



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 3 SEPTEMBER 2024

10:00AM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL**WARDS AND COUNCILLORS**

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

EXECUTIVE TEAM

Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Ms Katanya Barlow Mr Derek Rotter Mr Bulent Oz	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Acting Director – Planning and Environment Acting Director - Infrastructure Chief Financial Officer
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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 Marsh

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

2 PROCEDURAL MATTERS

2.1 Apologies

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

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meeting held on 20 and 26 August 2024, be confirmed.

2.4 Councillor Briefing Sessions

Councillor Briefing Sessions – 13 August 2024

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 13 August 2024

2.5 Council Decision Register

Attachment(s)	1.	2019 Council Decision Register
	2.	2020 Council Decision Register
	3.	2021 Council Decision Register
	4.	2022 Council Decision Register
	5.	2023 Council Decision Register
	6.	2024 Council Decision Register

PURPOSE

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

Attached are Summaries of the 2019-2024 Decision Registers (Attachments 1-6) as at 26 August 2024.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2024 (Attachments 1-6) as at 26 August 2024.

2.6 Public Question Time

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

The aim of public question time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Questions with or without notice can be submitted.

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

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

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

3 COUNCILLORS AND DELEGATES REPORTS

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

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

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

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

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

4 MANAGEMENT REPORTS

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.1 Visitor Paid Parking

Prepared By	Marcus Harris, Team Leader - Major Project Coordination; Cameron Hayes, Senior Project Manager - Peninsula Parking Management
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13249914
Briefing Note Number	BN1952 – 13 August 2024
Attachment(s)	1. Evaluation of the Visitor Paid Parking Pilot 2. MPS Visitor Paid Parking Strategic Recommendations Report

EXECUTIVE SUMMARY

The Mornington Peninsula Shire (Shire) attracts large numbers of day trippers and holiday makers, particularly during the peak summer period. Most visitors travel to the municipality in private vehicles and park in the vicinity of foreshore areas and surrounding residential streets. This significant seasonal visitation along with a growing local population puts increasing pressure on existing public car parking and foreshore infrastructure.

In the 2022-23 financial year, the cost of maintaining foreshore and tourism-related infrastructure and providing associated services across the Shire was approximately \$8 million. This is predominantly funded by ratepayers.

The Visitor Paid Parking Pilot (the Pilot) commenced on 1 December 2023 at Flinders Pier Foreshore carpark (Flinders), Schnapper Point Foreshore carpark (Mornington) and Sunnyside Beach Foreshore carpark (Mount Eliza) to investigate opportunities to decrease the financial burden on ratepayers and increase access to parking for residents and visitors.

The Pilot was designed to enable Council to test business rules, trial new technology and assess any flow on impacts to Shire residents and businesses on a smaller scale before considering making it permanent across the Peninsula. The Pilot allowed for the collection of real-time data regarding parking trends and financial results as well as capturing community feedback. The findings can now be presented, nine months after the Pilot commencement in line with the original decision of Council.

Specialist parking consultants, Australian Parking Consultants (APC), were engaged to evaluate the Pilot and provide a Pilot Evaluation Report based on the first 7 months of data. Their assessment aims to evaluate the Pilot's outcomes against key performance indicators (KPIs) and concludes that the Pilot has successfully achieved its primary objectives. The report identifies key learnings and highlights areas for improvement if Visitor Paid Parking is to be made permanent within foreshore areas across the Peninsula. Refer to Attachment 1 – Evaluation of the Visitor Paid Parking Pilot.

Expert transport planning and parking consultants, Stantec were engaged to undertake financial modelling and prepare a range of strategic recommendations for Visitor Paid Parking using data collected throughout the Pilot and their industry expertise. Refer to

4.1 (Cont.)

Attachment 2 – MPS Visitor Paid Parking: Strategic Recommendations Report. The report outlines learnings, themed suggestions, including the rationale and importance of each and a proposed framework for the implementation of permanent Visitor Paid Parking.

The findings support making Visitor Paid Parking permanent across all Mornington Peninsula Shire Port Phillip Bay foreshore areas and propose supporting mechanisms, including further parking management planning, reinvestment considerations, and localised implementation plans informed through community and stakeholder engagement.

To allow for these high priority recommendations to be addressed and ensure a well-planned and community-focused implementation of Visitor Paid Parking across all Mornington Peninsula Shire Port Phillip Bay foreshore locations, it is proposed that the Pilot be concluded in line with the end of the current service provider's contract.

RECOMMENDATION

That Council:

- 1. Notes the Pilot Evaluation Report as per Attachment 1 – Evaluation of the Visitor Paid Parking Pilot.**
- 2. Notes the Strategic Recommendations Report as per Attachment 2 – Mornington Peninsula Shire Visitor Paid Parking: Strategic Recommendations Report.**
- 3. Approves the implementation of permanent Visitor Paid Parking across all Mornington Peninsula Shire Port Phillip Bay foreshore areas.**
- 4. Approves the recommendations contained within Attachment 2 to be used as a guide when implementing Visitor Paid Parking permanently.**
- 5. Approves Shire officers commencing the development of an overarching policy, setting a framework for visitor paid parking management, which will be brought back to Council for adoption.**
- 6. Concludes the Visitor Paid Parking Pilot as at 8.00pm Saturday, 14 September 2024.**

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

- 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.

4.1 (Cont.)**RELEVANT COUNCIL DECISIONS AND POLICIES****Council Resolution 30 May 2023:**

At the 30 May 2023 Council Meeting, Council approved the commencement of a Visitor Paid Parking Pilot at three locations, along with Business Rules and technology to be incorporated into the Pilot.

Council approved the Pilot to run for a period of nine months prior to a final review being undertaken and subsequent report being prepared for Council to consider making Visitor Paid Parking within foreshore areas permanent across the Peninsula.

DISCUSSION**Purpose**

The purpose of this report is to present the findings of the Visitor Paid Parking Pilot evaluation and Strategic Recommendations Report to seek Council approval to make Visitor Paid Parking permanent across Mornington Peninsula Shire Port Phillip Bay foreshore areas.

Background

The Shire attracts large numbers of day trippers and holidaymakers, particularly during the peak summer period. Most visitors travel to the municipality in private vehicles and park in the vicinity of foreshore areas and surrounding residential streets. This significant seasonal visitation, along with a growing local population, puts increasing pressure on existing public car parking and foreshore infrastructure.

Parking at most foreshore locations is currently free of charge, and therefore, the cost to maintain these areas is subsidised predominantly via rates. Visitor Paid Parking offers a 'user pays' mechanism for visitors to contribute financially to the maintenance of foreshore infrastructure and associated services. Additionally, Visitor Paid Parking is an important parking management tool that encourages vehicle turnover, improves parking efficiency, and influences transport mode choice.

At the 30 May 2023 Council Meeting, Council approved the commencement of a Visitor Paid Parking Pilot at three locations, along with business rules and technology to be incorporated into the Pilot. Council approved the Pilot to run for a period of nine months prior to a final review being undertaken and subsequent report being prepared for Council to consider making Visitor Paid Parking within foreshore areas permanent across the Peninsula.

The aim of implementing Visitor Paid Parking in Council-managed foreshore parking areas is multifaceted. It seeks to generate income for maintaining essential foreshore infrastructure, including paths, bins, signs, public toilets, and beach cleaning. Additionally, the program is designed to ensure fairer access and increased vehicle turnover, thereby enhancing the overall visitor experience. By creating a more equitable system, it aims to share the costs between residents and visitors and lessen the financial burden on ratepayers.

Visitor Paid Parking Pilot

The Visitor Paid Parking Pilot (the Pilot) commenced on 1 December 2023 at Flinders Pier Foreshore carpark (Flinders), Schnapper Point Foreshore carpark (Mornington), and Sunnyside Beach Foreshore carpark (Mount Eliza), to investigate opportunities to decrease the financial burden on ratepayers and increase access to parking for residents and visitors.

The Pilot was designed to enable Council to test business rules, trial new technology and assess any flow on impacts to Shire residents and businesses on a smaller scale before considering permanency at foreshore areas across the Peninsula. It allowed for the collection

4.1 (Cont.)

of real-time data regarding parking trends and financial results, as well as capturing community feedback. The findings can now be presented, nine months after the Pilot commencement in line with the original decision of Council.

Evaluation

Specialist parking consultants, Australian Parking Consultants (APC), were engaged to evaluate the Pilot and provide a Pilot Evaluation Report based on the first 7 months of data. The report identifies key learnings and highlights areas for improvement to Visitor Paid Parking if it is to be made permanent within foreshore areas across the Peninsula. Refer to Attachment 1 – Evaluation of the Visitor Paid Parking Pilot.

The evaluation considered several key components of the Visitor Paid Parking Pilot, including:

- Aims and Desired Outcomes
- Implementation
- Stakeholder Engagement
- Analysis and Results
- Key Performance Indicators
- Positive and Negative Impacts
- Findings and Moving Forward.

The report assesses data captured for a period of seven months and evaluates the performance of the Visitor Paid Parking Pilot by considering ten KPIs which cover operational, community, technology, environmental, and financial aspects of the Pilot.

The KPIs are:

- Successful implementation of a paid parking platform for visitors
- Successful implementation of an ePermit system for residents
- Assessment of feedback from the community, including visitors, residents and businesses
- Community and driver compliance with regulations
- Net Income (Revenue less the costs of the Pilot)
- Improved utilisation of and accessibility to the foreshore car parks
- Reliable technology and data reports
- Comprehensive and timely management information
- Environmental impact
- Legal, statutory, and regulatory obligations.

4.1 (Cont.)

The report indicates that six of the KPIs shows a positive impact while three are assessed as neutral. Significant community feedback was gathered both before and during the pilot, which has been invaluable in identifying opportunities for improvement and enhancing the user experience.

The report also highlights areas for improvement in the implementation of Visitor Paid Parking, suggests process changes for better support, and identifies key learnings to be considered prior to making Visitor Paid Parking permanent within foreshore areas across the Peninsula.

Pilot Feedback

The Pilot communication plan centred on informing residents about the actions required for ePermits, guiding visitors on parking payment procedures, and explaining the rationale behind the Pilot.

The communication objectives for the Pilot were to inform the community about the project and build support, provide an opportunity for community input, and achieve quality feedback to guide future decision-making.

Key themes from the feedback centred around:

- Frustration with ePermit application process
- Challenges with payment technology
- Request for alternate payment options
- Fee and infringement objections
- Security and data breach concerns
- Disruption to businesses operating within the Pilot locations
- Challenges for international guests
- Lack of clear instruction
- Poor internet coverage.

ePermits

As at 30 June 2024, a total of 22,534 ePermits have been issued: 20,489 to residents, 523 to businesses, volunteers and club members, 540 to whitelist vehicles and 982 to accessible vehicles.

Pilot Expenditure and Revenue

Over the seven-month period, the total visitor parking revenue across the three sites was \$575,946, with a total of 58,000 payment transactions being made.

During this same period, infringement revenue received was \$806,438. Visitor revenue at all three car parks in the four peak months of December to March averaged \$105,889 per month. The data collected shows there is a decline in visitor demand in April, May and June which aligns with typical seasonal trends. The monthly average revenue drops by more than half to \$50,796.

4.1 (Cont.)

Over a 12-month period, up until November 2024, the estimated revenue from the three locations is \$805,000 from visitors and \$1,210,000 from infringements paid, a total of \$2,015,000 should the pilot continue in its current format.

Expenditure incurred for the Pilot has been separated into two categories: Resource Costs and Infrastructure and Expenses. The estimated total cost of the Pilot, for a 12-month period up until November 2024 including one-off expenses, is \$1,405,000.

Deducting all expenses, including one-off costs, it is expected that the pilot sites would generate a net profit of approximately \$610,000 if it was to continue for a 12-month period up until November 2024.

Pilot Evaluation Summary

The evaluation confirms that the Pilot has successfully achieved its primary objectives.

The report also identifies several enhancements and solutions to address issues encountered during the Pilot. It highlights the need to simplify the ePermit process for residents, improve payment methods for visitors, and reduce potential impacts on local businesses.

The financial review of the Pilot also confirms that Visitor Paid Parking will generate revenue for maintaining foreshore infrastructure and create a more equitable cost-sharing system between residents and visitors.

Visitor Paid Parking Moving Forward

Expert transport planning and parking consultants, Stantec, were engaged to prepare a Strategic Recommendations Report for Visitor Paid Parking. Using available data, lessons learnt throughout the Pilot and their industry expertise, they have developed comprehensive financial modelling and a range of recommendations. Refer to Attachment 2 – MPS Visitor Paid Parking: Strategic Recommendations Report.

Financial Modelling

As part of the recommendations report, Stantec has undertaken financial modelling to gain a high-level understanding of potential costs, revenue, and net profit over a five-year period if foreshore Visitor Paid Parking is implemented permanently across the Mornington Peninsula.

A bespoke financial model has been developed to gain a high-level understanding of the revenue and cost implications of a broader implementation of foreshore Visitor Paid Parking across the Peninsula.

There are a number of variables that influence the parking and enforcement dimensions of a parking system, in terms of financial and operational performance, including space, driver, fine, and technology characteristics, as well as fee structures.

Base Case Model

A base case financial model has been developed to reflect what could be considered a 'probable outcome' of making Visitor Paid Parking permanent across Mornington Peninsula Shire Port Phillip Bay foreshore areas. Costs relating to Council staff resourcing, service provider costs, infrastructure set-up costs and recurring and maintenance costs are included in the model.

The base case model developed includes:

- a price of \$6.20 per hour

4.1 (Cont.)

- operating 8.00am to 8.00pm all year round
- introduced at all Mornington Peninsula Shire Port Phillip Bay foreshore areas
- includes off-street parking (within foreshores), as well as on-street parking on both sides of the adjoining road.

The Strategic Recommendations report shows the base case scenario and its projected revenue, costs, and net profit over a five-year period (\$11.7 million). Projecting forward and assuming a consistent yearly profit of \$5.4 million beyond year 5, a 10-year net cumulative profit could be expected in the order of \$38.7 million. Refer to Attachment 2 – MPS Visitor Paid Parking: Strategic Recommendations

Scenario Testing

Scenario testing has been undertaken to understand the sensitivity of several variables within the parking financial model and their relevant impact to the base case net profit. These include parking fee, time period, and parking area variations. Refer to Attachment 2 – MPS Visitor Paid Parking: Strategic Recommendations Report for the details and outputs of the different scenarios.

Strategic Recommendations

The Strategic Recommendations Report outlines key learnings, themed recommendations including the rationale and importance of each, and a proposed framework for the implementation of permanent Visitor Paid Parking.

Recommendations have been prepared under the following themes:

- User experience
- Communications and engagement
- Enforcement
- Technology
- Permit system considerations
- Pricing considerations
- Framework for broader implementation.

The evaluation of the Visitor Paid Parking Pilot, along with the Financial Modelling and Recommendations, supports making Visitor Paid Parking permanent. They highlight critical lessons learned from the Pilot that must be addressed and propose the following key actions to support local businesses, residents, and visitors:

- Simplify the ePermit process for residents
- Improve the payment methods for visitors (i.e. tap and pay stations)
- Consider and reduce potential impacts on local businesses
- Ensure a clear plan for reinvestment of revenue into foreshore infrastructure and amenity

4.1 (Cont.)

- Increase awareness within the community and communicate benefits
- Prepare a Prioritisation Plan that guides the roll-out of Visitor Paid Parking
- Prepare localised Implementation Plans, with a focus on stakeholder engagement to ensure tailored and inclusive outcomes
- Develop a foreshore Visitor Paid Parking management policy.

Conclusion of the Pilot

Based on the learnings from the Pilot and the Strategic Recommendations presented by Stantec, it is recommended that the Pilot concludes, allowing for a number of the high-priority recommendations to be addressed prior to implementing Visitor Paid Parking permanently across all Mornington Peninsula Shire Port Phillip Bay foreshore locations.

The conclusion of the Pilot will allow for:

- Development of a foreshore Visitor Paid Parking management policy
- Preparation of comprehensive tender documents in alignment with key learnings to engage appropriate contractors and service providers
- Implementation planning to facilitate the successful roll-out of Visitor Paid Parking across the designated areas
- Community engagement to ensure localised solutions
- Stakeholder collaboration, including local business engagement, to work through any potential challenges.

Concluding the pilot and addressing these high-priority areas, will assist in a well-planned and community-focused implementation of Visitor Paid Parking across all Port Phillip Bay foreshore locations. It is proposed to conclude the pilot at 8.00pm on Saturday 14 September 2024 in line with the end of the current service provider's contract.

Next Steps

Following a decision to make Visitor Paid Parking permanent and conclude the pilot, officers will commence the preparation of high-priority tasks. This will include the development of tender documentation, a foreshore Visitor Paid Parking management policy, prioritisation and reinvestment plans, and community engagement. A briefing will be provided to the new Council, and a future decision sought on key business rules (such as parking price, time of year, and hours of operation), as part of the overarching policy adoption.

COMMUNICATIONS AND ENGAGEMENT

A comprehensive Communication and Engagement Plan will be developed and activated following a resolution of Council. This Plan will be informed by the lessons learned during the Pilot and demonstrate a commitment to broadening outreach and improving communication across the entire community. The Plan should emphasise increased messaging and engagement efforts, particularly focusing on reaching those who are typically hard to reach, individuals without access to social media, and prioritise the community's opportunities to provide input.

Additionally, before any expansion of Visitor Paid Parking, localised Implementation Plans will be developed to engage directly impacted stakeholders, including businesses. These

4.1 (Cont.)

plans will provide comprehensive information and encourage active involvement from the community as we shape and refine the project details specific to each location.

LEGAL AND REGULATORY FRAMEWORK

Council's legislative powers for introducing paid parking come from the *Local Government Act 1989*, Schedule 11 and Council's legislative powers to enforce the Road Rules come from the *Road Safety Act 1986*. Under this Act, any officer enforcing the Road Rules must be authorised by Council to do so.

Under clause 11 (1) (a) of the *Road Safety (Traffic Management) Regulations 2019*, Councils have the power to erect minor traffic control devices such as parking control signs.

Clause 11 (2) (a), allows Council to erect a minor traffic control device that is for the control of stopping or parking of vehicles on arterial roads in accordance with Part 12 of the Road Rules

Within part 12 of the *Road Safety Road Rules 2017*, regulation 207 makes it an offence to park in an area where parking fees are payable if a driver has not paid the fee and obeyed instructions on the sign.

Where a parking location does not fall under the control of Council, a car parking agreement between Council and the owner of that land may be entered into. The power to enter into such an agreement comes from the *Road Safety Act 1986*, section 90D.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Paid parking provides both financial and logistical incentives for individuals to consider and utilise alternative transportation options, such as ridesharing, carpooling, biking, and walking. This approach can alleviate traffic congestion and enhance environmental sustainability.

The environmental impact of the Pilot has been minimal and the commitment to a technology-based approach has and will continue to eliminate the need for consumables such as tickets, receipt rolls, paper permits and parking infringement notices being placed on windscreens.

FINANCIAL CONSIDERATIONS

Implementing Visitor Paid Parking permanently across all Mornington Peninsula Port Phillip Bay foreshore areas would support the long-term financial sustainability of the Shire. Visitor Paid Parking can not only generate a steady revenue stream for the Council but also ensure that visitors contribute fairly to the maintenance and improvement of these beautiful and heavily frequented areas.

While there will be a need for upfront funding to establish the necessary infrastructure and systems, the payback period is expected to be minimal. With the high volume of visitors to these foreshore areas, the revenue generated will quickly offset the initial investment, and once this payback is achieved, it can provide a significant net return annually.

These funds can then be reinvested back into the community, enhancing public amenities and maintaining services for residents and visitors.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.2 Adoption of Our Customer Strategy 2024 - 2028

Prepared By	Kylie Peterson, Customer Experience Manager; Patrick Dillon, Manager - Customer & Transformation
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A12997941
Briefing Note Number	BN1878 – 23 April 2024 & BN1954 – 13 August 2024
Attachment(s)	1. Our Customer Strategy 2024-2028 2. Draft Our Customer Strategy 2024 - 2028 - Public Exhibition feedback insights

EXECUTIVE SUMMARY

Our Customer Strategy 2024-2028 (the Strategy) will ensure the Mornington Peninsula Shire (the Shire) better understands and meets our community's needs, always putting their interests first. The Strategy outlines the Shire's approach to ensuring every interaction with the community is meaningful, aiming to provide services that truly make a difference and meet the varied needs of our community. This approach seeks to strengthen our community's connection and satisfaction with Council, making every interaction easier and more effective, and ensuring our services are cost-effective. This way, we build more trust and confidence in Council's work.

The Strategy aims to:

- Ensure our services match the responsiveness and efficiency of leading providers, boosting customer satisfaction.
- Ensure our customers can easily access services through their preferred methods, consistently meeting their needs and strengthening community trust in Council.
- Ensure we deliver services more quickly and effectively, with straightforward processes, more self-service options, and less bureaucracy.
- Ensure continuous service enhancement, informed by customer feedback, enhances our understanding, decision-making, and prioritisation of services.
- Ensure our services cater to a wide range of customer needs, ensuring reliability, user-friendliness, inclusivity, and community-centred engagement while upholding Council's commitments to the community.

Community consultation on the draft Strategy was undertaken in Q4 of FY24 and minor updates have been made to the draft document to reflect the feedback received.

The final version of the strategy is presented to Council for adoption.

RECOMMENDATION

That Council adopts the document 'Our Customer Strategy 2024-2028' (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 3.3: 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 E and I which are:

E. Innovation and continuous improvement is to be pursued.

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

RELEVANT COUNCIL DECISIONS AND POLICIES

The Strategy is aligned with all public-facing Council Policies.

DISCUSSION

Purpose

The purpose of this report is to seek Council adoption of Our Customer Strategy 2024-2028.

Background

- The development of Our Customer Strategy 2024-2028 (Attachment 1) is a key strategic piece of work that enables us to move towards our organisation's vision of an adaptable and community-centred service delivery model and supports all departments in ensuring our customers are at the heart of everything we do.
- Research has shown that communities who are more satisfied with their customer interactions with their Council are, on average, more satisfied with their Council's overall performance.
- The four objectives of the Strategy are:
 1. Understand and meet customer needs through enhanced listening and learning.
 2. Develop our skills and responsiveness for higher customer satisfaction.
 3. Strengthen relationships through continuously improving our Customer Experience performance.
 4. Sustain community trust by growing our customer-focused culture and Customer Experience maturity.

Each objective contains 10 key actions that outline what we plan to do. This detail can be found in the Action Plan contained within the Strategy.

- The development of Our Customer Strategy 2024-2028 is a key deliverable for the organisation and is outlined in our Organisational Plan.

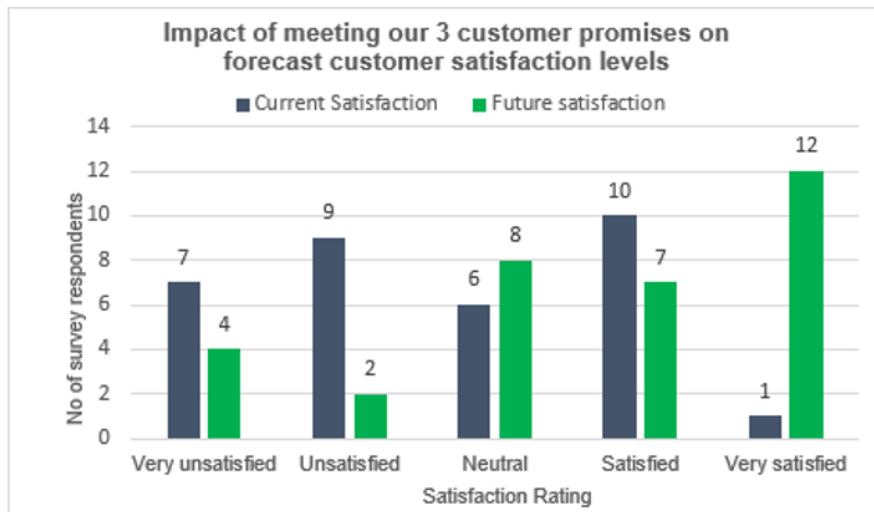
- The Strategy outlines:
 - What is the strategy, and how and why was it developed.
 - Why change is needed and what we aim to achieve.
 - Who our customers are and what services they use.
 - How our customers contact us.
 - What our customers have told us about their experience with us.
 - Our customer promises.
 - How we will measure and report on progress.
 - Our four strategic objectives.
 - Our action plan (containing 40 actions) to deliver on our strategic objectives.
- The draft Strategy was presented at a Council Briefing on 23 April 2024, and a Council meeting on 14 May 2024, where it was endorsed for public exhibition.
- The updated draft Strategy was presented in a Council Briefing on 13 August 2024.
- Improving our community relationships, satisfaction, and trust in Council has been a key driver for the Customer and Transformation team since its inception in mid-2023.

Options for consideration

Shire officers recommend that Council adopts the Strategy and commences implementation.

ENGAGEMENT

- Community consultation on the draft Strategy ran via the Shape platform from 24 May to 20 June 2024.
- During the consultation period, we received 33 community submissions, which confirmed that implementing our new customer promise contained within our three Customer Charter commitments and referenced in the Strategy will improve community satisfaction. The consultation revealed that the proposed emphasis and actions in the Strategy will address the bulk of the feedback. The submissions showed that:
 - 16 (48%) submitters expressed dissatisfaction with the Shire services used.
 - 19 (57%) submitters would be more satisfied if Council fulfilled its three new customer charter commitments.



- An overview of submissions and how they have been considered is included as part of Attachment 2.
- Three actions were amended as a result of the feedback received. These changes were to incorporate recommendations relating to advances in technology, more inclusive language, and improving the way we capture customer interactions in our system.
- All insights, where relevant, have been updated to include 2024 data.
- Significant consultation has also been undertaken to inform the Strategy. Interviews with critical stakeholders, broad surveying of the community and workshops with Councillors and Shire officers have given a broad base of information upon which the Strategy is based.
- Phone, online and in-person surveys of 4,032 community members were obtained via customer satisfaction surveys run in 2023 and 2024 and used to develop the Strategy.
- Recent customer research and performance results from various key services across Council were reviewed to develop the Strategy.
- Interviews were conducted with all senior managers across the organisation.
- Interviews were conducted with all frontline staff in the Customer Support team.
- Workshops were held with all staff on customer interactions and opportunities for improvement.
- Workshops with Councillors were held to discuss data and findings, highlight key focus areas, and discuss the approach to strategy development.

COMMUNICATIONS PLAN

Communication will be undertaken post-adoption of the Strategy to acknowledge and promote the initiatives, to be delivered in the coming years.

LEGAL AND REGULATORY FRAMEWORK

Not applicable

4.2 (Cont.)

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable

FINANCIAL CONSIDERATIONS

Of the 40 actions outlined in the Strategy, the majority will be delivered from within Council's existing resources.

Some actions will have additional budget requirements. Year one actions of the Strategy have been funded through the FY25 budget process.

Years 2, 3, and 4 actions requiring funding will be taken through Council's future budget processes seeking support to prioritise and deliver these initiatives.

OFFICER DIRECT OR INDIRECT INTEREST

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

COMMUNITY STRENGTHENING

4.3 Draft Reconciliation Action Plan 2024-2026 - For Adoption

Prepared By	Jacinta Lane, Reconciliation Inclusion Officer; Elizabeth Orlov, Team Leader - Community Inclusion; Chris Munro, Manager - Community Partnerships
Authorised By	Director - Community Strengthening
Document ID	A12929499
Briefing Note Number	BN1947 – 13 August 2024
Attachment(s)	1. Draft Reconciliation Action Plan 2024-2026

EXECUTIVE SUMMARY

The purpose of this report is to recommend the adoption of the Draft Reconciliation Action Plan (RAP) 2024-2026 (Attachment 1), following the public exhibition period.

The draft RAP is a two-year commitment and requires Council to develop and strengthen relationships with Aboriginal and Torres Strait Islander peoples, engage staff and external stakeholders in reconciliation.

The draft RAP has been developed using the framework outlined by Reconciliation Australia (RA) and extensive consultation with traditional owners, including Bunurong Land Council and Willum Warrain Gathering Place.

Following Councils adoption, the RAP requires approval by Reconciliation Australia and the Bunurong Land Council.

RECOMMENDATION

That Council:

1. Adopts the Draft Reconciliation Action Plan 2024-2026 (Attachment 1).
2. Endorses the Mornington Peninsula Shire Reconciliation Action Plan 2024-2026 to be submitted to Reconciliation Australia and Bunurong Land Council for review and endorsement under the Reconciliation Australia Framework.
3. Delegates to the Chief Executive Officer approval of any minor wording changes recommended by Bunurong Land Council and Reconciliation Australia

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

4.3 (Cont.)

- Strategic Objective 3.1: A healthy and self-determined community where everyone feels valued, supported and safe.
- Strategic Objective 3.2: A resilient and confident community where everyone connects and is supported.
- 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, F and H 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.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

RELEVANT COUNCIL DECISIONS AND POLICIES

At the Council Meeting held on 25 June 2024 Council endorsed:

That the Draft Innovate Reconciliation Action Plan 2024-2026 be placed on public exhibition for a period of four weeks to seek our community's feedback.

Part B

- A. Will release a statement to the community via a media release on 26 June to address any misinformation circulating in the media regarding the intent of the RAP. (A copy of the statement can be found [here](#))
- B. Can not and will not change or seek to change the date of Australia Day or how Australia Day is acknowledged or celebrated. That is a matter for the Commonwealth Government, and outside the powers of Council. The RAP does not propose to change the date of Australia Day.
- C. Will continue to host a Citizenship Ceremony and Australia Day Awards Ceremony on 26 January each year. The RAP does not propose any change to these arrangements.
- D. Will continue to support, via Council's Community Investment Funding program, community groups and organisations who wish to acknowledge or celebrate Australia Day on 26 January each year. The RAP does not propose any change to these arrangements.

4.3 (Cont.)**DISCUSSION****Purpose**

The purpose of this report is to recommend the adoption of the Draft Reconciliation Action Plan (RAP) 2024-2026 (Attachment 1), following the public exhibition period.

Background

A RAP provides a formal statement of commitment to reconciliation at an organisational level. The RAP is trademarked to Reconciliation Australia, and while there are merits and recognitions associated with using it, it is not a legislated requirement.

Reconciliation Australia's RAP program provides a common framework to develop plans that outline practical actions the organisation will take to build strong relationships and enhance respect between Aboriginal and Torres Strait Islander peoples and other Australians.

Most Councils utilise the RAP framework as best practice approach to satisfy their legislative requirements. The framework helps to embed the voices and priorities of Aboriginal communities at a local government level and ensures a commitment to taking meaningful, accountable action to advance reconciliation.

The framework is a nationally recognised process adopted by Reconciliation Australia, an independent, not-for-profit organisation established in 2001 and recognised as the national expert body on reconciliation in Australia.

RAPs are based on the core pillars of relationships, respect and opportunities. They provide tangible and substantive benefits for Aboriginal and Torres Strait Islander peoples, by increasing equity and supporting First Nation's self-determination.

It was advised by Reconciliation Australia that the Mornington Peninsula Shire pursue an Innovate Reconciliation Action Plan. Developing a RAP is a journey and a collaborative partnership with Reconciliation Australia.

The draft RAP is a two-year commitment and requires Council to develop and strengthen relationships with Aboriginal and Torres Strait Islander peoples, engage staff and external stakeholders in reconciliation, as well as develop and pilot strategies to empower Aboriginal and Torres Strait Islander peoples.

By endorsing an Innovate RAP the Shire would:

- Implement a tried and tested framework, that is proven to drive reconciliation through practical actions.
- Formalise Council's commitment to reconciliation.
- Enhance our ability to partner with key external stakeholders.
- Ensure more effective and relevant service delivery to the local Aboriginal and Torres Strait Islander community.
- Join the numerous organisations who have developed RAPs and align with them.

In 2023 Reconciliation Australia reported that 1,873 organisations have a Reconciliation Action Plan with a collective impact of 5,404,826 people working or studying in an organisation with a RAP.

4.3 (Cont.)

A range of different organisations have RAP's, including Not for Profits, peak bodies, sports clubs and private industry, Federal, State and Local Governments.

Some examples of the varied types of organisations, other than local governments, who have a RAP are South East Water, Housing Choices Australia, the AFL, NewsCorp (Herald Sun), BHP, Housing for the Aged Action Group Inc, Australian Red Cross, Ecology Australia, Qantas and Monash Health.

The draft RAP has been developed in consultation with traditional owners, including Bunurong Land Council and Willum Warrain Gathering Place.

ENGAGEMENT**Pre Consultation (was undertaken to inform the development of the plan)**

A culturally safe engagement approach was undertaken between January and February 2024 to inform the development of the new plan.

Feedback was obtained from 123 community members including representatives from Indigenous organisations, Traditional Owner groups and the Registered Aboriginal Party.

Post Exhibition

The draft RAP was placed on public exhibition from 25 June – 25 July 2024.

The draft RAP was advertised as follows:

- Shape platform survey
- Media Release
- Shire Website
- Social media
- Feedback booths customer service, Libraries, Willum Warrain and Nairn Marr Djambana
- Engagement with key stakeholders and aboriginal business groups.

SUMMARY OF CONSULTATION

The Reconciliation Action Plan Community Survey was completed by 10 identified Aboriginal and/or Torres Strait Islander community members.

There were **157** responses to the online survey.

- 31% of participants supported Councils RAP (satisfied-very satisfied)
- 20% of participants supported Councils RAP (neutral/not indicated)
- 49% of participants did not support Council having a RAP (not satisfied).

Aboriginal and Torres Strait Islanders Stakeholder Feedback

- Potentially should be Reflect RAP as it has been delayed for one year.

4.3 (Cont.)

- Noted an opportunity to be engaged in officially naming the RAP in the future.
- Expressed the desire for additional Gathering Places on the Peninsula

Broader Community

A range of views were expressed by the community during the public consultation period.

Those who were not supportive of Council having a RAP, expressed views including:

- Do not support Local Governments involvement in Reconciliation or Treaty
- Views that the Country Voted No to Indigenous Voice, noting Council should not have a RAP.
- Having a RAP is divisive.
- Believe that ratepayers funding should be diverted to more critical issues.

Unfortunately, there was some negative commentary and response, likely driven from the inaccurate article in the media suggesting that the RAP proposes an Indigenous Voice following the referendum.

This generated a number of direct submissions from the wider community regarding Indigenous Voice (not directly relevant to the development of a new Shire RAP) and broader views regarding local governments role in Reconciliation.

Those who were in support of a RAP expressed views including:

- Further commitment to First Nations employees
- Request for more education for broader community
- Support for Aboriginal and Torres Strait Islander Businesses
- Congratulating the Shire for taking a stand
- Shire wide commitment to support implementation of the RAP.

SUMMARY OF CHANGES TO ACTION PLAN POST FEEDBACK

Feedback	Proposed Changes
Do not support Local Governments involvement in Reconciliation or Treaty. Having a Reconciliation Action Plan is divisive.	No changes proposed. The RAP ensures the Mornington Peninsula Shire Council meets and delivers on its legislative requirements.
Views that the Country Voted No to Indigenous Voice, noting Council should not have a RAP.	The RAP proposes to establish an advisory committee that will give lived experience advice to Council. Like all our other advisory committees, such as the Disability Advisory Committee or the Triple A Housing Committee, there is no delegated authority.

4.3 (Cont.)

	Any recommendations must be taken to Council for consideration and a decision.
Further commitment to First Nations employees.	Updated action to provide clarity on identified traineeship position and to develop a plan to create more identified roles.
Request for more education for community	Updated clarity on intention of addition of flag policy protocol relating to mourning. Included addition of education opportunities about the significance of other culturally significant dates. Amended action to raise awareness of Treaty progress and developments within our community and to produce and promote Council media about Victorian Treaty advancement developments.
Support for Aboriginal and Torres Strait Islander Businesses. Expressed the desire for additional Gathering Places on the Peninsula.	Provided more clarity on investigating more locally accessible specific spaces for Aboriginal and Torres Strait Islander people. Including options for Gathering places, business hubs and cultural centres.
Congratulating the Shire for taking a stand.	Noted, no changes proposed.
Noted an opportunity to be engaged in officially naming the RAP in the future.	It is not proposed to officially name the RAP.
Potentially should be Reflect RAP as it has been delayed for one year.	On advice from Reconciliation Australia, they determined that as an organisation we are at a level to continue our Reconciliation journey at the Innovate RAP stage.
Shire wide commitment to support implementation of the RAP.	Added a number of actions the Shire is undertaking to support children and young people

Reconciliation Australia

A number of language, minor wording changes and relocation of some items within the document were recommended by Reconciliation Australia.

A copy of the updated RAP is included in Appendix 1. Amended actions from the public exhibition are noted in yellow; mandatory actions are indicated in white, and proposed actions, in addition to the mandatory actions, are indicated in blue.

COMMUNICATIONS PLAN

Following the adoption of the RAP, the document will be graphically designed with locally inspired artwork to reflect the Mornington Peninsula and the local Aboriginal and Torres Strait Islander peoples.

4.3 (Cont.)

The Community will be informed of the adopted RAPs outcomes via media release, website and via direct contact to key stakeholders.

LEGAL AND REGULATORY FRAMEWORK**Legislative requirements**

The RAP will ensure the Mornington Peninsula Shire Council meets and delivers on the following legislative requirements:

- Victorian Aboriginal and Local Government Strategy 2021-2026
- Aboriginal Affairs Framework 2018-2023
- Korin Korin Balit-Djak: Victorian Aboriginal Health, Wellbeing and Safety Strategic Plan 2017-2027
- 'Closing the Gap': National Indigenous Reform Agreement (Council of Australian Governments).

Council is required under the *Aboriginal Heritage Act 2006*, to engage with the Bunurong Land Council with responsibilities for managing and protecting Aboriginal Cultural Heritage. Therefore, all actions within the RAP that have Traditional Owner engagement, will identify the Bunurong Land Council to fulfill this obligation.

FINANCIAL CONSIDERATIONS

Delivery of actions within the draft RAP will be subject to Council's annual budget process.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.4 Draft "We All Belong" - Inclusion Strategy - For Adoption

Prepared By	Elizabeth Orlov, Team Leader - Community Inclusion; Chris Munro, Manager - Community Partnerships
Authorised By	Director - Community Strengthening
Document ID	A13264909
Briefing Note Number	BN1879 – 23 April 2024 & BN1917 – 18 June 2024
Attachment(s)	1. We All Belong Inclusion Strategy 2024-29 - Draft 2. We All Belong - Engagement Summary - Phase one 3. We All Belong - Engagement Summary Key Stakeholders - Public Exhibition period (confidential)

EXECUTIVE SUMMARY

The purpose of this report is to present Council with the draft 'We All Belong' Strategy 2024-2029' (the Strategy) - Mornington Peninsula's Inclusion Strategy (Attachment 1), following a public exhibition period for consideration for adoption.

People have many interconnected parts to their identity, such as ethnicity, gender, age, sexuality, religion, and ability, known as intersectionality. The many parts of a person's identity can sometimes result in overlapping forms of discrimination and marginalisation which have a significant impact on overall wellbeing.

The Strategy is a new integrated strategy being developed to guide the Mornington Peninsula Shire's (the Shire) work across key life stages (children, young people, older adults) and priority population groups (people with disability, LGBTIQ+ community and people from multicultural communities) over the next five years (2024-2029).

The Strategy has been developed based on feedback from extensive community and stakeholder engagement and supported by local evidence.

The Strategy will help Council to meet and deliver on various State and Federal legislative requirements, including *the Disability Act 2006*, *Age Discrimination Act 2004*, *Equal Opportunity Act 2010*, and *Racial Discrimination Act 1975*.

RECOMMENDATION

That Council:

- 1. Adopts the draft 'We All Belong' Strategy (Attachment 1)**
- 2. Notes that the implementation Action Plan to operationalise the strategy will be further developed in consultation with the Shire's relevant advisory committees and reference groups.**

Part B

That Council resolves that Attachment 3 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

4.4 (Cont.)**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 D, E and H which are:

- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- E. Innovation and continuous improvement is to be pursued.
- 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

The Strategy exists in the broader context of Council's policies and plans that relate to diverse communities, including Council's Gender Equality Strategy (2020-2030) and Access and Equity Policy.

These strategies and policy focus on facilitating the necessary conditions and opportunities to enable everyone utilising the Shire's services, programs and facilities, to be treated fairly, free from any discrimination.

At the Council Meeting on 15 July 2024, Council resolved to place the draft 'We All Belong' Strategy on public exhibition for three weeks.

DISCUSSION**Purpose**

Council is mandated to abide by a range of Commonwealth and Victorian legislation that aims to uphold human rights, safeguard against discrimination, and protect the health and wellbeing of the community. The strategy proposes to take an integrated and intersectional planning approach, with the aim to reduce duplication across previous Council standalone strategies and action plans; whilst providing alignment and identifying nuances within population groups under one strategic document.

The Strategy proposes to replace and integrate the following Council standalone* plans:

- Positive Ageing Strategy 2020-2025*
- Disability Inclusion Plan 2018 -2022*
- Children and Young Peoples Plan
- Multicultural Plan
- LGBTIQ+ Plan.

4.4 (Cont.)

*Council will continue to have a standalone Reconciliation Action Plan 2024-26 and Gender Equality Strategy 2020-2030.

Background**Overview of the draft Strategy**

The Strategy sets out five goals based on what we heard from our local community. These goals are:

1. Connected
2. Empowered
3. Accessible
4. Leading
5. Thriving

These goals support Council to achieve and deliver on our Community Vision. Under each goal there are objectives (what we plan to achieve) and actions (what we plan to do).

OUR GOALS				
Connected	Empowered	Accessible	Leading	Thriving
Our community fosters strong social connections, embraces diversity and promotes equality.	Our community has opportunities to participate in community life and have their voices meaningfully heard.	Our community has access to well-designed built, social, economic, health, digital and natural environments.	Our community benefits from strong advocacy, strategic partnerships and effective leadership.	Our community thrives through delivery of programs and services across the lifespan.

ENGAGEMENT**Pre Consultation Engagement**

A total of 2,193 individual community members provided feedback across a range of engagement methods during November 2023 to March 2024.

A key objective of the community engagement was to target key life stages (children, young people, older adults) and priority population groups:

- people with disability
- LGBTIQ+ (lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual) community members
- people from multicultural communities.

Key findings included:

- Sense of belonging to community was rated as very important by the majority of respondents (60.4%). However, many respondents (61%) reported having felt

4.4 (Cont.)

unwelcomed or experienced discrimination in their community due to gender identity, disability, age, cultural background and financial circumstances.

- Community events, social activities and opportunities to connect with nature, all scored very high for the Shire residents, in helping them feel a sense of belonging to their community.
- Difficulty finding information on what is happening locally, services, programs and activities that do not meet their needs, as well as unaffordable programs, were significant barriers for the Shire residents to feeling connected.

Refer to Attachment 2 (We All Belong Engagement Summary – Phase One).

Council committees and reference groups

Council committees and reference groups have provided significant feedback to date on the development of the Strategy and will continue to be actively involved through the planning and delivery phases:

- Peninsula Advisory Committee for Elders
- Disability Advisory Committee
- Youth Advisory Committee
- FreeZA Committee
- LGBTIQ+ Collaborative
- Peninsula Ethnic Seniors Council
- Mornington Peninsula Seniors Network
- Health and Wellbeing Committee.

Public Exhibition Period Engagement

A period of three weeks public exhibition was held for the broader community to provide feedback on the draft Strategy. This occurred between July and August 2024.

Community was notified by various methods including direct emails, via the Shire's online media channels (including social media, websites and online newsletters), hard copy flyers, and via council committees. Hard copy versions of the online survey were available at Shire libraries, service centres and community centres.

Meetings with relevant advisory committees were held, where possible throughout this period, to ensure feedback was received from key population groups.

Refer to Confidential Attachment 3 (We All Belong - Engagement Summary - Public Exhibition key stakeholders).

SUMMARY OF CONSULTATION

There were **48** responses to the We All Belong community survey.

- 46% of participants supported We All Belong (satisfied-very satisfied)

4.4 (Cont.)

- 33% of participants supported We All Belong (neutral)
- 21% of participants did not support We All Belong (not satisfied).

A range of views were expressed by the community during the public consultation period.

Those who were in support of We All Belong expressed views including:

- Endorsement of the integrated approach to planning
- Understanding that issues are not always unique to one priority population, many crossover

Those who were not supportive of We All Belong, expressed views including:

- Lack of measurable outcomes identified in the Strategy
- Concern around some priority populations being seen as prioritised over others
- Ensuring correct use of language.

SUMMARY OF CHANGES TO STRATEGY POST FEEDBACK

Feedback	Proposed Changes
Lack of measurable outcomes.	Outcome measures have been included for each of the goals within the Strategy and are additional refined measures within the annual Action Plan.
Lack of detail relating to which Shire staff will be implementing actions.	More detail on specific stakeholder team responsibilities will be outlined in the Annual Action Plan (implementation plan). The Action Plan is proposed to be developed annually in consultation with the relevant Shire's advisory committees and reference groups.
Lack of detail relating to First Nations community within the Strategy.	Additional information has been included relating to First Nations community in the Strategy and how it relates to the Reconciliation Action Plan. Noting a standalone Reconciliation Action Plan is required under the Reconciliation Australia framework.
Accessibility of document.	An accessible version of the draft Strategy was updated on the Shape page for the public exhibition period and a new one will also be created for the final document.
Diagram used to explain intersectionality is unclear.	The intersectionality diagram has been removed from the Strategy to avoid confusion.

4.4 (Cont.)

Person first language.	Person first language has been used for people with disability and people who identify as LGBTQIA+.
There is a national shift from the term 'culturally and linguistically diverse'.	The Strategy has been updated to reflect 'multicultural communities'.

IMPLEMENTATION

The Strategy will be operationalised through the development of an annual Action Plan. The Action Plan is proposed to be developed annually in consultation with the relevant Shire advisory committees and reference groups.

An example of some of the key deliverables that the Action Plan will include are below:

Objective 1.1

Facilitate safe and welcoming opportunities for boys/men, girls/women and gender diverse people to connect through the arts, sport, and other recreation and leisure activities.

Action	Deliverable	Priority Population	Stakeholders	Measures
Work in partnership with other levels of government, businesses, organisations and the community to increase the availability of and participation in inclusive sporting, arts and recreation activities.	Improving beach access through delivery and extension of the beach matting program and supporting the use and purchase of beach wheelchairs.	People with a Disability Older People	Community Inclusion Disability Advisory Committee (DAC) Peninsula Advisory Committee for Elders (PACE)	• Number of Programs Delivered • Number of participants • Participant Feedback
	Delivering the Shire's annual Seniors Festival	Older People	Community Inclusion PACE	
Provide opportunities for community led events and initiatives supporting creative development and employability.	Facilitate youth led and co-designed programs including Freeza, Lifeskills and employability programs.	Young People People with a Disability LGBTQIA+	Youth Services Arts & Culture Music Industry	

COMMUNICATIONS PLAN

Once adopted, 'We All Belong' will be made available on the Shire website, including accessible and easy read versions, and in hard copy at Shire libraries and service centres.

LEGAL AND REGULATORY FRAMEWORK

Council is mandated to abide and produce a response to a range of Commonwealth and Victorian legislation that aims to uphold human rights, safeguard against discrimination, and protect the health and wellbeing of the community.

The Strategy meets and delivers on the following legislative requirements for Council:

- *The Disability Act 2006*
- *Age Discrimination Act 2004*
- *Equal Opportunity Act 2010*
- Charter of Human Rights and Responsibilities
- *Racial Discrimination Act 1975*
- *Children Youth and Family Act 2005*
- *Local Government Act 2020.*

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Delivery of actions for financial year 2024-25 are included within Council's operational budget. Future actions relating to implementation of the strategy will be subject to Council's annual budget process.

OFFICER DIRECT OR INDIRECT INTEREST

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

PLANNING & ENVIRONMENT

4.5 Planning Application P23/1156 - 155 Boyds Road, Flinders - Use and development of a dwelling, building works to existing creek crossing bridge and driveway

Prepared By Prash Manickavasagam, Planner

Authorised By Acting Director - Planning & Environment

Document ID A13287203

Briefing Note
Number

Attachment(s)

1. Development Plans [↓](#)
2. Material Schedule [↓](#)
3. Landscape Plan [↓](#)
4. Farm Management Plan [↓](#)
5. Engineering Advice [↓](#)
6. Agriculture Support letter [↓](#)
7. Officer Site visit pictures [↓](#)
8. Planning Submission [↓](#)
9. Officer report [↓](#)
10. Melbourne Water S55 Referral response [↓](#)
11. Planning Policy [↓](#)

EXECUTIVE SUMMARY

This item seeks a decision on Planning Permit P23/1156 for the proposed use and development of the land for a dwelling, building works to existing creek crossing bridge and driveway at 155 Boyds Road, Flinders. This application has been called in by Cr Gill for a decision by Council.

The proposal includes the construction of a single storey dwelling located at the centre of the rear half of the site accessed by an extended gravel driveway which runs along the west boundary. The land currently has a shed at the southwest corner and is used for cutting hay and occasional stock. The owner intends to use the land for “Angus Beef cattle breeding and rearing” for which a dwelling is required for occupants to manage livestock. The use of the land for the agricultural enterprise does not require a planning permit.

The proposal demonstrates an acceptable outcome having regard to the relevant objectives and purposes of the applicable planning controls. The application was publicly notified and did not receive objections.

The applicant has lodged a Section 79 Appeal (applications for review for failures to grant permits) with the Victorian Civil and Administrative Tribunal (VCAT) on 21 August 2024. Council is unable to issue a decision on the application but needs to form its position to be pursued at the VCAT proceedings. It is recommended that the application be supported and that Council advise the Principal Registrar of VCAT that it would have supported the application.

RECOMMENDATION

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, having considered all submissions received to date and all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P23/1156 for the use and development of a dwelling, building works to existing creek crossing bridge and driveway, would have been supported, and that a Planning Permit would have been issued subject to the following conditions:

Amended plans

1. Prior to the commencement of any use and development approved by this permit, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plans will be endorsed and will then form part of the permit. The Plans must be drawn to scale with dimensions and three copies must be provided. The Plans must include:
 - a) The dwelling's setback from the western common boundary reduced to 50 metres. The orientation of the dwelling may be altered but the overall design of the dwelling must generally remain the same.
 - b) A fenced vegetation buffer with a minimum width of 30 metres either side of Spring Creek, including the centrally located dam. The fencing may include a gate for utility access to the dam.
 - c) The provision of fenced landscaping areas within each paddock to accommodate the planting of paddock trees.
 - d) The Farm Management Plan prepared by *EnProve AG & Environment* amended to include the following:
 - i. The dwelling location in accordance with condition 1. a).
 - ii. A fenced vegetation buffer for a minimum width of 30 metres either side of Spring Creek, including the centrally located dam and on-going management actions.
 - iii. The planting of paddock trees in accordance with condition 1. c).
 - iv. Weed management associated with the dams, Karamu (*Coprosma robusta*) and on-going management implemented as actions and include in the development timeline.
 - v. Recommendations associated with soil treatment and on-going management implemented as actions and include in the development timeline.
 - e) The creek crossing ford increased to 52.85 metres Australian Height Datum and six 1,200 mm by 450 mm box culverts installed beneath to allow for conveyance of floor.
 - f) The submitted landscaping plan prepared by Kate Seddon Landscape Design amended to include:
 - i. Changes required pursuant to Conditions 1. a), b) and c).

4.5 (Cont.)

- ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
- iii. The delineation of all excavation, garden beds, paving, grassed areas, retaining walls, fences and other landscape works;
- iv. A range of plant types from ground covers to large shrubs and trees;
- v. All trees must to be installed at a minimum height when planted of 1.5 metres and shrubs installed at a minimum pot size of 150mm.
- vi. At least 80% species selection by type and number must be indigenous to the local Ecological Vegetation Class (EVC 175 Grassy Woodland or EVC 53 Swamp Scrub) to the satisfaction of the Responsible Authority.
- vii. The provision of notes regarding site preparation, planting instructions, plant establishment procedures and any specific maintenance requirements.
- viii. To remove the notation '*additional shed in future*'.

Layout not altered

- 2. The approved development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority (Unless otherwise specified by a condition of this permit, consent is not required for any buildings or works which do not require a planning permit under the Mornington Peninsula Planning Scheme).

Finishes

- 3. Prior to the initial occupation of the dwelling external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.

Materials and colours

- 4. The materials and colours of the exterior finish of the buildings must be in accordance with the Endorsed Plans unless with the further permission of the Responsible Authority.

Wastewater disposal

- 5. All wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

Disturbed Surfaces

- 6. All disturbed surfaces on the land resulting from the development must be revegetated, battered and stabilised to the satisfaction of the Responsible Authority.

Vehicular access

- 7. Prior to the occupation of the dwelling, the driveway must be constructed and thereafter maintained and drained to the satisfaction of the Responsible

Authority.

Implementation of the Farm Management Plan

8. Prior to the initial occupation of the dwelling (or other such time as approved in writing by the Responsible Authority), the land owner/occupier must demonstrate commencement of the Farm management plan as approved (or as varied by the written consent of the Responsible Authority) to the satisfaction of the Responsible Authority. The endorsed Farm Management Plan prepared by *EnProve AG & Environment* must be implemented and maintained in perpetuity, as part of the use of the approved dwelling, to the satisfaction of the Responsible Authority.

Implementation of landscape works

9. Within six months of the occupation of the dwelling hereby approved (or other such time as approved in writing by the Responsible Authority), landscape works as shown on the endorsed plans must be completed and then maintained in a healthy condition, to the satisfaction of the Responsible Authority. Any dead or diseased trees or shrubs must be replaced as soon as possible.

Melbourne Water

10. The dwelling must be setback a minimum of twenty (20) metres measured from the top of bank of Spring Creek.
11. The layout of the development must include a landscaped buffer zone a minimum five (5) metres in width located along the full length of Spring Creek to assist in the protection and restoration of the waterway.
12. Prior to the endorsement of plans, a detailed landscape plan must be submitted to Melbourne Water for approval. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) location of the landscaped buffer zone
 - e) Only local native plants to be used and shown on the landscape plans.
13. The layout and location of the new waterway crossing over Spring Creek must be designed and constructed to the satisfaction of Melbourne Water.
14. Prior to the start of construction, a separate application must be made directly to Melbourne Water for any new or modified waterway crossing. Upon receipt of a

4.5 (Cont.)

formal application for the crossing of the waterway for construction purposes, detailed terms and conditions shall be provided for the proposed works.

15. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:

- a) Silt fencing
- b) Access tracks
- c) Spoil stockpiling
- d) Trenching locations
- e) Machinery/Plan Locations

Permit expiry

16. This permit will expire if either one of the following applies:

- a) The development is not completed within three years of the date of this permit.
- b) The use is not commenced within three years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

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 1.2 – A healthy ecosystem, in which our coastline, bushland, wildlife and green wedge is resilient to the climate emergency and development.
- Strategic Objective 1.4 – An accessible built environment that supports diverse, current and future community needs.

DISCUSSION**Purpose**

The purpose of this item relates to Planning Permit P23/1156 located 155 Boyds Road, Flinders for the proposed use and development of a dwelling, building works to existing creek crossing bridge and driveway.

Proposal	The use of the land for a dwelling, the development of a dwelling, building works to existing creek crossing bridge and driveway.
Zoning and Overlays	• Green Wedge Zone – Schedule 2 (GWZ2) • Environmental Significance Overlay – Schedules 12 & 17 (ESO12, ESO17) • Significant Landscape Overlay – Schedules 6 (SLO6)
Permit Triggers	• Green Wedge Zone – Schedule 2 (GWZ2) • Environmental Significance Overlay – Schedules 12 & 17 (ESO12, ESO17) • Significant Landscape Overlay – Schedules 6 (SLO6)
Advertising	The application was advertised by sending direct notice to adjoining properties.
Submissions	No objection has been received to date.
Consultation	No formal consultation has occurred.
Key Issues	• Whether the use of the land for a dwelling is appropriate • Whether the development design is appropriate • Whether the development siting is appropriate • Whether the proposal protects national trust classified landscapes
Recommendation	Issue a Planning Permit, subject to conditions.

Background

The site is legally identified as Land in Plan of Consolidation 166704M and is irregularly shaped with a lot size of 20.9 hectares. With the exception of a shed, the site is currently undeveloped and is used for cutting hay and occasional stock. Vegetation is located on either sides of the creek and dam at the centre of the lot.

Access to the land is currently via an informal crossover and gravel driveway at the northwest corner of the site. Post and wire fencing is present on all boundaries and within the site, demarcating the land into smaller paddocks.

The Spring Creek runs in a northwest to southeast direction, whereas the contour within the lot generally drops from north and south towards the Spring Creek to 50 AHD from 74 AHD and 68 AHD or 4.5% and 7% slope respectively.

An aerial photograph of the subject land and surrounds at 2024 is below:



Figure 1: aerial photo of the site (GIS 2024)

Surrounding Land	
Abutting zone(s) / overlays(s)	None
North:	178 Boyds Road – rural residential buildings and associated rural outbuildings. Vegetation along paddock fencing and boundaries. 3x dams. 61.3341 ha
South:	2275 Mornington-Flinders Road – rural residential buildings and associated rural outbuildings. Vegetation along paddock fencing, surrounding the large dam and boundaries. 12.9001 ha 2263 Mornington-Flinders Road - rural residential buildings and associated rural outbuildings. Scattered vegetation along boundaries and surrounding the buildings. 8.0027 ha
East:	93 Boyds Road – rural residential building and associated rural outbuilding. Vegetation scattered along paddock fencing and boundaries. 2x dams. 21.5869 ha 2305 Mornington-Flinders Road – rural residential building and associated rural outbuilding. Vegetation scattered along paddock fencing and boundaries. 26.7264 ha
West:	175 Boyds Road – rural residential buildings and associated rural outbuildings. Vegetation along boundaries and along Spring Creek centrally located across the site. Large dam. 20.0029 ha

4.5 (Cont.)***Permit/Site History***

Permit P07/1344 issued on 24 August 2007 allows for 'The use and development of a dwelling including a swimming pool and tennis court in accordance with the details submitted'.

That permit was not acted upon.

Proposal

The application proposes to use the land for a dwelling, construction of a single storey dwelling on a large lot zoned GWZ2. The dwelling is sited at rear part of the lot, south to the Spring Creek and is connected by extending the existing gravel driveway.

The proposed dwelling will consist of the following floorplan:

- Open plan kitchen / living / dining
- Secondary living and meals area
- 6 bedrooms – 3 bedroom including ensuite
- Office
- 2 bathrooms
- Laundry
- Primary outdoor area with swimming pool on the northern end
- 4 vehicle carport

Earthworks are proposed, consisting of a maximum fill of 595mm for works in association with the dwelling. The existing creek crossing bridge is to be minorly upgraded which involves raising the ford by 700mm and addition of box culverts or pipes, thus minimising the flood impacts.

NOTIFICATION AND CONSULTATION**Notification**

The Application has been advertised pursuant to section 52 of the *Planning and Environment Act, 1987* (the Act) as it could not be determined that the proposal would not result in material detriment to adjoining properties. The application was advertised by sending direct notice to adjoining properties, commencing 8 March 2024.

Submissions

No objection has been received to date.

4.5 (Cont.)

REFERRALS

External Referrals

Referral	Section 52/55	Comments
Melbourne Water	52	No objection subject to conditions. Conditions recommended include design requirements for overland flow. A referral was made noting Spring Creek to the north of the property.
National Trust	52	No objection, the response recommended that all measure be taken to environmentally protect the creek and its on-flow due to the existence of a dam. Concerns were raised with the effluent and disposal of waste water generated from the dwelling, however, this is to be dealt by Environmental Health conditions where in a septic permit is mandatory to install and operate. The recommendation to replant buffer for 30m on either sides of the creek is adopted and conditioned as part of this permit.

Internal Referrals

Referral	Comments
Environmental Health	No objection, subject to conditions regarding sewage and sullage disposal and associated system.
Agri-Business Officer	The proposed farming activity appears low risk. It was identified that the 'revegetation area' within the Farm Management Plan (FMP) site map do not detail any revegetation activities, the FMP recommends soil management treatment but this is not an explicit action and ongoing management of the trees in the shelter belts should be detailed.

PLANNING SCHEME PROVISIONS

Refer to Attachment 11 – Planning Policy for policy detail.

Permit Triggers

- A planning permit is required for the use of the land for a section 2 use (Dwelling) pursuant to clause 35.04-1 (GWZ).
- A planning permit is required to construct, or carryout works associate with a section 2 use (Dwelling); and to construct a building which is within 100 metres of a waterway, wetlands or designated flood plain pursuant to clause 35.04-5 (GWZ).
- A planning permit is required to construct a building or construct or carry out works; pursuant to clause 42.01-2 (ESO).
- A planning permit is required to construct a building or construct or carry out works; pursuant to clause 42.03-2 (SLO).
- Below is the Planning Policy relevant to the assessment of the application:

Planning Policy Framework (PPF)
Clause 11.01-1R Green Wedges – Metropolitan Melbourne
Clause 11.01-1L-01 Settlement – Mornington Peninsula
Clause 11.03-5S Distinctive areas and landscapes <i>Mornington Peninsula Localised Planning Statement (Victorian Government, 2014)</i>
Clause 12.03-1S River corridors, waterways, lakes and wetlands
Clause 12.05-1S Environmentally sensitive areas
Clause 12.05-2S Landscapes
Clause 13.07-1S Land use compatibility
Clause 14.01-S Protection of agricultural land
Clause 14.01-1R Protection of agricultural land – Metropolitan Melbourne
Clause 14.01-2S Sustainable agricultural land use
Clause 14.02-1S Catchment planning and management
Clause 14.02-2S Water quality
Clause 15.01-2S Building design
Clause 15.01-6S Design for rural areas
Zone
Green Wedge Zone 2 (GWZ2)
Overlay/s
Environmental Significance Overlay, Schedule 12 (ESO12)
Environmental Significance Overlay, Schedule 17 (ESO17)
Significant Landscape Overlay, Schedule 6 (SLO6)
Particular Provisions
Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions
Clause 52.06 Car Parking
General Provisions
Clause 65 Decision Guidelines

OFFICER DIRECT OR INDIRECT INTEREST

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

CONSIDERATION

The following key issues arising from this application are discussed below:

- Whether the use is appropriate
- Whether the development design is appropriate
- Whether the development siting is appropriate
- Whether the proposal protects national trust classified landscapes.

Is the use appropriate?

A planning permit is required for the use of the land for a dwelling, buildings and works for a dwelling, and earthworks under the GWZ.

There have been several VCAT cases that have considered allowing dwellings within the Green Wedge Zone that have acknowledged that dwellings are not a given right within the Green Wedge Zone and that they need to sufficiently support agriculture on the land and avoid fragmentation of agricultural land.

Wood v Mornington Peninsula SC (2024) was an application for the use and development of a dwelling which was refused by the tribunal. This decision included a relatively low level of agricultural productivity of 15 sheep and an olive grove. In this decision, the member found that *“the benefits from a green wedge perspective from the establishment of a dwelling [was] limited and [was] not persuaded that such benefits will be significant enough to warrant support”*. The key message of this was to ensure that the dwelling is secondary and supportive to the agricultural use.

This message is reinforced by *Proctor v Mornington Peninsula SC (2023)* which was an application for the use of a dwelling associated with an agricultural use of horse husbandry of 24 horses. However, in this decision, the member was persuaded that the *“proposed agricultural enterprise is a genuine one and can be sustainable and viable over the longer term”* that would be assisted by a dwelling leading to a permit being granted.

The current application proposes a dwelling to support the establishment of a Black Angus cattle grazing and breeding program on the subject site. The submitted Farm Management Plan (FMP) advises that the land is currently used for production of hay once a year and has few modern agricultural grasses and little infrastructure with limited fertiliser history. However, subject to improvements to the quality of on-site monitoring, pasture, soil and appropriate grazing management the subject site could have a carrying capacity of 19 Angus cows with calf at foot. The FMP states that the breeding program proposed could not commence without a dwelling on the land due to importance of stock monitoring to ensure the health and welfare of calves, particularly during calving season. It is therefore considered that the agricultural use is appropriate and would be supported by a dwelling on the site.

Subject to conditions, the proposal aligns with the Planning Policy Framework as it will not encroach on the Peninsula's unique characteristics; is suitable to the role of the Green Wedge; and the design of the built form is responsive to the character of the area and the balance between environmental and rural values, and settlement.

The proposal responds to the objectives, purposes, and strategies of the Planning Policy Framework (PPF) as the use and development of a dwelling has been proposed in conjunction with a livestock cattle breeding enterprise of the maximum scale suitable for the land size, and conservation and enhancement of biodiversity in the area of Spring Creek. An assessment against the rural character of the area has been undertaken and found the design of the built form is responsive to the character of the area and the balance between environmental and rural values, and settlement, subject to conditions. This aligns with the directions of the PPF, as the proposed use and development of a dwelling will not prevent the proposed agricultural enterprise and conservation works, and its benefits on the rural business, landscape and environmental values of the wider area.

An assessment against the purpose and decision guidelines of this control has been undertaken, and the proposal found reasonable for the following reasons:

- The dwelling would be supported by appropriate infrastructure including vehicular access, water and electricity supply, and wastewater management.
- The land size can accommodate the proposed dwelling and agricultural use. The proposed dwelling is able to co-exist with the agricultural and environmental capacity of the land.
- The use of the land for a dwelling is proposed in conjunction with a suitable agricultural land use – Angus beef cattle breeding and rearing.
- The use of the land for a dwelling is proposed in conjunction with the Farm Management Plan that also addresses the management of Spring Creek by replantation and the removal of weeds. This will be enhanced by way of conditions of approval.
- Adjoining land is developed with rural dwellings and livestock operations and the proposal will not represent a departure from these existing rural characteristics.

Further to the above Planning Scheme considerations, the application has been assessed against the Council's adopted Green Wedge Management Plan. It is policy that land within the Green Wedge should not be used or developed for the purpose of a dwelling unless in conjunction with the use of the land for a limited range of operations. This includes a substantial, sustainable and productive agricultural land use and/or substantial and sustainable habitat restoration on the balance of the property.

The FMP also seeks to restore and maintain the streamline ecosystem and biodiversity of the site. It is noted that the FMP does require additional detail to clarify matters regarding revegetation and soil management. However, it is considered these can be overcome by clearly articulated conditions of any potential planning permit in order to achieve the necessary sustainable land management outcomes, including suitable revegetation and soil improvement management. This includes a condition that the vegetation buffer either side of Spring Creek be increased to a minimum of 30 metres either side of the waterway as sought by Clause 14.02-1S of the Planning Scheme.

This includes that a vegetated buffer zones be provided at least 30 metres wide along either side of a Spring Creek as per Clause 14.02-1S of the Planning Scheme.

Furthermore, the siting of the dwelling is not considered appropriate having regard to the intended agricultural pursuits on the land and it is recommended, via conditions, to be amended to maximise the agricultural potential of the land, this will be discussed in greater detail in the siting section of this assessment.

The above amendments would also address concerns raised by both the Shire's Argi- Business Officer and the National Trust.

Through both the agricultural use and proposed conservation and enhancement of the biodiversity value of the site it is considered the need for a dwelling on the site is justified.

Is the development design appropriate?

A planning permit is required for the proposed development of a dwelling under the GWZ, ESO12. An assessment of the purpose, objectives, and decision guidelines of these overlays has been undertaken and the proposal found reasonable for the following:

The single storey dwelling will have minimal impact within the surrounding landscape. The built form is low profile with a modest height and of high architectural merit. The dwelling incorporates a responsive material and colour selection ensuring it appropriately integrates with its rural setting. The external wall is clad with stained timber and corrugated iron galvanised with zinc patina, which are commonly used material in rural setting.

The roof form – shallow roof pitch design ensures that the dwelling will integrate into the site and overall landscape having only minor off-site visual impact. The roof material being corrugated iron galvanised with zinc patina is also considered acceptable.

Earthworks on the front side (north) and rear (south) involving minor land fill and site cut respectively for the dwelling will integrate the structure into the land. Moreover, the overall design including the associated earthworks is comparable with the existing development on the adjoining lot to the west, as seen in the image below.



Figure 2: Officer photo 21/06/2023 from northwest part of the lot where the dwelling on adjoining lands at 175 Boyds Road and 2249 Mornington-Flinders Road are visible.

Additionally, it is noted that a minor 750 mm increase in the height of the Spring Creek crossing ford is also proposed to improve access to the rear of the subject site. Spring Creek will not be adversely impacted by this increase in height due to the provision of box culverts underneath the crossing that will permit the flow of water. The extent of this development is within the ESO17 and Melbourne Water have reviewed the application with no objection, subject to conditions associated with appropriate management of the waterway. These conditions have been adopted in the officer recommendation.

Is the development siting appropriate?

The proposed dwelling is currently situated in the central part of the southern section of the lot, which is divided by the creek and dam. The siting of the dwelling to the south of the creek

aligns with the development pattern along Boyds Road, where dwellings are typically located at the front or rear of the lot, the siting of the dwelling at the rear portion of the lot is acceptable, particularly for the protection of National Trust Classified Landscapes.

Given the site's topography and the existing vegetation along the road reserve and within the site, the visibility of the proposed dwelling from public areas and neighbouring properties will be limited. Placing the dwelling at the front of the lot would significantly increase its visibility, particularly from Boyds Road, thereby potentially compromising the landscape outcome intended to be protected by the overlay.

It is noted that the dwelling on the adjacent lot to the west is also located close to the rear boundary. Based on the submission and site visits, it is also highlighted that the soil and paddocks quality at the northern part of the lot are significantly better than the southern part of the lot justifying the location of the dwelling.

Similarly, it is also centrally positioned in the east – west direction to maximise views over the northern section of the lot. While the applicant advises that this location is ideal for monitoring cattle, the central placement of the dwelling significantly diminishes the available agricultural land, when taking into consideration the overall residential curtilage and associated driveway. Considering that property access is from the west, the presence of a shed and driveway along the west boundary, a condition would be imposed to reduce the dwelling's siting from its proposed 163 metre setback from the western boundary to 50 metres. This relocation would not require the removal any vegetation and would not significantly increase the required earthworks. Additionally, it would limit the extension of the existing gravel driveway further into the property. The image below demonstrates that the visibility of the northern part of the lot from the approximate relocated location, to be conditioned, is not detrimentally impacted and still allows satisfactory views for monitoring cattle.

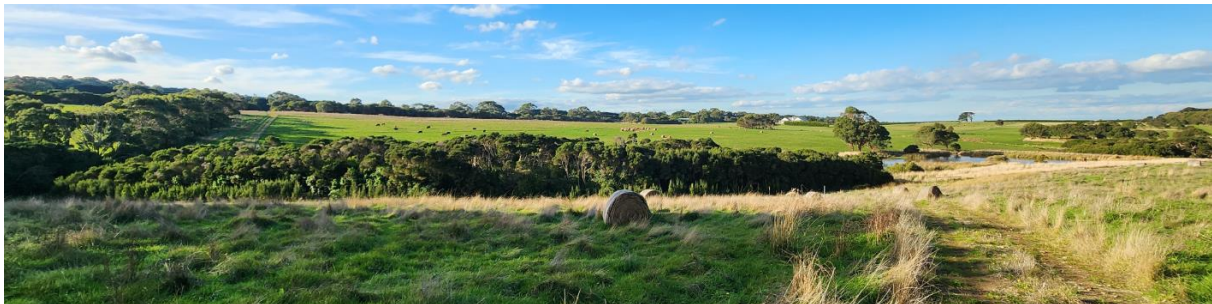


Figure 3: Officer photo 21/06/2023 from southwest part of the lot where the dwelling is to be relocated facing the northern part of the lot. A dwelling located at the front part of the lot on the adjoining land and the dam within the lot are visible.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

As the applicant has lodged a Section 79 Appeal, Council will be required to defend its decision at Victorian Civil and Administrative Council (VCAT).

4.5 (Cont.)**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

FINANCIAL CONSIDERATIONS

As the applicant has lodged a Section 79 Appeal, Council will be required to defend its decision, and this will have resource implications.

OFFICER DIRECT OR INDIRECT INTEREST

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

CONCLUSION

The proposed use and development of a dwelling, buildings works to an existing creek crossing bridge and driveway is considered consistent with and acceptable have regarding to the relevant Planning Policy Framework, Zone and Overlay provisions. In combination with the proposed farm management operations and landscape outcomes, it will contribute to the orderly planning of the area and does not negatively affect the amenity of area.

Therefore, it is recommended that the application be supported and this forms Council's position in the proceedings before the Victorian Civil and Administrative Council (VCAT).

4.6 'Our Urban Forest' Strategy Adoption

Prepared By	Daniel Kabel, ESD Infrastructure Officer
Authorised By	Acting Director - Planning & Environment
Document ID	A12956159
Briefing Note Number	BN1949 – 13 August 2024
Attachment(s)	1. Our Urban Forest Strategy 2. Appendix A - Township Summaries 3. Community Engagement Summary

EXECUTIVE SUMMARY

Our Urban Forest Strategy (UFS), Attachment 1, sets out the vision, themes, strategic objectives, targets and actions that are required to protect, manage and enhance our urban forest into the future. A thriving urban forest provides many benefits to our communities and ecosystems, including urban cooling and greening, climate resilience, enhanced biodiversity, community health and wellbeing, reduced flooding and erosion, improved amenity and economic benefit, water management and carbon sequestration. Our urban forest needs active stewardship by the multiple stakeholders who manage the land, including Council, community, State Government and more.

The vision of the Strategy is:

The future Mornington Peninsula urban forest is growing, thriving and resilient, providing the diverse ecological, social and economic benefits to all people and creatures who live in the unique Peninsula forest.

The development of the draft (UFS) has involved extensive consultation, and the draft UFS was presented to the community in June/July, with a high level of engagement, both online and in-person. There was overwhelming support for the vision, themes and targets, and our community clearly demonstrated passion and commitment to protecting and enhancing our urban forest.

The Peninsula is home to a significant amount of unique biodiversity, and our urban areas include and support some of our crucial ecosystems. Our urban forest includes a wide range of landscapes, development profiles and demographics, and each township has individual opportunities and challenges. Over 60% of the land in our urban areas is private, with approximately 20% under direct control of Council, so a collaborative approach is necessary.

Tree canopy cover is an important metric of our urban forest and has the largest impact in providing urban cooling. In 2020, the Peninsula had an average of 37.2% canopy cover across the urban areas, which is one of the highest rates in Victoria. This has grown from 27.8% since 2011, however there have been significant pockets of tree losses and declines across every township, and this is projected to decline significantly without active management and investment.

The key target set by the strategy is that by 2034, vegetation is in place to achieve an average of 45% canopy cover in urban public spaces (road reserves and open spaces). This validates and updates the target set in the 'Ensuring Our Future' Climate Emergency Plan (2020).

RECOMMENDATION

That Council adopts Our Urban Forest Strategy, Attachments 1 and 2.

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

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 the principles:

- 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.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

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

Notice of Motion 372 adopted by Council, 18 October 2022.

Council Meeting agenda item, 4.4 Draft Urban Forest Strategy - Public Exhibition and Community Consultation endorsement, 28 May 2024.

DISCUSSION**Purpose**

The purpose of this report is to:

- provide a summary of feedback on the draft Our Urban Forest Strategy community consultation from 29 May – 10 July 2024. See Attachment 3
- present the final draft Our Urban Forest Strategy for potential adoption. See Attachments 1 and 2.

Background

The strategy sets out the vision, strategic objectives, targets and actions required to protect, manage and enhance our urban forest into the future.

Our Urban Forest provides a myriad of benefits to the community and ecosystems on the peninsula, including urban cooling and greening, climate resilience, biodiversity values and community amenity and resilience.

The strategy provides key analysis of our current urban forest and aims to direct action and investment within the urban growth boundary, to see the highest impact. Each township has been ranked and prioritised against current canopy cover and heat vulnerability.

The existing adopted Climate Emergency Plan canopy cover target of 45% in public urban spaces has been validated and backed up with a strong evidence base, with detailed township-level targets. This is supported by additional targets around protection of the high rates of canopy cover and biodiversity we currently enjoy.

It has been estimated that a program of 5,000 trees per year will protect our existing urban forest and grow it to meet our 45% target, with ultimate targets based on the tree profile and density. There are an estimated 60,000 to 120,000 tree planting opportunities identified within public urban land (road reserves and open spaces), noting that the wide range is due to the differing size and species that could be planted. This would reflect a significant increase to the estimated 1.1 million trees currently within the Shire's urban areas.

ENGAGEMENT

The draft UFS was endorsed for public exhibition on 28 May 2024, for a 6-week period. During this time, Shire officers received feedback from 621 community members. The feedback was overwhelmingly in favour of the themes and targets of the strategy, with 91% of survey respondents supporting the vision, and 97% of in-person attendees agreeing that increasing tree canopy will benefit them and their community. A targeted workshop was also held with community representatives, to discuss implementation opportunities and barriers. See Attachment 3 - Community Engagement Summary for further details.

In addition, Shire officers engaged with external organisations, internal staff, teams and subject matter experts, and a targeted workshop with community representatives.

The final UFS incorporates changes from all these sources as appropriate, reflecting the significant interest and passion from the community and internal officers. There are no significant updates to the vision, targets or themes, as these had very strong support, the changes consist of:

- Updating language throughout the document for clarity and readability
- Updating structure of targets section for conciseness and clarity
- Updating wording of actions where needed for clarity and accuracy
- Updating flow of document to improve readability and providing key information easily
- Adding a summary of community engagement, including documenting support for the targets and themes, and highlighting diverse viewpoints on key topics
- Expanding implementation section to provide additional detail and commentary on some of the high impact implementation complexities
- Infographics and media releases will be developed following adoption.

COMMUNICATIONS PLAN

If the Strategy is adopted, the community will continue to be engaged and consulted to inform implementation actions and approaches.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Our urban forest directly addresses climate change resilience in three key ways:

- Increases in severity and frequency of extreme weather events will impact the health of our urban forest, including extreme heat, drought, floods, storms and coastal inundation. Increasing temperatures in the future may change the species that are likely to thrive.
- Biodiversity is a crucial part of the peninsula, and our urban forest provides important support and connections between areas of high biodiversity value, as well as providing ecosystem services in and of itself.
- Our urban forest also supports the community and ecosystem resilience to climate change on the peninsula, through providing cooling and greening, biodiversity connections, shaded walking routes and open spaces and more liveable houses.

Trees and vegetation also provide carbon sequestration and will support our Climate Emergency Plan targets.

FINANCIAL CONSIDERATIONS

Costs associated with the implementation of this strategy, if adopted, will be considered as part of Council's FY25/26 budget process.

4.6 (Cont.)

OFFICER DIRECT OR INDIRECT INTEREST

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

4.7 Nature Strip Policy

Prepared By	Daniel Kabel, ESD Infrastructure Officer
Authorised By	Acting Director - Planning & Environment
Document ID	A13050231
Briefing Note Number	BN1950 – 13 August 2024
Attachment(s)	1. Nature Strip Policy

EXECUTIVE SUMMARY

The Nature Strip Policy has been developed and is presented to Council for adoption alongside the Urban Forest Strategy (UFS). The Policy supersedes the Private Works on Nature Strips and Road Reserves Policy (2014).

The Policy applies to works on all nature strips where Council is the Coordinating Road Authority, which, in general, refers to local and municipal roads, and excludes arterial roads and freeways.

The Policy refers to the Nature Strip Landscaping Guidelines. Development of these guidelines will commence in Q3 this financial year. They will clearly and simply set out the standards for residents wishing to improve their nature strips and identify the works that can be done without a permit, with a permit and those outside of the Policy objectives. Until these Guidelines are complete, the existing landscaping guidelines, Appendices 1-6 to the 'Private Works on Nature Strips and Road Reserves Policy' (2014) will remain in place as the 'Nature Strip Landscaping Guidelines'.

The updated Policy aligns to the intentions of the UFS, and supports the need for vegetation, trees and canopy cover in our urban areas, and improve the amenity, cooling, greening and biodiversity values of our townships.

The Policy also minimises current and future risk and liability from public trees and landscaping. The Policy, and associated Guidelines, will help ensure that all works conducted by residents are reviewed and permitted to reduce hazards and damage to people and infrastructure.

In 2022, community consultation on nature strips was held, with a high level of interest and engagement. Elements of this consultation have been incorporated into the Policy, and into the UFS. Key elements, including the support for street tree groups and the desire for increased allowances for vegetable boxes and fruit trees, have not been included in this Policy. These elements will be considered in a later review of the policy, so as not to compromise the delivery of the UFS and associated programs.

RECOMMENDATION

That Council adopts the Nature Strip Policy (Attachment 1).

4.7 (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 1.1: 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
- Strategic Objective 1.4: An accessible built environment that supports diverse, current and future community needs.

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 the principles:

- 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.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

Notice of Motion 372 adopted by Council, 18 October 2022, to develop the UFS.

Notice of Motion 303 adopted by Council, 30 August 2021, to engage the community on use of nature strips in residential areas.

4.7 (Cont.)**DISCUSSION****Purpose**

The purpose of this report is to present the Nature Strip Policy to Councillors for potential adoption.

The Policy will support improved processes, guidance and risk mitigation for all works by residents on nature strips.

Background

The need for an updated Nature Strip Policy was identified by Councillors in late 2023 as part of the commitment to develop the UFS. The UFS is being presented to Council for adoption concurrently with this updated Policy.

The intent of this policy update is to align with and complement UFS adoption. Delays in the policy adoption will affect this.

The updated Policy:

- Proposes only minor changes to the 2014 policy and transcribes the information to the new policy template, aligning this to the Policy Management Policy.
- Aligns to UFS objectives, including increasing canopy cover, biodiversity and urban cooling and greening objectives. This is done through providing clarity on landscaping works that can be done:
 - without a permit
 - with a permit
 - cannot be done at all.

It also outlines the conditions under which a tree can be planted on nature strips. The updates minimise the barriers and red tape, where appropriate.

- Aims to minimise current and future risk and liability from trees and landscaping. Note, Council is liable for any damage, injury or claim arising from assets on our land (nature strips). The Policy will help to ensure that all works are reviewed and permitted appropriately, and that there is clarity and precision in the language around responsibilities and requirements.

The Policy has been developed and reviewed by a multi-disciplinary working group, as detailed below in the engagement section.

The Policy refers to the Nature Strip Landscaping Guidelines. Development of these guidelines will commence in Q3 this financial year. They will contain simple and easy to read guidance, images and resources for residents wishing to improve their nature strips in line with the Policy objectives. They will also provide clear instruction on the process for residents to apply for permits, as well as clearances, restrictions and planning and design considerations needed to ensure that all works meet Shire and other government/utility standards and are safe and able to be maintained. This will partially address the community interests identified from the 2022 consultation.

Until these Guidelines are complete, the existing landscaping guidelines, Appendices 1-6 to the 'Private Works on Nature Strips and Road Reserves Policy' (2014) will remain in place as the 'Nature Strip Landscaping Guidelines'.

4.7 (Cont.)

The Policy will be supported by a 'request a street tree' program that will be developed later in 2024, for delivery from Autumn 2025. This will provide an additional method for the Shire to meet UFS objectives as well as minimise risks, by Council managing the tree planting in complex or constrained locations.

Options for consideration***Option 1 – preferred***

Council adopts the Nature Strip Policy, and the Guidelines are subsequently developed, to commence in Q3 this Financial Year. This will ensure that all works on nature strips align with and support the objectives and implementation of UFS.

Option 2 – not preferred

Council defers adoption of the Nature Strip Policy until the Guidelines are completed and considers adoption in the FY25/26. This is not preferred as the existing private works on Nature Strips and Road Reserves Policy does not currently align with the objectives of UFS and may lead to conflicts and increased risks.

Option 3 – not preferred

Council defers adoption of the Nature Strip Policy until FY25/26, and Shire officers develop the document and processes further to address the 2022 community engagement aspirations including street tree groups and allowances for fruit trees and vegetable boxes. This is not preferred as there is a significant amount of work required to fully investigate and update the Policy and guidelines with the increased scope, which would significantly delay Policy adoption, and lead to similar conflicts and risks as Option 2.

ENGAGEMENT**Nature Strip Policy Consultation 2022**

In 2022, our community was engaged to seek understanding of how nature strips are currently used and valued, and capture ideas and aspirations for the future. The key outcomes were:

- 297 responses received indicating high level of interest and engagement
- 60% majority not happy with current nature strip, with most wanting to plant trees, enhance street scape and landscape with native plants and flowers
- Strong support for Council-supported community groups.

Following this, an updated Nature Strip Policy was put on hold. In Oct 2022 Notice of Motion 372 was carried and the UFS was prioritised. It was highlighted that updates to the Nature Strip Policy should be undertaken concurrently to align and complement the UFS.

The changes in the attached Policy are primarily for the purpose of alignment to the UFS objectives and mitigating and reducing risk and liability concerns. Consideration of other elements raised in the 2022 engagement process will be addressed in the wider review of the Policy, which is scheduled to commence in Q3 of this financial year.

Urban Forest Strategy Consultation 2024

The draft UFS was endorsed for public exhibition on 28 May 2024, for a 6-week period. During this time, officers received feedback from 621 community members. The feedback was overwhelmingly in favour of the themes and targets of the strategy, with 91% of survey respondents supporting the vision, and 97% of in-person attendees agreeing that increasing

tree canopy will benefit them and their community. A targeted workshop was also held with community representatives, to discuss implementation opportunities and barriers.

COMMUNICATIONS PLAN

The Policy builds on and aligns to the 2022 consultation, and the June 2024 UFS consultation.

LEGAL AND REGULATORY FRAMEWORK

As Council is the Coordinating Road Authority for many roads on the Peninsula, there is an obligation to maintain and manage nature strips in accordance with the *Road Management Act 2004* and other relevant legislation and local laws.

In addition, Council may be liable for injuries or damage caused by tree debris, limbs or roots.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The Nature Strip Policy will support the UFS vision, themes, targets and objectives. This includes improving cooling and greening outcomes across our urban areas, increasing climate resilience of our ecosystems and communities, and promoting and protecting our biodiversity outcomes.

FINANCIAL CONSIDERATIONS

There are no significant financial considerations associated with adopting this Policy. The new requirements and guidelines, once developed, will be managed by existing resources. There is a minor risk of increased cost or resource associated with investigating different delivery models.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.8 Mount Eliza Activity Centre - Car Parking Strategy

Prepared By	Shahniaz Arafath, Traffic and Road Safety Engineer; Mathew McQuinn, Traffic & Transport Engineer
Authorised By	Acting Director - Planning & Environment
Document ID	A13200391
Briefing Note Number	BN1959 – 27 August 2024
Attachment(s)	1. Community Feedback - Shape Page 2. Community Feedback - Summary 3. Emails received - Mount Eliza Carparking Strategy 4. Mount Eliza Township Activity Centre Car Parking Strategy - Final

EXECUTIVE SUMMARY

The purpose of this report is to seek Council adoption of the Mount Eliza Activity Centre Car Parking Strategy (the Strategy).

Mount Eliza is one of the Shire's large Township Activity Centres (TAC) that facilitates business, community activities and social interaction. Therefore, it is important to have well-planned car parking within this activity centre.

To ensure that the provision and management of car parking is appropriate to support the TAC's current and future needs, the Strategy has been prepared. The Strategy includes 12 recommendations for implementation over the short, medium, and long term, subject to funding and further stakeholder consultation. Recommendations include implementing wayfinding signage, expanding areas of 3P parking, investigating Smart Parking technology, increasing compliance activity, investigating a site for increased parking supply, undertaking a planning scheme amendment to introduce reduced parking rates for commercial uses, and not pursuing a "Cash In Lieu of Parking" scheme.

A draft of the Strategy was placed on public exhibition for a period of four weeks from 17 June to 15 July 2024. A total of 263 survey responses were received. While feedback shows some of the Strategy's recommendations are not supported by the local community, no changes are recommended because the Strategy's recommendations are strategically justified, and evidence based. Minor edits, however, are proposed to improve the clarity of the document.

RECOMMENDATION

That Council:

- 1. Adopts the Mount Eliza Activity Centre Car Parking Strategy (Attachment 4).**
- 2. Authorises the Director of Planning and Environment to make minor editorial or administrative changes to the Mount Eliza Activity Centre Car Parking Strategy (Attachment 4) as necessary.**

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

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

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

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

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION**Purpose**

The purpose of this report is to present the Mount Eliza Activity Centre Car Parking Strategy (the Strategy) to Council for adoption.

Background

Mount Eliza is one of Mornington Peninsula Shire's (Shire) large Township Activity Centres (TAC) that facilitates business, community activities and social interaction. Therefore, it is important to have a strategic approach to ensure well-planned car parking to manage both current and future demands.

Stantec has been engaged by the Shire to prepare the Strategy, which seeks to address parking challenges arising from issues including increased double story development with mixed uses, pressure on the parking provision requirements of the Mornington Peninsula Shire Planning Scheme, limited vacant land suitable for additional car parking in Mount Eliza and perceptions of high parking demands throughout the Mount Eliza TAC by traders and broader community.

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

The Mount Eliza TAC will continue to be a focus of economic growth and cater to the needs of residents and visitors into the future. The Mornington Peninsula Activity Centres Strategy (2018) estimates that between 2016 and 2036, in the order of 4,500 square metres (sqm) of

commercial (retail and office) growth could be expected to be supported within the Mount Eliza TAC through increased visitation and general population growth.

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

The key purpose of the Strategy, therefore, is to:

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

Parking objectives

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

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

Key considerations and findings

The study area for the Mount Eliza Activity Centre Car Parking Strategy is shown in Figure 1.

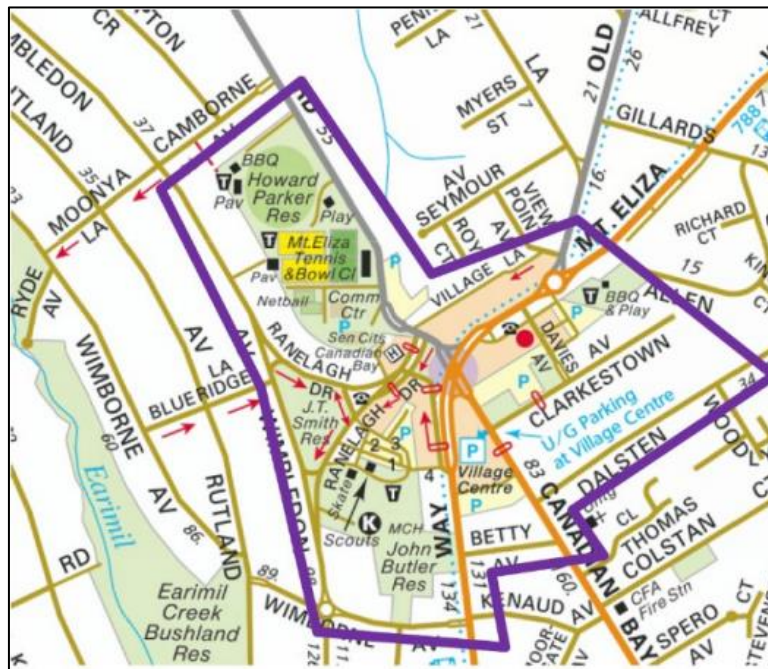


Figure-1: Mount Eliza TAC – Study Area

The Strategy reviewed existing parking conditions and undertook parking data analysis. The analysis indicated a peak parking occupancy level of 76%, representing a total of 255 vacant car parking spaces. Therefore, in terms of overall numbers, the Mount Eliza TAC has adequate parking to accommodate existing and future demand.

However, more can be done to increase the effectively available supply of parking by spreading parking demand spatially, better allocate parking between short-stay and long-stay user groups, improving turnover and improving compliance.

Strategy Recommendations

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

Managing existing demands

1. Implement a centre wide Parking Wayfinding Signage System (static and/ or electronic), which includes navigation information for both Shire-owned and privately-owned car parks.
2. Expand areas of 3P parking in John Butler Reserve Car Park and Ranelagh Drive.
3. Promote areas around the Howard Parker Reserve and Playground as alternate long stay parking areas.
4. Continue to review pedestrian connections (quality of route, surface, lighting, safety, crossings) through the centre and within car parks.
5. Increase level of parking compliance within the centre.
6. Investigate the feasibility of implementing Smart Parking technology in Mount Eliza TAC.

4.8 (Cont.)

7. Undertake ongoing monitoring of parking usage within the centre in relation to drivers using Mount Eliza as a 'Park n Ride' destination.
8. Investigate if opportunities exist to increase parking supply on the parcel of land on the corner of Canadian Bay Road and Village Lane where informal parking exists.

Managing Future Demands

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

Monitoring and Review

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

ENGAGEMENT

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

Following Council endorsement on 11 June 2024, the draft Mount Eliza Activity Centre Car Parking Strategy was publicly exhibited between 17 June and 15 July 2024 for a period of four weeks to seek feedback from the community on:

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

During this time, the draft Strategy report was exhibited for community feedback, which was received via online survey (Shape page) and email. The public exhibition period was promoted via social media, media release, letters sent to all properties within the study area and posters displayed around the activity centre. A Mornington Peninsula Shire stall at the Mount Eliza Farmers Market on 23 June 2024 provided an opportunity for the community to discuss the strategy and provide feedback in person.

The online survey received 263 responses. The Shape page set up for community consultation was viewed 1,700 times and the draft Strategy report was viewed by 238 people. A summary of the feedback is in Attachments 1 and 2. Feedback received via email is in Attachment 3.

The table below summarises community feedback received and recommended Shire officer responses.

Topic	Community feedback	Officer comment and recommendation
Do you support the proposal to implement wayfinding signage to improve awareness of available parking options?	Majority supports non-electronic but oppose electronic signage.	No recommended change to the Strategy. The Strategy outlines that the recommended parking wayfinding signage may be either static (i.e. non-electronic) or electronic. If Council adopts the Strategy, implementation of wayfinding signage will be subject to further investigation, community consultation and budget availability.
Do you support the expansion of the 3P parking areas in John Butler Reserve car park and Ranelagh Drive show below?	Majority do not support expansion of the 3P parking area.	No recommended change to the Strategy. The survey found that the existing 3P restricted area is approaching capacity, requiring other short-stay vehicles to seek vacancies within the unrestricted locations. In order for customers to have the most proximate access to the activity centre, it is recommended that the best located spaces are made available for short-term use. The current layout of these car parks has unrestricted spaces that are well located to the shopfronts and footpath facilities but are attracting long-term users. The Strategy therefore recommends that some of the unrestricted parking spaces in these areas be converted to 3P restricted spaces to redistribute short and long-term parking locations. It is not anticipated that converting some of the unrestricted spaces to 3P would adversely affect people who wish to park all day, as some of the unrestricted spaces are currently being used for short-term parking. If Council adopts the Strategy, further engagement with the community will need to take place before implementing these parking changes.
The draft Strategy notes that a main parking challenge is people not following time restrictions. Do you support efforts to increase parking compliance within the Mount Eliza town centre?	Majority do not support increased parking compliance within Mount Eliza Centre.	No recommended change to the Strategy. Duration of Stay survey data reveals that there are cars observed to be overstaying the timed restrictions across the centre. A lack of compliance results in more people overstaying the timed restrictions and reducing turnover of high-value car parking spaces, adversely affecting others that wish to park in these spaces.

Topic	Community feedback	Officer comment and recommendation
		Increased compliance would ensure the parking system works as intended and more fairly, resulting in a parking system with less frustrations and a greater desire to spend time in the centre. Therefore, the Strategy recommends that ongoing parking compliance patrols are undertaken within the core of the TAC during peak times to promote the turnover and efficient use of time restricted car parking spaces.
Smart parking technology can offer real time information to drivers about available parking spots (like electronic signage) and gather data on parking usage and compliance. Would you support the use of smart parking technology within the Mount Eliza Centre?	Majority do not support use of smart parking technology within Mount Eliza Centre.	No recommended change to the Strategy. Smart parking technology can provide a number of benefits to parking management including: • Improving user experience in finding and using car parking • Enhancing the operational efficiency of existing parking supply to increase vehicle turnover • Reducing vehicle emissions caused by drivers searching for car parking • Maximising the use of existing parking capacity (vacancies) within the study area • Collecting real-time parking utilisation and duration data to inform future decision making in regard to parking restrictions and compliance. This technology is currently operating on Main Street in Mornington and was also demonstrated previously within the Rye Township as part of a smart parking trial. The use of smart parking technology would also link with a number of other recommendations relating to wayfinding and compliance. As such, the Strategy recommends that the feasibility of implementing Smart Parking technology in Mount Eliza be investigated. If Council adopts the Strategy, implementation of any smart parking technology will be subject to further

Topic	Community feedback	Officer comment and recommendation
		engagement with the community and funding availability.
The draft Strategy identifies potential parking capacity in some parts of Howard Parker Reserve. Do you support using locations near the football/ cricket oval and the playground as alternative long-term parking options?	Mostly mixed feedback with majority wanting to keep these parking spaces dedicated for the reserve activities. However, a significant portion of the respondents support promoting these parking spaces during weekdays only.	No recommended change to the Strategy. The survey shows that there is available capacity in each of the car parks during peak weekday periods, with a maximum of 30% occupancy in the playground car park (equating to 20 vacancies) and the reserve car park effectively unused. Some low occupancy trend has also been observed during weekends. Both of these locations offer long-term parking opportunities, as they represent available spaces of suitable time restrictions. While some walking to get back into the centre of Mount Eliza is required, this is considered generally acceptable for employee type parking. Further, the use of this parking represents an opportunity that should be utilised ahead of creating additional car parking within areas that are sensitive to heritage and environmental constraints.
Council is restricted in its ability to expand parking areas within the centre, without impacting on existing vegetation and heritage values. Would you support the option of upgrading the parking facilities at the gravel carpark opposite the Canadian Bay Hotel? Subject to further investigation, this may involve upgrading the surface from gravel to asphalt, some minor reconfiguring of the carpark and potentially some vegetation removal.	Majority of the respondents support upgrading the parking facilities at the gravel carpark opposite the Canadian Bay Hotel.	No recommended change to the Strategy. If Council adopts the Strategy, the feasibility of upgrading this gravel carpark will be investigated. Upgrading of the carpark would be subject to further community consultation and budget availability.
Do you have other ideas where	Some of the key community recommendations:	No recommended change to the Strategy. The Woolworths carpark is privately owned and managed; therefore, the

Topic	Community feedback	Officer comment and recommendation
additional parking could be provided?	• Upgrade the Woolworths carpark in terms of capacity, traffic flow and restriction. • Upgrade the John Butler reserve unsealed carpark. • J T Smith Reserve. • Howard Parker Reserve.	Shire has limited authority over this carpark. • One of the recommendations in the Strategy is to review pedestrian connections (quality of route, surface, lighting, safety, crossings) through the centre and within car parks (including John Butler reserve unsealed carpark) to make the centre attractive to walk from parking locations to centre destinations. However, sealing of this carpark is challenging due to Heritage Overlays, design, and drainage issues, as well as the high capital cost to seal the carpark. • Both J T Smith Reserve and Howard Parker Reserve are subjected to various overlays (vegetation protection and heritage). Therefore, the Shire has limited opportunities to construct carparks at these reserves.
Do you support the recommendation to introduce lower parking provision rates for a number of commercial land uses for future planning permits?	Supported by majority of the respondents.	No recommended change to the Strategy. If Council adopts the Strategy, the Shire will apply for a Planning Scheme Amendment to introduce lower parking provision (Column B) rates for future commercial land uses via a Parking Overlay subject to funding and resourcing being made available in a future financial year. As the Shire's Strategic Planning team is already fully committed with existing, funded priority Planning Scheme Amendments and strategic projects, funding to commence an amendment to apply the Parking Overlay would likely be sought in the 2027-2028 financial year.
Do you have other feedback/comments to help inform the draft Strategy?	Some of the key feedback: • No paid parking • Parking is not an issue • No use of technology.	No recommended change to the Strategy. • The Strategy does not recommend the introduction of paid parking. • While the survey reveals peak parking occupancy within the TAC is only 66% and future growth in parking demand can be accommodated within the TAC, more can be done to ensure better management and to enhance efficiency of available supply of parking without

Topic	Community feedback	Officer comment and recommendation
	Upgrade Woolworths carpark	necessarily constructing additional parking spaces. - Smart Parking technology can assist in better parking management, increase efficiency, reduce traffic congestion and vehicle emissions and can share live parking data to inform parking decision making. - Woolworths carpark is privately owned and managed; therefore, the Shire has limited authority over this carpark.
What is your connection to Mount Eliza?	The majority of respondents were Mount Eliza residents with representation also from business owners, worker and members of community groups.	Noted.
Part of community group or club?	Key group or clubs: - Mount Eliza Chamber of commerce - Mount Eliza Bowls Club - CFA - Ranelagh club - Mount Eliza Soccer Club - Uniting Church.	Noted.
How often do you visit Mount Eliza?	Mostly frequent visitors	Noted.
Purpose of your visit?	Key purposes: - Work - Shopping - Socialising - School.	Noted.

Overall, no changes are recommended to the Strategy as a result of community consultation. It is recognised that feedback shows some of the Strategy's recommendations are not supported by the local community. However, Shire officers recommend retaining these recommendations as they are strategically justified, and evidence based.

It is noted that, should the Strategy be adopted, additional community engagement would occur over the coming years as part of further investigating and implementing specific recommendations. For example, the community would be consulted as part of public exhibition of any planning scheme amendment to apply the Parking Overlay to the centre, and before 3P parking areas are extended in John Butler Reserve car park or Ranelagh Drive. This additional engagement will provide stakeholders with the opportunity to discuss the specifics of recommendations with Shire officers and potentially refine some of the details before implementation.

While no changes are proposed to the recommendations of the Strategy, the following minor edits are proposed to the body of the document for clarity purposes:

- Amending number of Bowling rinks in Table 6-7 (Theoretical Land Use Car Parking Demand) of the report from 12 to 16 along with associated car parking rate and demand.
- An additional line at the end of Executive Summary – "Future implementation of any proposed recommendation is subject to further community consultation and budget availability."

The above changes are included in the proposed final version of the Strategy, contained in Attachment 4.

LEGAL AND REGULATORY FRAMEWORK

Implementation of the Strategy will comply with the *Disability Discrimination Act 2006*.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

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

FINANCIAL CONSIDERATIONS

There are no foreseeable significant financial implications that will result from the adopting the Strategy as recommended. However, implementation of recommendations within the Strategy will require funding in future financial years, which would be subject to consideration as part of Council's annual budget process.

OFFICER DIRECT OR INDIRECT INTEREST

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

OFFICE OF THE CEO

4.9 2023/2024 Annual Financial Report and Performance Statement

Prepared By	Mark Schubert, Manager - Finance
Authorised By	Chief Financial Officer
Document ID	A13308795
Briefing Note Number	
Attachment(s)	1. 2023/2024 Draft Financial Report ↓ 2. 2023/2024 Draft Performance Statement ↓

EXECUTIVE SUMMARY

In compliance with the *Local Government Act 2020* (the Act), Council must approve 'in principle' draft Financial Report and draft Performance Statement (draft Statements) for the year ended 30 June 2024 and authorise two Councillors to certify the draft Statements in their final form, on behalf of Council.

RECOMMENDATION

That Council:

1. Approves in principle draft Financial Report (Attachment 1) and the draft Performance Statement (Attachment 2) for the year ended 30 June 2024 and forwarded to the Auditor-General.
2. Authorises Cr Simon Brooks, Mayor and Cr Antonella Celi, Deputy Mayor to certify the Financial Statements and Performance Statement.

COUNCIL & WELLBEING PLAN

The Financial Report and Performance Statement demonstrate the use of Council's limited resources in the best interest of the Mornington Peninsula Shire community and to achieve the Council and Wellbeing Plan objectives and themes below:

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

Theme 2: A robust, innovative and diverse economy.

Theme 3: A flourishing, healthy and connected community.

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 the principles:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations;

4.9 (Cont.)

- 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

Not applicable.

DISCUSSION**Purpose**

In compliance with the *Local Government Act 2020* (the Act), Council must approve 'in principle' draft Financial Report and draft Performance Statement (draft Statements) for the year ended 30 June 2024 and authorise two Councillors to certify the draft Statements in their final form, on behalf of Council.

On 29 August 2024, the Audit and Risk Committee recommended that Council approve 'in principle' the draft Financial Report and draft Performance Statement for the year ended 30 June 2024, subject to being provided with the changes to comments made in respect to the draft Financial Report and draft Performance Statement.

Background

The Annual Financial Report provides detailed information on actual outcomes for the financial year, as per section 98 of the Act and includes Financial Statements consisting of the Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and the notes to the Financial Statements. The Annual Financial Statements comply with Australian Accounting Standards and other mandatory professional reporting requirements. The Financial Statements compare actual results to the previous year.

The Performance Statement must contain the prescribed indicators and measures of service performance outcome, financial performance and sustainable capacity and results for each indicator.

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Section 99 (2) of the Act requires Council to approve 'in principle' the Financial Report and Performance Statement before they are forwarded to the Auditor-General. Council is also required, under section 99 (3) (a), to pass a resolution authorising two Councillors to certify the statements on behalf of Council, once the Auditor-General has provided audit clearance.

At the completion of the annual external audit process a 'Closing Report' is prepared by the Victorian Auditor-General's office, that summarises the audit objectives, scope and audit opinions of the Auditor-General and significant audit findings. The Auditor-General's office

4.9 (Cont.)

also prepares a 'Management Letter' raising internal control issues to be addressed by Council and officers.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

There are no direct climate and sustainability considerations.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.10 Draft Committee Management Framework

Prepared By	Pam Vercoe, Acting Manager - Governance
Authorised By	Chief Executive Officer
Document ID	A13188124
Briefing Note Number	BN1966 – 27 August 2024
Attachment(s)	1. Draft Committee Management Framework ↓ 2. Advisory Committee Feedback Request ↓

EXECUTIVE SUMMARY

The Mornington Peninsula Shire (Shire) needs a robust framework for the creation, management, and dissolution of committees to ensure they fulfill their intended purpose, support Shire officers, and effectively engage the community.

The draft Committee Management Framework provides consistency and sets clear expectations on how meetings should run, terms of reference, membership, appointment of a chair and roles and responsibilities among other things.

The draft policy is presented to Council for endorsement prior to seeking feedback from the wider community.

RECOMMENDATION

1. That Council endorses the draft Committee Management Policy and to commence a period of public consultation to commence late 2024 / early 2025.
2. That Council resolves that Attachment 3 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information of the individuals who provided feedback on the draft framework.

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.2: A resilient and confident community where everyone connects and is supported.

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 the following principles:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations;

4.10 (Cont.)

- D. The municipal community is to be engaged in strategic planning and strategic decision making;
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

Council currently does not have a Committee Management Framework to guide the establishment, management or dissolution of committees.

DISCUSSION**Purpose**

The purpose of the report is to present the draft Committee Management Framework to Council and seek endorsement to enable community consultation to commence later in 2024, then present to Council for endorsement early 2025.

Background

The Mornington Peninsula Shire (Shire) needs a robust framework for the creation, management, and dissolution of committees to ensure they fulfill their intended purpose, support Shire officers, and effectively engage the community. A working group, including Governance, Communities teams, and Shire officers with committee management responsibilities, has identified key issues:

- Inconsistent terms of reference, meeting procedures, minutes, agendas, and reporting across committees, leading to a lack of oversight and clear purpose.
- Committees need a clear connection to the Council and Wellbeing Plan.
- Alternatives to forming new committees, such as a citizen's panel, could provide more diverse and relevant advice for decision-making.
- Committees across the Shire have been formed to address various issues, but without a solid framework, many continue without clear outcomes or end dates.
- Some committees or members have acted independently, making decisions without Shire oversight.
- Establishing the framework will set expectations for all committee members and support Shire officers in managing the workload.

The draft Committee Management Policy (Attachment 1) offers a framework for consistent committee management. The policy was presented to Councillors at a workshop on 17 April 2024, where feedback was sought. Key points from the feedback include:

- Committees need clear guidance on their objectives.
- New committee members should understand their roles and how they contribute to Council's strategy.
- The role of Councillors needs clarification.
- Instead of full meeting minutes, a 1-page summary could be published on the website.
- Shire officers' roles should be clearly defined as meeting facilitators.

4.10 (Cont.)

- Committees should receive feedback on how their recommendations have impacted Council decisions, with a structured feedback mechanism in place.
- There is duplication among committees, with the same members often organising the same presenters to provide similar advice.
- Consideration to be given to setting up committees differently in the future during development of the Council and Wellbeing plan.

Advisory Committees

The Shire manages nine Advisory Committees plus the coastal committees that are under development. The Australia Day Local Awards committee is not listed as it only meets once a year to consider the submissions and does not sit under the definition of an ongoing Advisory Committee. Current Council Committees are:

Committee	Responsible Manager
Arts and Culture Advisory Panel	Manager Arts, Culture & Community
Climate Emergency Community Reference Group	Manager - Climate Change and Sustainability
Disability Advisory Committee (DAC)	Manager - Community Partnerships
Mornington Peninsula Consultative Committee on Gambling	Manager - Community Partnerships
Mornington Peninsula Shire Health and Wellbeing Committee	Manager - Community Partnerships
Peninsula Advisory Committee for Elders	Manager - Community Partnerships
Positive Ageing Steering Committee	Manager - Community Partnerships
Triple A Housing Committee	Manager - Community Partnerships

Advisory Committees were requested to provide feedback (Attachment 2) on the proposed Committee Management Framework. Some of the feedback was:

- Receipt of an agenda well in advance assisted in preparation for the meetings.
- Feel fortunate to have been given the opportunity to provide feedback.
- Diversity of the committee members brought a range of perspectives.
- Enjoy a positive relationship with the Shire and bring a large body of knowledge, experience and wisdom.
- Fluctuating attendance needs attention.
- Inadequate notice provided on occasion for feedback.
- Welcome more interaction with senior executives including the CEO.
- Minimal items taken to Council via the committee.
- Limited scope to make a real impact – feels like box ticking.

- Ambiguity on roles and responsibilities.
- A broader health and wellbeing network covering a range of social issues would be more effective.
- Strong relationship and current arrangements are working well.
- Standard terms of reference provides clarity and consistency setting clear expectations and roles.
- Revised Terms of reference should be presented to Council for endorsement.
- Regular reviews to ensure committees remain relevant and effective.
- Publishing reports on the website will enhance trust and accountability.
- Training model to be in place for new members.

The full feedback can be found at Attachment 3.

Options for consideration

The draft policy sets the framework for the establishment, management and dissolution of committees. It provides a consistent approach to the management and administration of Advisory Committees and includes:

- Terms of Reference
- Membership and appointment
- Appointment of the Chair
- Roles, responsibilities and expectations
- Code of Conduct
- Agendas and minutes
- Conflict of Interest
- Planning and Reporting
- Administration.

ENGAGEMENT

A working group has been established of Managers and officers with committee management responsibilities and representatives from the Communications Team to develop the draft policy. Officers have engaged with the existing advisory committees to seek their feedback which has been taken into consideration when finalising the draft.

COMMUNICATIONS PLAN

Governance will work with the Communications Team to develop a comprehensive communication plan to ensure the framework is circulated to the wider community for feedback.

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

The *Local Government Act 2020* is silent on Advisory Committees. There is no legislation to inform guidance around the establishment and management of Advisory Committees of Council.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

No direct climate and sustainability considerations. **FINANCIAL CONSIDERATIONS**

Whilst there are no direct costs related to the establishment of the Committee Management Framework, there are costs incurred where Council premises and resources are used for committee meetings.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.11 Advance College - Crown Land Lease

Prepared By	Mihaela Szeredai, Team Leader - Property Strategy & Operations
Authorised By	Chief Financial Officer
Document ID	A13249192
Briefing Note Number	BN1931 – 16 July 2024
Attachment(s)	1. Advance College - Campus Plans 2. Advance College - Construction Management Plan 3. Advance College Facility Consent - DEECA consent 4. Western Port Campus Traffic Flow Projections 5. Valuation report 1973 Frankston Flinders Road Hastings 3915 (confidential)

EXECUTIVE SUMMARY

This report is to seek a Council resolution to grant a 21 year ground lease to Advance College at 1973 Frankston Flinders Road, Hastings.

This property is situated on Crown Land, with Council serving as the Committee of Management.

Should Advance College successfully obtain approval for this lease, the College intends to facilitate the redevelopment of the site. Their proposal involves constructing an education centre that would be used solely for Advance College's services, enhancing the services provided to the community and ensuring long-term community benefit.

**RECOMMENDATION**

That Council:

1. **Proposes to lease Crown Land under our appointment of committee of management authorisation for a 21-year lease to be entered into with Advance**

4.11 (Cont.)

College for the recreation reserve at 1973 Frankston Flinders Road, Hastings for the commercial valuation amount noted in attachment 5 – Valuation report.

2. Pursuant to section 115 of the *Local Government Act 2020* (the Act):

- A. Authorises notices of the Shire's intention to lease the Land to be placed on the Shire website.**
- B. Undertakes a community engagement process (Community Engagement Process) in accordance with the Shire's Community Engagement Policy in relation to the proposed lease of the Land.**

3. Notes that the Community Engagement Process on the proposed lease will be carried out by management under delegation.**4. Notes the results of the Community Engagement Process of the proposed lease and resulting recommendation by management in respect to the proposed lease will be subject of a further report to Council.****Part B**

That Council resolves that Attachment 5 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

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, E, G & I 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.**
- 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

Not applicable.

DISCUSSION

Purpose

The purpose of this report is to provide an overview of the Proposal received from Advance College to build an educational facility located at 1973 Frankston Flinders Road, Hastings, and to seek Council's approval for a 21-year ground lease to Advance College for the property.

Background

Advance Community College, established in 1980, is a registered training organisation in the vocational education and training (VET) sector. The institution offers a diverse range of industry-based courses, including horticulture, landscape construction, community services, individual support, and hospitality, encompassing apprenticeships and traineeships.

With campuses in Rosebud, Hastings, and Mornington, the College has recently reached capacity at its Hastings facility. In response, Steve Wright, Principal of Advance Community College, has submitted a proposal to construct an additional building adjacent to the current Hastings Campus. This expansion aims to accommodate the growing demand for courses and provide adequate space for both instructors and students. The new facility will enable the College to broaden its educational offerings at the certificate level, serving both the local and extended community.

The proposed site at 1973 Frankston Flinders Road, Hastings, is Crown Land under Mornington Peninsula Shire (Shire) Committee of Management. As such, the project requires landowner consent from both the Council and the Department of Energy, Environment and Climate Action (DEECA) as part of the permit application process which has been proactively granted in principle subject to a council resolution.

Advance College is an independent, specialised institution catering to students aged 15 to 19 who may face challenges in mainstream educational settings. It provides an alternative learning environment with a strong focus on supporting students in their pathways to employment or further education and training. The College specialises in the Victorian Pathways Certificate (VPC) and the Victorian Certificate of Education – Vocational Major (VCE-VM), with campuses in Rosebud and Hastings.

Key features of Advance College and community benefits include:

- Enhanced support for students who are struggling in mainstream schools.
- A comprehensive curriculum tailored to individual needs.
- Significantly increased support for at-risk students.
- Additional staff and resources for youth support generating jobs
- Promotes career development, and health and well-being.
- Diverse opportunities for students in both learning and vocational pathways.

The College is committed to assisting each young person in achieving optimal educational outcomes through quality learning and inclusive teaching practices. Students are offered the opportunity to participate in School Based Apprenticeship and Traineeship (SBAT) programs, enabling them to obtain VET Certificates while earning a weekly income.

The group can demonstrate that its programs generally result in:

- Positive welfare outcomes
- Social benefits
- Cultural enrichment
- Enhanced community safety
- Overall strengthening of the community.

The Council determines that:

- There is a genuine need for such programs
- The community derives tangible benefits from these activities.

When these conditions are met, Council will evaluate the possibility of offering suitable accommodation to the community group from its available property portfolio.

Advanced College group will pay all outgoings including contents insurance and all repairs and maintenance as determined in the lease maintenance schedule.

The Shire, as landlord, will be responsible for Essential Safety Measures at all sites.

The proposed 21-year lease would allow Advance College to construct a new education centre, fully funded by the institution, as detailed in the financial considerations section.

The lease will contain a sunset clause, ensuring that if the development does not proceed, the right to a 21-year lease will be withdrawn. The lease will also stipulate that the land is to be returned to Council in its original condition after 21 - years, removing the risk of Council receiving an aged asset.

It is noteworthy that upon successful acquisition of the new lease and completion of the proposed development, Advance College plans to vacate its current leased premises. This relocation will create an opportunity for Council to offer the vacated space to another community organisation in need of facilities.

Community engagement will be undertaken due to the lease's length under *Local Government Act 2020 (the Act)* requirements, serving as an opportunity to gauge community interest and support for the project. The feedback will be presented to Council before any formal decision is made.

It is important to note that Council is not funding the development financially; its contribution is the commitment to a 21-year ground lease. This lease term is crucial for Advance College to secure a return on investment and support the maintenance and renewal of the facility.

Figure 1 – Current leased area (outlined in blue) proposed lease area (outlined in red)



Figure 2 – Proposed build

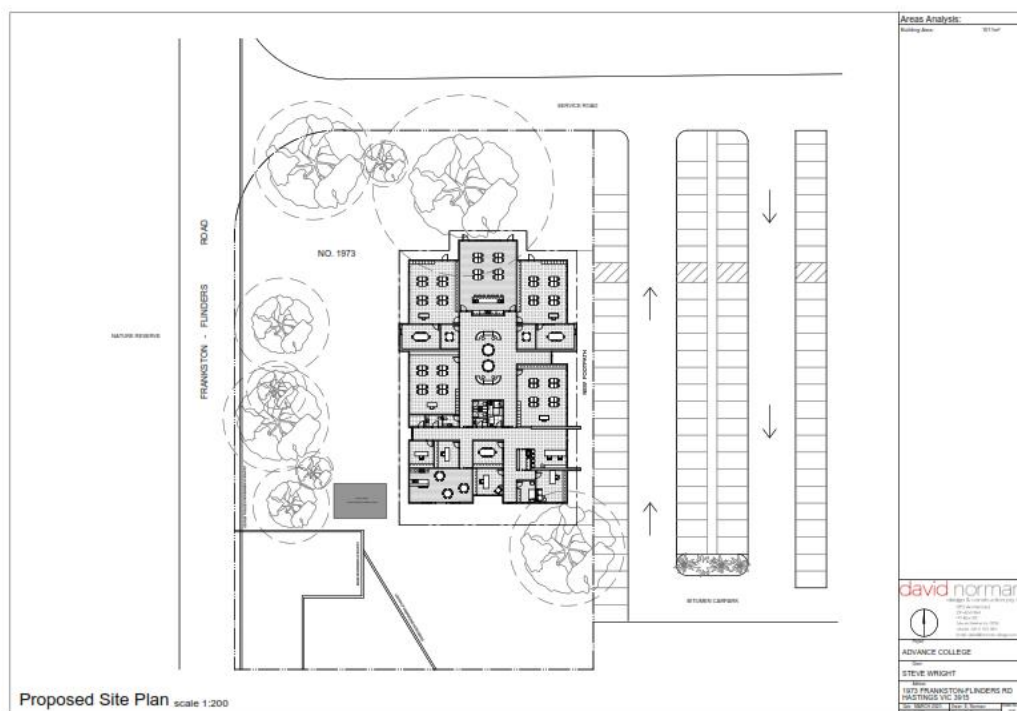
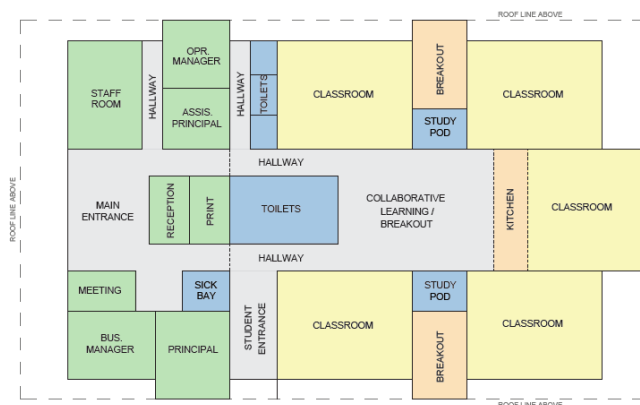


Figure 3 – Proposed Concept Plan



Proposed Concept: Advance College of Education

Planning and Coordination:

Shire officers acknowledge the critical importance of coordination with other departments, particularly planning. Obtaining the necessary planning approvals and meeting all relevant requirements is essential for the success of this project. The lease will be subject to all relevant planning and building requirements to ensure compliance with local regulations.

Preliminary advice has been sought from the Shire's Planning Department, which provided the following assessment:

The subject site at 1973 Frankston-Flinders Road, Hastings is owned by the Department of Energy, Environment and Climate Action (DEECA) and is approximately 42,917 square metres. The land is zoned Public Park and Recreation Zone (PPRZ) and has no applicable Planning Scheme Overlays. It is understood that the site is currently being used for the Hastings Neighbourhood Hub. The land also abuts a Transport Zone 2 to the west, maintained by VicRoads, and a Transport Zone 1 to the east, owned by VicTrack.

The subject site at 1973 Frankston- Flinders Road Hastings, fall under:

- Public Park and Recreation Zone (PPRZ) and has no applicable Planning Scheme Overlays

Planning Permit Requirements and Considerations:

- The current proposal is for an education centre building to be constructed within the frontage (west) of the site. The building will then be occupied by Advance College, which will operate as a 'education centre' as defined by the Mornington Peninsula Planning Scheme, for up to 60 students. To accommodate the proposed building, vegetation is also required to be removed.
- Pursuant to the PPRZ, a planning permit would likely be required for the proposed use, being an 'education centre', unless existing use rights can be demonstrated by the permit applicant. That is because an 'education centre' would be a 'section 2 – Permit required' use in clause 36.02-1 of the Planning Scheme (PPRZ). It is considered that the use is not "conducted by or on behalf of a public land manager, Parks Victoria." Or "A use specified in an incorporated plan in a schedule to the zone", being the only relevant exemptions. If the applicant could demonstrate existing use rights on the site for an education centre, then a planning permit would still be required under clause 36.02-2 of the Planning Scheme to "construct a building or construct or carry out works".

4.11 (Cont.)

- In the case of this proposal, the applicant would require public land manager's (PLM) consent to lodge the application, in accordance with the PPRZ requirement. If Council is manager (including committee of management) this can constitute PLM consent. However, if Council is not appointed as PLM, then this consent would need to come from DEECA. Separate to this, the application would need to be referred to DEECA for comment under section 52 of the *Planning and Environment Act 1987* for comments as identified in the decision guidelines. It would appear that the applicant consulted DEECA on 11 October 2023, and DEECA provided approved consent for the educational centre subject to several requirements.
- In terms of considering the application, under the PPRZ decision guidelines, the responsible authority must consider, as appropriate,
 - The Municipal Planning Strategy and Planning Policy Framework
 - The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
 - Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.
- There are some relevant Planning Policy Framework clauses (such as clause 13 related to flooding – see below), however there are limited clauses that are specifically relevant, given the general lack of planning controls applying to the land. There are no specific design or siting guidelines for the site, although the Urban Design Guidelines for Victoria (the Guidelines) are applicable to consider. The Guidelines may have limited direct relevance as they were not designed to address the specific proposal in this instance, however, they should be taken into consideration by the applicant in designing the proposal.
- It is noted that the Hastings Neighbourhood Hub provides an existing formalised area for car parking, which this proposal seeks to utilise. Under clause 52.06 - Car Parking, an education centre requires 0.4 car spaces for each student that is part of the maximum number of students on the site at any time. Given the maximum number of students at any one time has been identified as 60, 24 car spaces would be required as part of the proposal. If the proponent was not providing any additional spaces than exist on the site, the application should demonstrate the parking requirement from all existing uses on site, plus whether or not this proposal could fit within the existing car parking supply on site. If there is sufficient existing parking for existing plus proposed spaces, then a car parking requirement could be supported without too much additional information (i.e. no need for a car parking demand assessment (CPDA) under clause 52.06). However, if the existing car parking is already at capacity with existing uses and this proposal would generate a greater requirement, Council would likely request a CPDA to demonstrate that any additional use/development could be accommodated within the site and wouldn't have an adverse impact on the locality in terms of parking and traffic. The CPDA could demonstrate sufficient parking availability even if it technically did not comply with the rate specified in the scheme by demonstrating the peak times that each use of the site generates and that they would not coincide.
- Clause 52.17 - Native Vegetation, also applies to consideration of any native vegetation removal. A planning permit is required for the removal of any vegetation that is native to Victoria. From discussions with the applicant, it appears that an arborist has already been consulted to ensure no 'significant' trees are to be removed. Additionally, the Shire's Senior Vegetation Officer would likely be consulted throughout the application process to identify the species of trees. However, it would be beneficial to obtain an arboriculture report detailing the trees to be removed species, health and structure prior to lodgement. There could also be relevant exemptions under

4.11 (Cont.)

clause 52.17, however, there is insufficient information to suggest that is the case. As such, if any vegetation is removed, a permit is likely to be required and there may be an offset required by the applicant and/or replacement landscape planting as part of the proposal.

- The subject site is identified as being flood-prone, under Regulations 153 and 154 of the Building Regulations 2018. Based on existing flood modelling that is subject to be updated with new modelling, the site of the proposed building is shown to be affected by approximately 0.2 metres (m) of flood water during a 1% Average Exceedance Probability (AEP) flood event and a velocity of approximately 0.7 metres per second. This means that a design solution is possible to avoid impacts of flooding to the building. However, please note that this data is being remodelled with Melbourne Water and this could change taking into consideration climate change considerations. This new data is unlikely to be available until October 2024 and then form part of a Planning Scheme Amendment process to include the consideration of flooding within the planning scheme. However, in the interim, Council would likely seek comments from Melbourne Water under section 52 of *the Act* from Melbourne Water as part of the planning permit consideration to ensure that any proposal could be granted approval under Regulation 153 and 154 of the Building Regulations at a later date. Council must also take into consideration clause 13 of the Planning Scheme which gives consideration to environmental risks such as flooding. Council must consider and ensure development and risk mitigation does not detrimentally interfere with important natural processes and that development (particularly community facilities) are appropriately located. Given the site's existing use for public purposes and its proposed additional use for public purposes, the applicant should demonstrate how any users would be evacuated from the site to a safe location, in the case of an emergency. This could be done via the submission of an Evacuation Management Plan (EMP) for the site and also demonstrate how occupants could shelter in place if it was unsafe to evacuate. If an EMP already exists for the site, it could be amended to include the additional patrons from this proposal with appropriate measures.

In assessing the submitted draft concept drawings and other preliminary material, the Shire's Planning Department has no in principle concerns regarding the proposal, subject to addressing the above matters.

Property Operations have referred the project internally to Strategic Planning and Community Partnerships, no issues have been identified and the project is supported if there is no financial impact for Council.

In addition, Property Operations have already provided the initial proposal to DEECA as preliminary information and in Principle support has been indicated.

Benefits of the Proposed Development:

The proposed development will establish a substantial operational centre, enhancing Advance College's capacity to serve a larger cohort of at-risk individuals. This expansion will significantly improve service delivery in Hastings and across the broader Mornington Peninsula Shire by increasing student accommodation and extending community outreach programs.

Furthermore, as previously indicated, upon successful acquisition of the new lease and completion of the proposed development, Advance College intends to relinquish its current leased premises. This strategic relocation will present the Council with an opportunity to reallocate the vacated space to another community organisation requiring facilities, thereby optimizing the utilisation of Council-managed properties.

4.11 (Cont.)**ENGAGEMENT**

During the Shire's internal review process, officers from the Strategic Planning and Community Partnerships teams were consulted. These teams have expressed their support for the proposal, recognising two key benefits:

- The current Advance College site will become available, freeing up valuable space within the Shire's property portfolio.
- This vacated site will create a tenancy opportunity for another community group that requires premises to deliver their services, a current challenge faced by many community groups.

This support is based on the understanding that the reallocation of space will optimize the use of Shire-managed properties and potentially benefit additional community groups.

COMMUNICATIONS PLAN

The Shire is required to advertise the proposed leases under section 115 of *the Act* and will do so by way of a public notice in conjunction with the Shire's Community Engagement Policy. Any submissions received will be presented at a subsequent Council meeting before proceeding with the lease.

LEGAL AND REGULATORY FRAMEWORK

Section 115 of *the Act* provides Council's power to lease any land to any person is limited to leases for a term of 50 years or less.

The section further provides that Council must, at least four weeks before a lease is made, publish a notice of the proposed lease if the proposed lease:

- 1.1 is for one year or more and:
 - 1.1.1 the rent under the proposed lease will be \$100,000 or more a year
 - 1.1.2 the current market rent value of the land is \$100,000 or more a year
- 1.2 will be for 10 years or more

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

The College is not seeking any financial support from Council for this project.

The area requested is for a ground lease only and Council will be placing special conditions on the lease (if approved) that protect Council from any financial obligations including:

1. Leasing terms that ensure Council will not be responsible for any maintenance relating to the lease site and building.
2. Leasing terms include provisions for the first expiry that the lease must be renewed, or the tenant must remove all improvements or structures at their cost, unless agreed to by council.

Valuation Assessment

VALTECH has completed a commercial valuation assessment of the vacant land, which measures 4,194 square meters. For more detailed information about the valuation process and findings, please refer to the attached confidential report.

The estimated cost of the development is around \$4,000,000

Although the College has sufficient reserves to fund the project outright, it will be applying for a Government Capital Grant for 2/3rds of the funding (\$2.67 million) with the balance coming from the College's reserved funds.

Advance College's, recently constructed, Rosebud Campus received a \$2.8 million grant from the State government, with the College contributing the balance of \$3.4 million for \$6.15 million development.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.12 CN2775 Licence for Red Hill Recreation Reserve - Open Air Trading Marketplace, Expression of Interest Submissions

Prepared By	Mihaela Szeredai, Team Leader - Property Strategy & Operations
Authorised By	Chief Financial Officer
Document ID	A13237847
Briefing Note Number	BN1868 – 26 March 2024
Attachment(s)	1. Proposed Licence for Red Hill Recreation Reserve - Open Air Trading (confidential) 2. Tender Evaluation Plan (confidential) 3. CN2775 - Consensus Matrix (confidential)

EXECUTIVE SUMMARY

The Australian Craft and Food Markets operating at the Red Hill Recreation Reserve lease with Council expired on Saturday 4 May 2024. In accordance with the Mornington Peninsula Shire (Shire) Council “Community and Commercial Market Policy”, Council is committed to maintaining a consistent framework for licensing Council-owned or controlled land. This framework ensures an open, fair, and impartial process that ultimately benefits the community by fostering improved social and economic outcomes. An expression of interest was undertaken by the Shire’s Property team for a two-week period between 29 July to the 9 August.

RECOMMENDATION

1. That Council, having considered all Expression of Interest submissions, hereby accepts the Expression of Interest submission from Tenderer B for a license fee of \$XXX (excluding GST) per annum and a term of 5 years commencing 09/09/2024 and expiring 08/09/2029.
2. That Council delegates the execution of the license to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

Part B

The attachments, 1, 2 and 3 to this report be retained as a confidential item, pursuant to section 3 (1)(g)(ii) of the *Local Government Act 2020* as they contain private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

4.12 (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, D & I 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.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

- Procurement Policy
- *Local Government Act 2020*.

COLLABORATIVE PROCUREMENT

Procurement Policy and *Local Government Act 2020* requirements, no collaborative procurement processes undertaken.

DISCUSSION**Purpose**

This Expression of Interest (EOI) Evaluation Plan outlines the requirements for the Evaluation Team's assessment of EOI submissions. The plan encompasses all tasks, from the opening of EOI submissions through to the recommendation of a preferred submitter for approval.

The Evaluation Team were guided by the following key principles:

- Obtaining value for money
- Ensuring ethical and fair treatment of participants
- Maintaining probity, accountability, and transparency throughout the procurement process.

This structured approach will enable the rigorous and impartial evaluation of EOI responses in alignment with the organisation's procurement objectives and best practices.

Background

The decision to initiate this EOI process was prompted by requests received from multiple parties interested in trading at the Red Hill Recreation Reserve. In response to these submissions, Council has determined that an EOI will provide the fairest and most transparent method to evaluate potential operators for the reserve.

Options for consideration

Not applicable

TENDER INVITATION

The tender was released to the market on 29 July via public advertising, the Shire's website and Tenderlink.

The tender closed at 3.00pm on 9 August 2024.

Two submissions were received.

TENDER EVALUATION

- No submissions were received that did not pass mandatory gateways or were deemed to be non-conforming submissions.
- The two submissions received were progressed to evaluation and assessed against the following criteria:

Criteria	Weighting
Compliance • Risk and insurance • Conflict of interest • Statutory compliance and policy requirements • Compliance with contract conditions • Supplier verification acknowledgement	Pass or fail
Expertise and Industry Knowledge • Ability of the proposal to achieve (or exceed) the Deliverables stated in section (2.1) • Environmental Management • Risk management principles	30%
Capability and Capacity • Quality assurance • References	30%
Overall Cost and Financial Benefit to Council	40%

Evaluation was guided by an approved Evaluation Plan

EVALUATION PANEL

The Evaluation Panel consisted of:

Name and Title	Role in Evaluation Process i.e. price/non-price/independent/ financial/technical etc.	Scoring or Non-Scoring Member
Anne-Marie Haluszka – Team Leader – Tourism Services	Price Evaluation Panel Member	Scoring Member
Michael Botten - Contract Auditing & Surveillance Officer	Price Evaluation Panel Member	Scoring Member
Mihaela Szeredai - Team Leader – Property Strategy & Operations	Price Evaluation Panel Member	Scoring Member
Sally Smith - Contract Performance Partner	Price Evaluation Panel Member	Scoring Member

PROBITY ATTESTATION

Not conflicts of interest were identified and the process was overseen by a Procurement Business Partner.

CONTRACT VALUE

\$XXX per annum (excluding GST)

TERM OF CONTRACT

The license agreement will have a fixed term of five years, no optional extension will apply.

The licensed trading period is proposed to commence in early September and conclude in May annually.

DELEGATED AUTHORITY ASSESSMENT

Yes/No	Instrument of Delegation Conditions
Yes	The full amount is within budget
N/A	That the recommended Tenderer is the lowest cost tender
N/A	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.

4.12 (Cont.)

CONFLICTS OF INTEREST

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

5 NOTICES OF MOTION

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

5.1 Notice of Motion 464 (Cr Mar) - Review of Fees and Charges associated with disposing of dead animals and livestock

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

1. *That Council requests the Finance Team to review fees and charges associated with the disposal of dead animals and livestock*
2. *That this investigation is to occur at the commencement of the fees and charges cycle for the 2025/26 Budget process.*

Officer Comment Prepared by	Mark Schubert, Manager - Finance
Authorised by	Chief Financial Officer

OFFICER COMMENT

As part of the annual budget process, all fees and charges are reviewed by the relevant teams along with Finance and put forward to Council for consideration and adoption.

As part of the 2025/26 Annual budget process, consideration will be given to the disposal of dead animals and livestock fees and charges. This will also include the consideration of the feedback received during the 2024/25 budget process, which has been included in Appendix F of the 2024/25 Adopted Annual budget. ([Annual Report & Budget - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://www.mornpen.vic.gov.au))

Any further feedback received during the 2025/26 budget process will be considered and shared with Councillors prior to the fees and charges being adopted.

Legal Implications

Nil

Financial and Resourcing Implications

As this will be considered in the context of the 2025/26 Annual budget process, there will be no additional financial or resourcing implications.

Potential Alternative Wording

That Council requests the Finance Team to review the fees and charges associated with the disposal of dead animals and livestock as part of the fees and charges cycle for the 2025/26 Budget process.

6 URGENT BUSINESS

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

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

7 CONFIDENTIAL ITEMS

Advice to the Public

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

MEETING CLOSED TO THE PUBLIC

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

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

RECOMMENDATION

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

7.1 Chief Executive Officer Performance and Remuneration Review

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