes community consultation on two shared path alignment options to connect Dromana township to Dromana Secondary College after the Council election caretaker period.**

#### COUNCIL & WELLBEING PLAN

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

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.

**3.4 (Cont.)**

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

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, C and E which are:

- 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.
- E. Innovation and continuous improvement is to be pursued.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

9 May 2023 Council Meeting (Council Budget) – Council resolved that budget be allocated to: “Dromana – Shared Path along Boundary Road (Connection to Secondary College) – Planning (\$65,000)”.

**DISCUSSION****Purpose**

The purpose of this report is to update Council on the investigations into, and planning of, a shared path connection from Dromana township to Dromana Secondary College (DSC) and seek endorsement to undertake community consultation on two possible routes after the Council election caretaker period.

**Background**

Shire officers have commenced planning by exploring the feasibility of two separate routes; each with multiple options, that would provide a shared path connection from Dromana township to DSC. The two route options are shown below and in Attachment 1 (p.21) and summarised as follows:

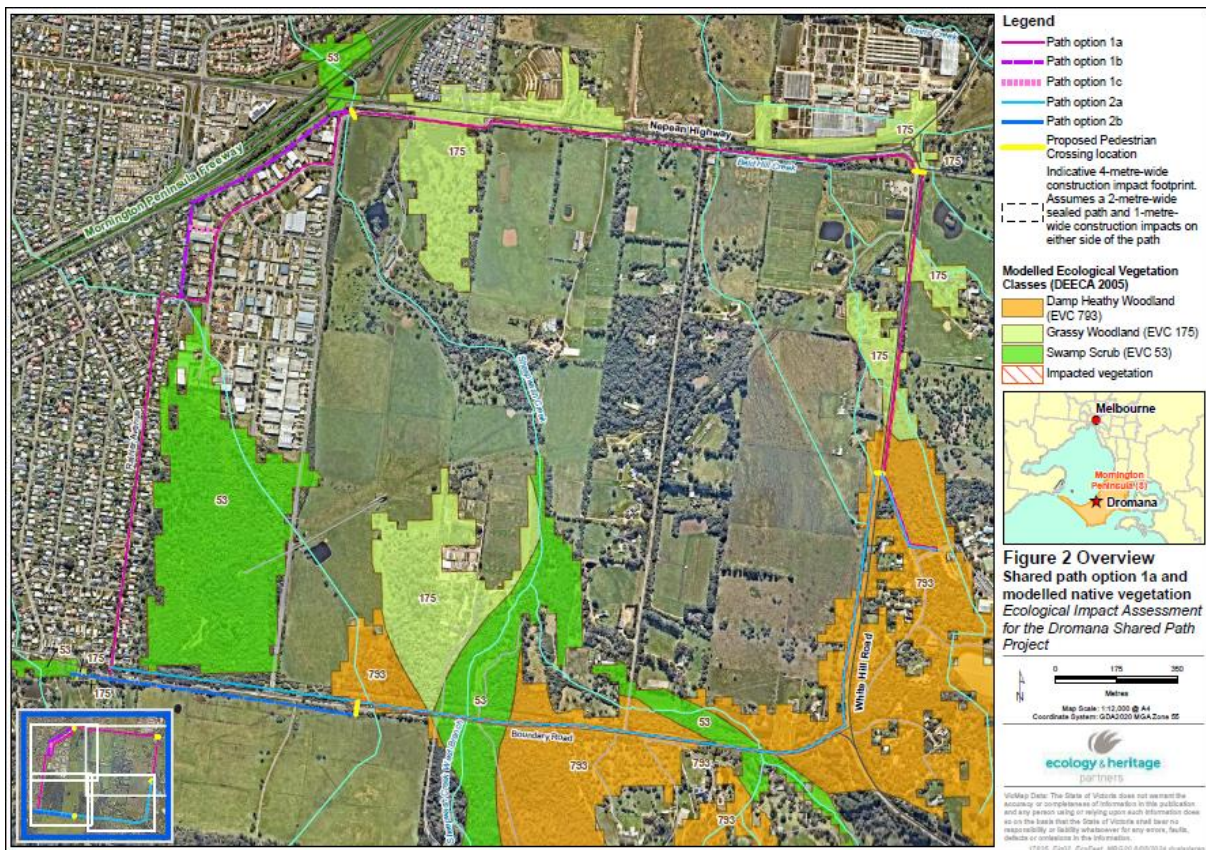
***Path Route 1 – Nepean Highway***

- Option 1a – Travels from Boundary Road along Rainer Avenue, through the industrial estate to Collins Road, where it then connects with Maryfield Lane. At the end of Maryfield Lane the path continues alongside the southern side of the Nepean Highway before turning down White Hill Road. The path then crosses near the intersection of Dunns Creek Road, then continues along the eastern side of White Hill Road to Old White Hill Road and DSC.
- Option 1b – Is the same as 1a, except for the section that continues through Brasser Avenue Reserve and along the easement parallel with the freeway, to meet Collins Road.

- Option 1c – Is the same as option 1a, expect for the section where it travels partially along the same route as 1b before cutting through an easement in the industrial estate to Brassier Avenue and continuing along Collins Road.

**Path Route 2 – Boundary Road**

- Option 2a – Travels along the northern side of Boundary Road, before turning and traveling down the western side of White Hill Road, before crossing at Old White Hill Road and continuing to DSC.
- Option 2b – Is the same as option 2a except that the first section connects with the existing Boundary Road footpath on the southern side where it crosses at the end of Pats Paddock.



Key considerations identified in the preliminary Ecology Report and site investigations

The two routes have been subject to a desktop ecological report prepared by Ecology and Heritage Partners (EH) (Attachment 1). Below is an overview of the findings and associated constructability, safety and financial implications.

<p>Path route 1</p>	<ul style="list-style-type: none"> <li>• The route requires removal of biodiversity including both native vegetation and habitat. It has been estimated approximately 0.448 hectares of native vegetation removal will be required that will attract an offset fee of around \$70,000.</li> <li>• The ecological impact can be reduced by utilising existing road infrastructure on Rainier Avenue and Maryfield Lane which is a low traffic volume no-through road.</li> </ul>
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3.4 (Cont.)

	<ul style="list-style-type: none"> <li>• The route services a larger catchment including Safety Beach and could connect with the number one priority footpath route on the Principal Pedestrian Network along Nepean Highway, Dromana.</li> <li>• Path route 1a has better passive surveillance than route 1b as it runs along Rainer Avenue and through the industrial estate which has a mix of land uses that operate 7 days a week both within and outside normal business hours. This route would also service users of the industrial estate.</li> <li>• Path route 1b, whilst utilising an existing Bushland Reserve, has limited passive surveillance in this section as it runs along the back of residences and the industrial estate.</li> <li>• Two pedestrian crossings would be required for this route. The first crossing of Collins Road would likely be a splitter island pedestrian refuge given its low-speed environment (60 kilometre per hour (km/hr)). The second crossing of White Hill Road would likely be a pedestrian operated signal given its high-speed environment (80km/hr). The benefit of a crossing at this location is that traffic has already slowed to either enter or exit the roundabout. High-level cost estimates for the splitter island pedestrian refuge are around \$150,000 and approximately \$1 million for a pedestrian operated signal.</li> </ul>
<p>Path route 2</p>	<ul style="list-style-type: none"> <li>• The route requires removal of biodiversity including both native vegetation and habitat. It has been estimated approximately 1.198 hectares of native vegetation will need to be removed that will attract an offset fee of around \$180,000.</li> <li>• A pedestrian crossing will be required to cross White Hill Road to access DSC. This road is a rural road that is owned by the Department of Transport and Planning (DTP) and has an 80kmph speed limit, as such a pedestrian operated signal will be required. Option 2b requires an additional crossing along Boundary Road, which also has an 80km/hr speed limit. A high level cost estimate for pedestrian operated signals is around \$1 million per crossing.</li> <li>• Has challenging topography and terrain with three creek crossings, where drainage, boardwalks and retaining walls may be needed. This presents constructability issues that would increase construction costs. Cultural Heritage assessments are likely required.</li> <li>• It may be able to be incorporated with future plans for Pats Paddock/Parkdale Estate if alignment 2b is progressed.</li> </ul>
<p>Other possible routes</p>	<ul style="list-style-type: none"> <li>• A route that travels along a Melbourne Water easement from Collins Road to White Hill Road was not assessed due to the lack of passive surveillance and existing use of land by neighbouring properties. It is not recommended to pursue this route.</li> </ul>

Overall, Route 1a (Nepean Highway) is the least impactful (including ecologically) and costly of the two routes and services a wider catchment. It also provides safer crossing points in areas where the traffic is already travelling at a slower speed at existing intersections where crossings are more commonly expected by motorists. Option 2 (Boundary Road) would be

### 3.4 (Cont.)

more challenging, given the topography, speed limit, traffic volumes and treatments needed to ensure pedestrian safety, as well as the significantly higher ecological impact, financial costs and need for State Government approvals.

#### Options for consideration

Option A: Progress to community consultation on the two route alignment options

This option is recommended to allow the community to consider the different options and trade-offs and provide feedback for Council's consideration before an option is finalised for Council adoption.

Option B: Do not proceed to community consultation

This option is not recommended because it would mean that the community would not have an opportunity to understand the available options and associated implications, or to provide feedback before Council makes its final decision.

#### ENGAGEMENT

No formal community engagement has taken place; however, Shire officers have had initial discussions about this project with the Dromana Association and DSC.

#### COMMUNICATIONS PLAN

It is proposed to undertake community consultation on the two options over a six-week period commencing 4 November and concluding 13 December 2024. Consultation methods are proposed to include:

- A dedicated webpage on the Shire's website where people can view the route options, download a copy of the ecological report and provide feedback, including via an online survey
- Social media feeds and digital promotion
- Direct notification to key stakeholders and community groups, including the DSC and Dromana Association.

The above engagement activities will occur in accordance with a Communications and Engagement Plan prepared by the Shire's Advocacy, Communications and Engagement team.

#### LEGAL AND REGULATORY FRAMEWORK

Due to the significance of the flora and fauna, both path options must comply with the following acts (Table 6, Attachment 1):

- *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*
- *Flora and Fauna Guarantee (FFG) Act 1988*
- *Planning and Environment Act 1987*
- *Catchment and Land Protection Act 1994*
- *Wildlife Act 1975*
- *Planning and Environment Act 1987*

**3.4 (Cont.)**

The preliminary Ecological Impact Assessment identified a number of *EPBC* and *FFG* listed species that may be present within close proximity of the path routes. A detailed fauna study would be required to confirm this and may result in the need for regulatory approvals.

The following zoning and overlays may require the need for a planning permit to remove vegetation (Table 5, Attachment 1):

- Green Wedge Zone – Schedule 3 (GWZ3)
- Public Conservation and Resource Zone (PCRZ)
- Environmental Significance Overlay – schedules 6, 8, 17 and 28 (ESO6, ESO8, ESO17, ESO28)
- Significant Landscape Overlay – schedule 3 (SLO3)
- Vegetation Protection Overlay – schedule 2 (VPO2).

A field assessment will be required to determine the full extent of ecological values present on site as part of any planning permit application. Trees have not yet been assessed as detailed site investigations are required for this.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

In addition to the legal considerations listed above, there is a foreseeable impact to biodiversity if a path route is selected and the project proceeds. The following has been identified through a preliminary assessment and actual impact will be determined through a comprehensive field assessment after community consultation:

- Path route one (Nepean Highway) requires removal of biodiversity including both native vegetation and habitat. It has been estimated approximately 0.448 hectares of native vegetation removal will be required that will attract an offset fee in the vicinity of \$70,000.
- Path route two (Boundary Road) requires removal of biodiversity including both native vegetation and habitat. It has been estimated approximately 1.198 hectares of native vegetation will need to be removed that will attract an offset fee in the vicinity of \$180,000.

**FINANCIAL CONSIDERATIONS**

The costs of community consultation and finalising the concept planning of the preferred route can be accommodated within existing available budget.

To proceed to the next stage, detailed design (including finalising environmental assessments and regulatory approvals), additional budget will be required of approximately \$150,000. Funding for this will be considered as part of the FY 25/26 annual budget process.

Construction of the footpath and pedestrian crossings will require funding in future years and will be considered as part of the 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

### 3.5 Compliance and Enforcement Policy

Prepared By	Dale Gilliatte, Manager - Community Safety, Health & Compliance; Merg Mikaelian, Team Leader - Community Safety; Jack Alford, Team Leader - Planning Compliance; Peter O'Brien, Team Leader - Environmental Health
Authorised By	Director - Community Strengthening
Document ID	A13134621
Briefing Note Number	BN1945 – 30 July 2024
Attachment(s)	1. Compliance and Enforcement Policy

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#### EXECUTIVE SUMMARY

The Compliance and Enforcement Policy (the Policy) (Attachment 1) is a proposed new policy that is designed to outline Council's approach to compliance and enforcement and to provide Mornington Peninsula Shire (Shire) officers with consistent and clear direction on these activities.

This report provides Council with the draft Compliance and Enforcement Policy for consideration and endorsement following a period of public exhibition.

#### RECOMMENDATION

**That Council adopts the Compliance and Enforcement 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:

- 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.

**3.5 (Cont.)**

- 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 Domestic Animal Management Plan
- Engaging Legal Services Policy.

**DISCUSSION**

The Compliance and Enforcement Policy is a proposed new policy that is designed to outline Council's approach to compliance and enforcement and to provide Shire officers with clear and consistent direction on these activities.

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

The preparation of this Policy was completed using the Policy Management 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**

Shire officers are authorised under numerous Acts, Regulations and Local Laws to monitor and support community compliance. However, there is currently no overarching policy to guide Shire officers on compliance and enforcement activities, or decision making, that would be consistent with the Shire's values.

The Policy is a proposed new policy that will assist the Shire's Authorised Officers to protect the health, safety, amenity and environment of the Mornington Peninsula community and its visitors.

The proposed Policy has four key elements:

1. Monitor compliance – undertake systematic monitoring programs and activities to determine the level of compliance.
2. Inform and educate – provide information and undertake active awareness-raising activities with community regarding legislative responsibilities.
3. Support to comply – provide advice and guidance to ensure that the community understands how to comply.
4. Enforcement – address non-compliance with the law, by making the offender stop the activity and remedy any harm to the public, environment, or property.

The proposed Policy also reinforces the role of Councillors and the community in compliance and enforcement.

The following principles underpin the Shire's approach to compliance and enforcement.

These principles have been developed with consideration of the desired experience for both customers and Shire officers:

- We will treat people fairly, acting fairly, impartially and without bias or unlawful discrimination and treating all parties with courtesy and respect.
- Our response will be timely; ensuring responses to reports alleging non-compliances, and decision making in relation to those, are timely.
- We will be accountable and transparent; ensuring accountability for decisions to take or not to take action, recording all actions and decisions made relating to an investigation and providing a status of the investigation to relevant customers.
- We will have a consistent approach; ensuring all compliance and enforcement actions are approached in a consistent manner, proportionate to the community risk and seriousness, using reasonable resources.

In addition to enforcement, the Shire carries out a range of proactive activities to support and encourage compliance, such as community information and education programs.

### **ENGAGEMENT**

Following a Councillor Workshop held on 19 March 2024, the Community Safety, Health and Compliance Unit, in conjunction with other relevant teams across the organisation, developed and drafted the proposed Policy (Attachment 1) for consideration by Council.

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

- Planning and Asset Compliance
- Environmental Health
- Community Safety
- Statutory Building
- Legal and Governance.

As compliance and enforcement activities are a highly legislated and regulated function that Council is required to deliver, broader community consultation on the draft Policy was not initially proposed due to the limited ability for community to influence outcomes or change the direction of the policy intent. However, Council requested that a community consultation process be conducted in the interests of transparency, for a period of 4 weeks from 24 June 2024 to 21 July 2024.

The draft Compliance and Enforcement Policy was displayed on the Shire website in the "Have your say" page, including a share your feedback survey for the community to provide comments on the draft.

Whilst there was a good response to viewing the consultation page and the policy was viewed and downloaded by many residents, minimal feedback was received during this period with only 19 formal responses provided.

- Total Visits to the consultation page – 382
- Draft Policy Download – 258
- Total number of surveys completed – 19.

**3.5 (Cont.)**

The community feedback was varied with some comments made not being relevant to this Policy. These included statements such as 'no rate rises' and 'don't move Australia Day'.

Many made no general comments and those remaining expressed opposing views such as some suggesting that the Policy is 'an overreach of powers' of a breach of human rights versus those that noted that it is a good policy and makes sense. Other general feedback related more so to being a complaint about specific scenarios or dissatisfaction regarding dog controls.

Shire officers do not recommend any further changes to the Policy as a result of the consultation process.

**COMMUNICATIONS PLAN**

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

**LEGAL AND REGULATORY FRAMEWORK**

Shire officers are authorised under numerous Acts, Regulations and Local Laws to monitor and support community compliance. This Policy applies to all enforcement activities carried out by Authorised Officers, undertaken in accordance with the following Acts and their respective regulations (non-exhaustive list):

- *Building Act 1993*
- *Country Fire Authority Act 1958*
- *Domestic Animals Act 1994*
- *Domestic Building Contracts Act 1995*
- *Environment Protection Act 2017*
- *Fire Rescue Victoria Act 1958*
- *Food Act 1984*
- *Graffiti Prevention Act 2007*
- *Impounding of Livestock Act 1994*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Public Health and Wellbeing Act 2008*
- *Road Management Act 2004*
- *Summary Offences Act 1966*
- *Tobacco Act 1987*
- *Community Amenity Local Law 2022*
- *Short Stay Rental Accommodation Local Law 2018*

**3.5 (Cont.)**

- *Consumption of Liquor Local Law 2022.*

This Policy does **not** apply to parking and traffic matters, managed in accordance with the *Road Safety Act 1986*.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

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

**OFFICER DIRECT OR INDIRECT INTEREST**

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

### 3.6 Alcohol Harm Prevention Policy

Prepared By	Kate Hills, Team Leader - Community Wellbeing; Kathleen van der Weerden, Social Planning Officer - Community Wellbeing
Authorised By	Director - Community Strengthening
Document ID	A13129945
Briefing Note Number	BN1944 – 30 July 2024
Attachment(s)	<ol style="list-style-type: none"><li>1. Attachment 1 - DRAFT Alcohol Harm Prevention Policy</li><li>2. Attachment 2 - MPS Community Alcohol Profile 2023</li><li>3. Attachment 3 - Social Planning Referral - Planning Permit Liquor License</li></ol>

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#### EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement from Council on the draft Alcohol Harm Prevention Policy for the purpose of placing it on public exhibition for a period of three weeks.

The draft Alcohol Harm Prevention Policy (Attachment 1) is a review and update of the Shire's Alcohol Management policy 2017, with a change in approach from harm minimisation to harm prevention.

Funding was obtained from VicHealth 'Alcohol Futures' grant, and the Mornington Peninsula Community Alcohol Profile was undertaken in 2023 (Attachment 2), with research showing the impacts of alcohol in the municipality. Data from this report was used in the development of the revised policy along with pre consultation engagement with internal and external stakeholders to gain local insights.

The draft policy identifies the range of responsibilities for preventing alcohol harm across the Shire and aligns them within these themes:

- Planning and Liquor Licensing
- Regulation and Enforcement
- Open Space, Community Infrastructure and Events
- Advocacy and Service Delivery.

The next step in the process is for the draft policy document to be placed on display for community consultation. Given Council caretaker period is following the public exhibition process, consideration of feedback and adoption of the policy is proposed for early 2025 with the new Council.

#### RECOMMENDATION

**That Council endorses the draft Alcohol Harm Prevention policy to be placed on public exhibition for a period of three weeks.**

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

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

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

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

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.

In addition, Strategic Action 3.1.6 states that the Mornington Peninsula Shire (Shire) will provide a harm minimisation approach through our Alcohol Management Policy, and the existing 2017 policy was listed for update during the term of the plan.

**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 E 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.
- E. Innovation and continuous improvement is to be pursued.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

- Mornington Peninsula Shire (MPS) Planning Scheme
- MPS Community Amenity Local Law 2022
- MPS Commercial Activities on Footpaths Policy 2008
- MPS Sports Management Policy 2023
- MPS Signage Policy 2012
- MPS Community Facility Hire Policy 2023.

**Purpose**

The purpose of this report is to present and seek endorsement from Council for the draft Alcohol Harm Prevention Policy to be placed on public exhibition for three weeks.

**Background**

The draft Alcohol Harm Prevention Policy aims to guide Council's decision-making in relation to the supply and consumption of alcohol on the Mornington Peninsula. It aligns with Council's commitment to enhancing safety and amenity, as well as improving community health and wellbeing outcomes, while fostering economic vitality.

**3.6 (Cont.)**

In preventing harm from alcohol, Federal and State governments hold responsibility for regulating price, availability, licensing and marketing, as well as providing the police and health systems.

Alcohol is the primary drug of concern on the Mornington Peninsula with a higher rate of ambulance attendances and alcohol-related hospital admissions than metropolitan Melbourne. Related health and wellbeing indicators show that Shire residents compare unfavourably on their experiences of psychological distress and reporting their health as fair or poor. Alcohol is a known contributing factor to family violence and the Shire had 2,138 family violence incidents reported in 2023-24.

**Cumulative impact**

The cumulative impact of licensed premises is referenced in the planning scheme decision guidelines of clause 52.27 (Licensed Premises). The relevant decision guideline requires a Council to consider, the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

'Cumulative Impact' is used to assess the clustering of licensed venues and describes it as the product and type of licensed premises, the way they are managed and the capacity of the area to accommodate these venues.

In general, a cluster would be said to occur when:

- Three or more licensed venues (including the proposed venue) exist within 100 metre radius.
- Fifteen or more licensed premises (including the proposed venue) exist within a radius of 500 metres.

Evidence suggests that areas with a large cluster of licensed premises have higher crime rates and experience almost twice as many alcohol-related problems.

Further information can be found via the link below.

[PPN61: Licensed premises: assessing cumulative impact \(planning.vic.gov.au\)](https://planning.vic.gov.au/PPN61: Licensed premises: assessing cumulative impact)

Council has been advocating individually and in partnership with other Councils to the State Government on changes to the process of consideration of Cumulative Impact of packaged liquor outlets.

There are increasing numbers of packaged liquor outlets across the community of concern to Council, with clusters occurring in a number of locations across the Peninsula.

**DISCUSSION**

The draft Policy is an update of the previous Alcohol Management Policy 2017 and is informed by:

1. Data included in the Mornington Peninsula Community Alcohol Profile 2023 (Attachment 2) developed in partnership with local service providers.
2. Data obtained through engagement with community members in 2024 including an online survey, focus groups and a drop-in session (summary included in Community Alcohol Profile).

The redeveloped Policy shifts from 'harm minimisation' to a 'harm prevention' approach, in line with best practice guidance from Vic Health and Alcohol and Drug Foundation. A harm

**3.6 (Cont.)**

prevention approach (encompassing supply reduction, demand reduction and harm reduction) recognises that alcohol plays a role in the lives of people and communities, but that it is possible to prevent alcohol-related harm.

The draft Policy explicitly recognises that alcohol is legal and contributes to the tourist and hospitality economy of the Shire, while also seeking to prevent physical and social harm.

The draft Policy aims to co-ordinate the work of various Shire departments and aligns their responsibilities with a framework including:

- **Planning and liquor licensing:** Assessment and determination of planning permits, responses to liquor licence applications, as well as design of safe and healthy streetscapes near venues.
- **Regulation and enforcement:** Appropriate licensing for sporting, recreation and community facilities providing alcohol, enforcement of the Shire Planning Scheme, managing infringements under Council's Community Amenity Local Law 2022, and participation, along with Victoria Police in Liquor License forums.
- **Open space, community infrastructure and events:** A transparent approach to decision-making on alcohol provision and consumption at facilities on Council land, encouraging sports clubs to reduce alcohol-related harm, and clarity for hirers of Council facilities on alcohol permits and responsibilities.
- **Advocacy and service delivery:** Contributing data and resources to participate in local, regional and statewide advocacy initiatives, deliver or contribute to evidence-based initiatives to promote abstinence or healthier alcohol consumption (as guided by VicHealth Alcohol Cultures Framework), and work in collaboration with stakeholders to integrate a harm prevention approach across Council.

The key changes in the redeveloped draft Policy include:

- A shift away from undertaking social planning referrals on planning permit applications, as it is challenging to assess permits based on potential social harm under the current Planning Scheme. The new process will focus on social planning referrals on liquor license applications from the Victorian Liquor Commission. These Social Impact Assessments will align with the definitions of social harm, under the amended *Liquor Control Reform Act 1998*. The existing Social Planning Referral received on Planning Permits template includes the assessment and definition of Clustering (Attachment 3). Should the policy be adopted a new Social Impact Assessment template will be updated.
- The addition of Shire hosted events as alcohol free unless pre approval from the Chief Executive Officer or relevant Director is granted.
- Removal of specific urban design references (e.g. outdoor dining) to focus on broader urban design that enables needs-based outcomes for activity centres and townships.
- Additional detail on Event permitting processes for managing alcohol provision and consumption at non-Shire events and management of alcohol provision, consumption and promotion at Shire owned facilities and sporting clubs.

**ENGAGEMENT**

An internal working group, with representatives from Economic Development, Planning Services, Strategic Planning, Youth Services, Community Safety, Peninsula Events, Sports Development and Community Wellbeing have worked collaboratively to consolidate actions into a comprehensive policy.

**3.6 (Cont.)**

In 2023, the Community Alcohol Profile was developed incorporating available secondary data sources as well as data obtained through a stakeholder engagement workshop (25 attendees).

In 2024, community engagement was undertaken to better understand their views and experiences of alcohol harm on the Mornington Peninsula as well as suggestions on how to reduce these harms.

Community members participated in an online survey (65 responses), focus groups and a drop-in session at Mornington Community Support Centre.

The Shire's Disability Advisory Committee, Health and Wellbeing Advisory Committee, Youth Advisory Committee and Peninsula Advisory Committee for Elders were engaged to provide feedback on alcohol harm.

The strongest themes emerging from the preliminary consultation were:

- Concern about the high number of packaged liquor outlets (bottle shops)
- Alcohol consumption on the beach and in public spaces
- The impact of alcohol on people's mental health
- The need for access to support services
- More community education about alcohol.

A summary of the preliminary consultation is included in the attached Community Alcohol Profile.

**COMMUNICATIONS PLAN**

The Policy will be displayed via Council's community engagement platform - Shape to seek community feedback and promoted through local networks and advisory committees.

**LEGAL AND REGULATORY FRAMEWORK**

Local government's responsibility under the *Public Health and Wellbeing Act 2008* is to "Protect, improve and promote public health". Working at this local level can help reduce residents' risk of alcohol harm through environmental design, developing strategic plans, community education and working in local partnerships.

There are local government powers under the Mornington Peninsula Planning Scheme and *Liquor Control Reform Act 1998* which inform Council's role in administration of liquor laws including:

- Consider and issue planning permits for licensed premises.
- Stipulate trading hours and maximum patrons in a venue.
- Object to licence applications on amenity grounds.

Additionally, local government is involved in:

- Participation in local liquor licensing forums.
- Local laws governing the consumption of liquor in public places.

**3.6 (Cont.)**

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

This matter has no climate change or sustainability considerations.

**FINANCIAL CONSIDERATIONS**

There will be no budget implications from the adoption of this recommendation as all work is within existing staff roles and adopted budget.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## INFRASTRUCTURE

### 3.7 CN2826 - Pelican Park Recreation Centre - Renewal and Upgrade - Tender Recommendation Report

Prepared By	Elliott Reid, Acting Manager - Infrastructure Projects
Authorised By	Acting Director - Infrastructure
Document ID	A12994757
Briefing Note Number	BN1855 – 12 March 2024
Attachment(s)	1. CN2826 - Pelican Park Recreation Centre Renewal and Upgrade - Tender Recommendation (confidential)

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#### STATEMENT OF CONFIDENTIALITY

Attachment 1 to the report is confidential being the tender recommendation report.

#### EXECUTIVE SUMMARY

The purpose of this report is to recommend the acceptance of the tender submission for the construction of Pelican Park Recreation Centre (PPRC) – Renewal and Upgrade located at 2 Marine Parade, Hastings.

#### RECOMMENDATION

That Council:

1. **Having considered all tender submissions, hereby accepts the tender submission received from Tenderer A for the lump sum value of \$XXX plus \$XXX GST being for CN2826 Pelican Park Recreation Centre – Renewal and Upgrade.**
2. **Approves the tender options for the bin cage area and additional roofing renewal works be included within the project scope.**
3. **Approves the contingency sum identified within the confidential section of this report, which is not to be disclosed to the tenderer until and if required by a contract variation.**
4. **The additional funding required to complete the project as identified in the confidential section of this report is to be allocated in FY2024/2025 financial year budget as part of the Capital Works budget process.**
5. **Delegates the execution of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the Local Government Act 2020.**

#### Part B

That Council resolves the Attachment 1 to this report be retained as a confidential item, pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business,

**commercial or financial undertaking that if released, would reasonably expose the business, commercial or financial undertaking to disadvantage.**

## **COUNCIL & WELLBEING PLAN**

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

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

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

Theme 3: A flourishing, healthy and connected community.

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

## **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 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.
- I. The transparency of Council decisions, actions and information is to be ensured.

## **RELEVANT COUNCIL DECISIONS AND POLICIES**

1. This tender report is before Council for adoption as it exceeds the Chief Executive Officer's delegated authority of \$1 million including GST in accordance with Council's Procurement Policy.
2. The project has received approval through the Council budget process for FY2023-24 and FY2024-25 as part of the Capital Works Program.
3. Additional funding is required to deliver the project, inclusive of proposed futureproofing for electrification and for proposed tender options.

## **DISCUSSION**

### **Purpose**

The purpose of this report is to recommend the acceptance of the preferred tender submission detailed in the tender assessment report for the construction of PPRC – Renewal and upgrade project.

### **Background**

1. Built in 2003 the Pelican Park Recreation Centre has 1,304 members and an annual visitation of 226,000 across the following facilities and services:
  - 25 metre indoor pool with lap lanes

- Leisure pool
  - Toddler pool with aqua play
  - Spa and steam facilities
  - Fully equipped gym
  - Functional training area
  - Group exercise classes and personal training
  - Learn to swim classes / school swimming programs
  - Aqua Aerobics.
2. With the facility over 20 years old, multiple asset components are reaching end of life. The pool boilers are constantly failing and requiring expensive maintenance to keep them operational and require urgent replacement.
  3. Due to the extensive closure period required to replace the boilers, it has been proposed to deliver other works during the closure to eliminate the risk of additional closures in the next few years as well as improving the facility.
  4. The project has a total budget of \$4,425,000, including \$1,225,000 from FY 23/24 plus an adopted budget of \$3,200,000 as part of FY24/25. Additional funding is required to deliver the project. Further details are outlined in the confidential section of this report.
  5. The project is to renew and upgrade Pelican Park, along with providing all required services to allow the electrification of the facility. Project scope includes the following:
    - (a) Mechanical and electrical services upgrade, including:
      - (i) Gas boiler replacement.
      - (ii) Internal pipework replacement.
      - (iii) United Energy power supply upgrade, including main switchboard upgrade.
    - (b) Pool shell repair and retiling.
    - (c) Pool plant equipment replacement.
    - (d) Changeroom renewal.
    - (e) Full facility painting and flooring renewal.
    - (f) Urgent roofing repairs.
    - (g) Steam room upgrade.
    - (h) Improved building security.
    - (i) Maintenance works to Pelican Café
    - (j) Other miscellaneous and compliance works.

**3.7 (Cont.)**

6. Whilst future proofing for electrification has a financial impact for the project, it will mean the new switchboard, power supply, plant, equipment and pipework will allow for installation of electric heat pump technology without requiring lengthy closures of the facility in the future.
7. Tender options for the reconstruction of a new bin cage area as well as additional roofing renewal works have been recommended. The bin cage works will address Operational Health and Safety (OHS) and operational issues with the current bin cage area. The additional roofing renewal works, whilst not considered urgent, will reduce the requirement in the next 5-10 years and be significantly more efficient to be undertaken prior to rooftop plant replacement works being undertaken as part of this project.

**Options for consideration**

1. Approval of the recommended tenderer within this report, without the allocation of additional funding.

This option has significant risks as listed below:

- Additional closure required within next few years to deliver remaining items.
- Higher costs to undertake works in near future as works will be required over coming years.
- No visible changes to facility users, may cause membership to not recover to pre-closure numbers and reputational risks.
- Not providing future proofing for electrification, potentially restricting grant opportunities in the future.
- Ongoing OHS issues for centre management.

**Tender Invitation**

An expression of interest (EOI) was advertised to the market on 23 March 2024 via The Age newspaper, the Mornington Peninsula Shire's website and Tenderlink. This EOI was advertised to gauge market interest in completing these works in the complex aquatic centre environment and within the required timeline to align with the advertised facility closure period.

The EOI closed at 3:00pm on 17 April 2024.

Five (5) submissions were received. These EOI submissions were evaluated, and it was determined that four (4) of the received submissions were suitable to be invited to quote for the required construction works.

A private tender was advertised to the four (4) successful EOI contractors on 14 June 2024 via Tenderlink.

The tender closed at 3:00pm on 17 July 2024.

Two (2) submissions were received.

3.7 (Cont.)

**Tender Evaluation**

Zero submissions did not pass mandatory gateways or were deemed to be non-conforming submissions.

Both (2) submissions progressed to evaluation and were assessed against the following criteria:

<b>Criteria</b>	<b>Weighting</b>
Compliance with Tender Schedules	Pass/Fail
Quality Management Systems	Pass/Fail
Operational Health and Safety Systems	Pass/Fail
Environmental Management Systems	Pass/Fail
Departure from Proposed Contract	Pass/Fail
<b>Demonstrated Resources and Capacity</b> Technical, managerial, and physical resources Quality of the proposed organisation and management structure performing the contract. Availability to deliver works based on the commencement time. Previous experience in delivery similar projects	Weighting not disclosed
<b>Approach and Methodology</b> Construction Methodology Relevant expertise and track record in delivering similar projects	Weighting not disclosed
<b>Programme</b> Nominated Program Contractors' identification of key milestones and critical path Duration of key tasks Available date for commencement of work	Weighting not disclosed
<b>Local Procurement</b> Proximity to the Peninsula Local subcontractors	Weighting not disclosed

**3.7 (Cont.)**

Percentage of workforce living on the Mornington Peninsula	
<b>Tender Price</b>	Weighting not disclosed

Evaluation was guided by an approved Evaluation Plan.

**Tender Panel**

The Evaluation Panel consisted of:

<b>Name</b>	<b>Position</b>	<b>Role in Evaluation</b>
Gail Mifsud	Manager – Property and Commercial Services	Project Sponsor
Jessica Lang	Procurement Business Partner	Chair of Evaluation Panel
Elliott Reid	Manager – Infrastructure Projects	Scoring Panel Member and Price Evaluation
Flynn Atkins	Graduate Engineer – Infrastructure Projects	Scoring Panel Member and Price Evaluation
Jordan Stewart	Contract Manager - Electrical & Solar, ESM, Auto Doors & Lifts	Scoring Panel Member (Non-Price)
Alex Christie	Team Leader – Project Delivery (Western Port)	Technical Advisor
Kara Edwards	Project Coordinator Recreation and Aquatic Future Contracts	Technical Advisor
Petra Gallagher	Contract Facilitator - Aquatic and Recreation	Technical Advisor
James Hall	Team Leader - Commercial Services	Technical Advisor
Ryan Wilcox	Team Leader – Buildings Management	Technical Advisor
Derek Rotter	Director – Infrastructure	Technical Advisor

**CONTRACT VALUE**

The lump sum value of \$XXX plus \$XX GST being for CN2826 Pelican Park Recreation Centre – Renewal and Upgrade as disclosed in the confidential section of this report.

**TERM OF CONTRACT**

The term of this contract will comprise a total 34-week program. This consists of a 12-week design period and 22-week construction period, as identified in the tender submission received from Tenderer A for CN2826 Pelican Park Recreation Centre – Renewal and Upgrade.

A 12-month defects and liability period will follow upon practical completion of the works.

**DELEGATED AUTHORITY ASSESSMENT**

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

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

**ENGAGEMENT**

Mornington Peninsula Shire officers are working with the current Pelican Park Management and Operations contractors to investigate options to reduce the impact of the temporary closure for members and the community.

**COMMUNICATIONS PLAN**

As the centre is required to be temporarily closed for the works to be undertaken a communication plan will be implemented to ensure users are aware of the works and to encourage continued participation at our other aquatic and recreation facilities. Advice regarding the temporary facility closure will be advertised throughout the centre, through social media, via membership newsletters and direct contact with local schools.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

The replacement of the failing heating, ventilation and air conditioning (HVAC) systems will contribute to the optimisation of the centre operations and lead to reduction of carbon emissions.

In designing the package of works consideration has been made to allow for future centre electrification.

**FINANCIAL CONSIDERATIONS**

The project has a total budget of \$4,425,000 including \$1,225,000 from FY 23/24 plus an adopted budget of \$3,200,000 as part of FY 24/25. Additional funding is required to deliver the project, inclusive of futureproofing works for electrification and recommended tender options. Further details are outlined in the confidential section of this report.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

### 3.8 Building Maintenance Services Contracts Procurement Update

Prepared By	Liz Oswin, Senior Project Manager - Major Projects; Edward Pocock, Project Director - Future Maintenance Services
Authorised By	Acting Director - Infrastructure
Document ID	A13265246
Briefing Note Number	Not applicable
Attachment(s)	<ol style="list-style-type: none"><li>Attachment 1 - Council Report - 3.6 The Award of Councils Building Maintenance Contracts - 5 March 2024.pdf (confidential)</li><li>Attachment 2 - Awarded Building Maintenance Service Contract Values.docx (confidential)</li></ol>

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#### EXECUTIVE SUMMARY

As part of the Future Maintenance Services project, Council has revised its approach to maintaining building assets. Until 30 June 2024, building maintenance services were provided by a head contractor under contract CN1743 Building Services. The new approach involves a series of direct service contracts and the creation of an in-house Buildings Trades team to handle basic handyperson type works.

Over the past twelve months, Council has been progressively tendering the proposed direct building maintenance service contracts. At the 5 March 2024 Council Meeting, Council delegated authority to the Chief Executive Officer (CEO) to accept recommended tenders for ten building maintenance services contracts and requested that a quarterly report be tabled to a Council meeting detailing the completed contracts awarded under delegation.

Since the 5 March 2024 Council Meeting, seven building maintenance service contracts have been awarded under CEO delegation. In addition, two building maintenance service contracts were awarded by Council decision. All awarded contract values are within the estimated contract spends noted by Council at the 5 March 2024 Council Meeting and are accounted for in Council's future budgets. A further two building maintenance services contracts are in the final stages of procurement.

The procurement process for CN2761 Automatic Doors and Vertical Transport Devices was abandoned due to no conforming submissions being received. Separate and simplified contracts were subsequently prepared for automatic door servicing and lift servicing, with an invitation to quote process conducted.

Three remaining services, asbestos management, painting and flooring, are now intended to be included in the replacement of the existing CN2174 Building Trades and Specialised Services Panel, with a further service for carpentry and after-hours support being scoped for procurement later this financial year.

#### RECOMMENDATION

##### That Council:

- Notes the procurement status of the building maintenance services contracts listed in Table 1.
- Notes the procurement process for CN2761 Automatic Doors and Vertical Transport Devices was abandoned.

**3.8 (Cont.)**

3. That Council resolves that Attachments 1 and 2 to this report be retained as confidential items pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as they contain private commercial information that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

**COUNCIL & WELLBEING PLAN**

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

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 B, G, 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.
- G. The ongoing financial viability of the Council is to be ensured.
- I. The transparency of Council decisions, actions and information is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

At the Council Meeting held on 5 March 2024, Council:

- a) Delegated authority to the CEO to accept recommended tender for ten building maintenance services contracts and to execute the contracts with each of the successful tenderers.
- b) Requested that three of the proposed contracts, CN2758 Electrical and Solar Systems Maintenance Services, CN2759 Plumbing Systems Maintenance Services and CN2761 Automatic Doors and Vertical Transport Devices Maintenance Services, return to Council as separate reports.
- c) Approved further expenditure over the tendered pricing for each contract up to specified contingency amounts and noted estimated total expenditures for each Contract.
- d) Requested a quarterly report to a Council Meeting detailing the completed contracts awarded under delegation.

Further details of the Council decision are provided in Attachment 1.

**DISCUSSION**

The following table (Table 1) sets out the status of the various building maintenance service procurements as listed in the 5 March 2024 Council report.

Table 1

Contract	Award Status	Service Commencement
CN2638 HVAC Systems	Awarded under CEO delegation in mid-May 2024	1 July 2024
CN2737 Essential Safety Measures	Awarded under CEO delegation in mid-May 2024	1 July 2024
CN2758 Electrical and Solar Systems	Awarded by Council Decision on 3 June 2024	1 July 2024
CN2759 Plumbing Systems	Awarded by Council Decision 3 June 2024	1 July 2024
CN2760 Security Services	Awarded under CEO delegation in late June 2024	1 July 2024
CN2757 Graffiti Management Services	Awarded under CEO delegation in late June 2024	15 July 2024
CN2764 Gutter Cleaning	Awarded under CEO delegation in early August 2024.	1 September 2024*
CN2804 Pest Control	In final stages of tender evaluation.	1 September 2024*
CN2805 Roof Access and Fall Arrest Systems	In final stages of tender evaluation.	1 September 2024*
CN2761 Automatic Doors and Vertical Transport Devices	Procurement process abandoned (see further comments below)	NA
CN2762 Asbestos	Asbestos management works now intended to be covered as part of replacing Council's existing CN2174 Building Trades and Specialised Services Panel.	NA
CN2806 Painting	Painting works now intended to be covered as part of replacing Council's existing CN2174 Building Trades and Specialised Services Panel.	NA
CN2803 Flooring	Flooring maintenance now intended to be procured under CN2174 Building Trades and Specialised Services Panel.	NA

\* *Expected commencement*

The procurement process for CN2761 Automatic Doors and Vertical Transport Devices was abandoned following the close of the tenders due to no conforming submissions being received.

Separate and simplified contracts with a shorter two-year duration were subsequently prepared for automatic door servicing and lift servicing. These contracts have been

**3.8 (Cont.)**

subsequently procured via two separate invitations to quote processes and awarded as set out below.

<b>Contract</b>	<b>Award Status</b>	<b>Service Commencement</b>
CN2823 Lift and Hoist Maintenance Services	Awarded under CEO delegation** in early August 2024.	To be confirmed
CN2825 Automatic Doors Maintenance Services	Awarded under CEO delegation** in early August 2024.	To be confirmed

*\*\*in accordance with the Instrument of Delegation Council to Chief Executive Officer dated 16 May 2023*

CN2762 Asbestos, CN2806 Painting and CN2803 have not proceeded to tender as it was deemed more efficient to include these services as part of the replacement of Council's existing CN2174 Building Trades and Specialised Services Panel. The existing panel is due to expire later this financial year.

A further contract is being prepared for carpentry services as well as to provide general after-hours building maintenance support. This service need was identified in the lead up to the transition to the revised building maintenance approach following a further review of works delivered under CN1743 Building Services. At this stage, a tender is planned to be released for these services later this year.

**FINANCIAL CONSIDERATIONS**

Each contract value has been assessed against the estimated contract spend noted by Council at the 5 March 2024 Council Meeting. The total awarded value of the contracts as a collective is tracking within the estimated contract spend for the building maintenance services contracts. The awarded contract values tracked against the estimated contract spends noted by Council are provided in Attachment 2.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

### 3.9 Asset Management Policy Review

Prepared By	Tsegay Bein, Team Leader - Asset Management
Authorised By	Acting Director - Infrastructure
Document ID	A13273884
Briefing Note Number	BN1956
Attachment(s)	<ol style="list-style-type: none"><li>1. Asset Management Policy 2024 - for adoption</li><li>2. Asset Management Policy 2020 (Current)</li><li>3. Asset Management Vision and Framework 2024</li><li>4. Asset Management Policy - Community Engagement Report (confidential)</li></ol>

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#### STATEMENT OF CONFIDENTIALITY

Not applicable.

#### EXECUTIVE SUMMARY

The Mornington Peninsula Shire Asset Management Policy provides clear guidance for managing assets at Mornington Peninsula Shire. It is designed to translate the Shire's overall strategic goals into a framework that ensures sustainable services. These practices will align with section 92 of the *Local Government Act 2020*, emphasising effective and efficient asset management.

#### RECOMMENDATION

That Council:

1. **Adopts the amended Asset Management Policy (Attachment 1)**
2. **Resolves that Attachment 4 to this report be retained as a confidential item pursuant to section 3 (11) of the *Local Government Act 2020* as it contains personal information of residents.**

#### COUNCIL & WELLBEING PLAN

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

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.

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.

**3.9 (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, B, C, D, E, F and G 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.
- E. Innovation and continuous improvement is to be pursued.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.
- G. The ongoing financial viability of the Council is to be ensured.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

At the Council Meeting on 01 September 2020, Council adopted the current Asset Management Policy.

The relevant policies and strategies considered as part of this Policy review are listed below as they govern the Asset Management Policy update:

- Mornington Peninsula Shire, Council and Wellbeing Plan 2021-25
- Mornington Peninsula Shire Asset Plan 2022-2032
- Mornington Peninsula Shire Asset Management Plan 2020

**DISCUSSION****Purpose**

The purpose of this report is to present the amended Asset Management Policy (Attachment 1) to Council for adoption.

**Background**

Assets are essential for the Shire to deliver community services. The Shire is responsible for managing \$3.2 billion worth of infrastructure assets on behalf of the community, and must plan for their acquisition, operation, maintenance, renewal, upgrade, expansion, and disposal. This Policy outlines how the Shire aims to sustainably manage these assets, aligning with its broader strategic goals.

In striving for top asset management practices, the Shire adheres to key principles: being driven by leadership, service-oriented, risk-informed, data-centric, taking a holistic lifecycle view, and considering climate impact. These principles guide the Shire's strategic asset management.

**3.9 (Cont.)**

The Asset Management Framework and Vision (Attachment 3) offers a strategic approach, connecting various plans like the Council and Wellbeing Plan, Asset Plan, Asset Management Policy, Asset Management Strategy, Portfolio Asset Management Plans, and Operational Plans. The Shire commits to developing and maintaining the asset management elements within these documents.

This Policy is part of a suite of strategies and plans guiding the Asset Management Team, promoting prudent, transparent, and accountable management of local government assets to tackle current and future challenges.

Adopting this Policy supports responsible financial management and contributes to the Shire's long-term financial planning. The costs associated with these proposed changes are already covered within existing budgets.

**Options for consideration**

Not applicable.

**ENGAGEMENT**

The below engagement actions have been undertaken:

- The Policy amendments were reviewed and supported by the Asset Management Steering Committee in late 2023.
- The draft Policy was presented to Council at the Council Briefings on 27 February 2024.
- The Policy was placed on public exhibition from 30 April 2024 to 4 June 2024.

The Policy was shared on the below platforms as part of the public exhibition process:

- Shape platform survey
- Media release
- Shire website
- Social media
- Signs at selected locations

**Summary of public exhibition**

The summary of the engagement during public exhibition can be found in the Asset Management Policy Community Engagement Project Summary (Attachment 4).

Five submissions were received, and all feedback received related to topics addressed in the Policy.

Each respondent was contacted, and their feedback was discussed.

**COMMUNICATIONS PLAN**

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

## **LEGAL AND REGULATORY FRAMEWORK**

The Shire's Asset Management Policy establishes the principles to integrate asset management with Council and Wellbeing Plan, Financial Plan, and Asset Plan in line with the *Local Government Act 2020*. The *Local Government Act 2020* assigns accountability and responsibility for service delivery together with asset management; and broadly take account of whole of life costing, service levels and financing options.

The Asset Management Policy ensures that Council meet their legislative requirements under:

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Road Management Act 2004*
- Asset Management Accountability Framework 2016

## **CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Climate and Sustainability are two of the six Asset Management Principles in the Policy. These principles are outlined within the Policy as follows:

- **Whole of Life:** Consider each asset's lifecycle and pursue sustainability to meet present needs while preserving resources for future generations.
- **Climate Aware:** Consider the impacts of climate change on assets, the contribution assets make to climate change, and how to best manage assets during a climate emergency.

## **FINANCIAL CONSIDERATIONS**

The recommendation before Council is accommodated within the adopted budget.

## **OFFICER DIRECT OR INDIRECT INTEREST**

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