



**MORNINGTON  
PENINSULA**  
*Shire*

# **AGENDA**

**COUNCIL MEETING**

**TUESDAY, 19 MARCH 2024**

**6.30PM**

**PENINSULA COMMUNITY THEATRE  
91 WILSONS ROAD, MORNINGTON**

**MORNINGTON PENINSULA SHIRE COUNCIL****WARDS AND COUNCILLORS**

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

**EXECUTIVE TEAM**

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

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

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

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# 1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Simon Brooks

## 1.1 Acknowledgement of Country

To be read by Cr Dixon

*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 5 March 2024, be confirmed.**

### **2.4 Councillor Briefing Sessions**

Councillor Briefing Sessions – 27 February 2024

#### **RECOMMENDATION**

**That Council receives and notes the record of Councillor Briefing Sessions for 27 February 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 12 March 2024.

**RECOMMENDATION**

**That Council receives and notes the Decision Register Summaries for 2019-2024 (Attachments 1-6) as at 12 March 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	David Taylor, Manager – Legal and Governance
Community Consultative Committee on Gaming	Cr O'Connor	Cr Dixon	Kathleen van der Weerden, Social Planning Officer and Kate Hills, Team Leader – Community Wellbeing
Climate Emergency Community Reference Group	Cr Race	Cr Roper	Chris Yorke, Energy and Carbon Management Officer
Disability Advisory Committee	Cr Dixon	Cr O'Connor	Monica Seal, Disability Community Inclusion Officer
Friends of Lospalos	Cr Brooks	N/A	Chris Munro, Manager – Community Partnerships
Greater South East Melbourne	Mayor	Deputy Mayor	John Baker, Chief Executive Officer
Hastings Liquor Industry Accord	Cr Dixon	N/A	Katherine Cooper, Team Leader – Economic Development
Health and Wellbeing Committee	Cr Celi	Cr O'Connor	Kate Hills, Team Leader – Community Wellbeing
Hinterland Local Area Action Plan Advisory Committee	Cr Mar	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Interface Councils	Mayor	Deputy Mayor	Emma Lindsay, Coordinator – Advocacy

<b>Association/Committee</b>	<b>Representative/s</b>	<b>Substitute Representative/s</b>	<b>Shire Contact</b>
Koala Conservation Group	Cr Mar	N/A	James Rose, Team Leader – Natural Systems
Local Government Mayoral Taskforce Supporting People Seeking Asylum	Cr Brooks	Cr Race	Chris Munro, Manager – Community Partnerships
Metropolitan Transport Forum	Cr O'Connor	Cr Celi	Justine Lewis, Transport Strategy Coordinator
Mornington Liquor Industry Accord	Cr O'Connor	N/A	Katherine Cooper, Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Mar	Cr Race	James Rose, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Celi Cr O'Connor Cr Roper	Cr Holland	Jenny Brown, Senior Cemeteries Officer
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	David Taylor, 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	David Taylor, Manager – Legal and Governance

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

## 4 MANAGEMENT REPORTS

### OFFICE OF THE CEO

#### 4.1 2024/2025 Annual Budget - Operating Expenses

Prepared By	Laura Bettles, Team Leader - Finance Business Partners
Authorised By	Chief Financial Officer
Document ID	A12951014
Briefing Note Number	BN1854 – 12 March 2024
Attachment(s)	1. FY25 Draft Budget - Financial Performance Statement <a href="#">↓</a>

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#### EXECUTIVE SUMMARY

The purpose of this report is to endorse the current draft operating expenditure for the 2024/2025 Annual Budget (Attachment 1), following the previous adoption of the 2.75% rate cap and schedule of fees and charges at the Council Meeting on 5 March 2024.

#### RECOMMENDATION

**That Council endorses the Financial Performance Statement (Attachment 1) as the draft operating expenditure for the 2024/2025 Annual Budget.**

#### COUNCIL & WELLBEING PLAN

The Budget process is the determination of competing priorities of the community for the use of the Mornington Peninsula Shire Council's (Shire) limited resources considering the best interests of the Mornington Peninsula 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 principles B, G and I which are:

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

G. The ongoing financial viability of the Council is to be ensured.

**4.1 (Cont.)**

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

**RELEVANT COUNCIL DECISIONS AND POLICIES**

Not applicable.

**DISCUSSION****Purpose**

At the Council Meeting on 5 March 2023, the 2.75% rate cap and Fees and Charges schedule was adopted. As a result, the draft operating revenue for the 2024/2025 Annual Budget is expected to be \$279 million.

The purpose of this report is to provide a high-level overview of the operating expenses necessary to deliver the projected services in the next financial year. These services and expenses will be further detailed and costed in the final review of the 2024/2025 Annual Budget, after considering feedback from the community.

**Background**

The draft operating expenses for providing the services projected to be delivered in the next financial year are categorised in the following expenditure types:

- (\$96) million – Employee costs
- (\$37) million – Materials and services
- (\$112) million – Materials and services contracts
- (\$8) million – Other expenses
- (\$4.4) million – Debt servicing and Leasing costs
- \$4 million – Interest income.

Following the allocation of these costs and other income sources, it provides approximately \$26 million available for allocation towards capital works, operating projects and community feedback. This allocation will be addressed in the following Budget Meeting on 7 May 2024, before the 2024/2025 Annual Budget is adopted on 28 May 2024.

**Options for consideration**

Council will have two further Council Meetings on 7 May 2024 and 28 May 2024 in relation to the 2024/2025 Annual Budget.

**ENGAGEMENT**

Community submissions were open in the budget portal until 15 March 2024, with over 800 surveys completed and over 100 written contributions received up until week commencing 11 March 2024.

**COMMUNICATIONS PLAN**

Not applicable.

**4.1 (Cont.)**

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Endorsing the operational expenses for the 2024/2025 Annual Budget allow for the available funds consideration in capital works, operating projects and community submissions.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

**4.2 Pelican Park Recreation Centre - Critical Renewal Works and Funding**

Prepared By	Gail Mifsud, Acting Manager - Property and Commercial Services; Davey Smith, Manager – Programs and Project Management Office; Nicole Young, Acting Manager - Infrastructure Services; Elliott Reid, Team Leader - Project Delivery (Western Port)
Authorised By	Chief Financial Officer
Document ID	A12969905
Briefing Note Number	BN1855 – 12 March 2024
Attachment(s)	1. Attachment (confidential)

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**EXECUTIVE SUMMARY**

Pelican Park Recreation Centre has recently celebrated 20 years of operation. Since opening, the centre has provided a valuable service to the Westernport community including learn to swim classes, gymnasium and fitness programs.

The highly corrosive aquatic and foreshore environments have led to the plant and infrastructure required to operate the centre now reaching end of life and are requiring replacement.

\$3,189,000.00 funding is required to undertake the works and continue the future operations of the centre.

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

- 1. Allocates \$3,189,000.00 funding to undertake the works as outlined in the confidential attachment.**
- 2. Approves \$3,189,000.00 be funded from the FY24/25 capital works program.**

**Part B**

**That Council resolves that Attachment 1 to this report be retained as a confidential item pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as it pertains to a commercial and contractual matter.**

**COUNCIL & WELLBEING PLAN**

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

Theme 3: A flourishing, healthy and connected community.

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

**4.2 (Cont.)****GOVERNANCE PRINCIPLES**

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

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

**RELEVANT COUNCIL DECISIONS AND POLICIES**

At the Council Meeting held on 2 June 2022, Council resolved to:

1. *Adopt the capital works budget inclusive of \$750,000.00 required for the replacement of the HVAC systems at Pelican Park Recreation Centre with an additional \$200,000 for detailed design for the required renewal works.*

**DISCUSSION****Purpose**

The purpose of this report is to seek funding from the FY24/25 capital works budget for the critical renewal works required to continue the future operations of Pelican Park Recreation Centre.

**Background**

Built in 2003 the Pelican Park Recreation Centre has 1,304 members and an annual visitation of 226,000 across the following facilities and services:

- 25 metre indoor pool with lap lanes
- Leisure pool
- Toddler pool with aqua play
- Spa and steam facilities
- Fully equipped gym
- Functional training area
- Group exercise classes and personal training
- Learn to swim classes / school swimming programs
- Aqua Aerobics.

A detailed inspection report commissioned for Pelican Park shows that the pool balance tank liner has corroded exposing the concrete to chloride attack and the mortar and concrete surrounding the wet edge of the pool is degraded causing tiles to crack and detach, it is a matter of priority that the centre be temporarily closed to undertake the HVAC and pool works to ensure the continued operations of the centre.

It had previously been identified that a budget of \$2,000,000 would be required to undertake the facility renewal works (excluding the pool shell) would be required as part of the FY24/25 capital works budget adoption, with the addition of the pool shell the required funding is now



**4.2 (Cont.)**

\$3,189,000. This funding requirement has now been brought forward due to the requirement to commence procurement as soon as possible due to the lead times involved with securing plant and equipment associated with the works.

**Options for consideration**

**Option 1 (recommended):** Council to fund the required \$3,189,000.00 required to undertake the critical renewal works from the FY24/25 capital works budget and commences procurement immediately.

**Option 2 (not recommended):** Council delays the project until the FY25/26 budget, this options carries the risk of the pool shell failing before a contractor being appointed and closure of the facility for an unknown period of time.

**Option 3 (not recommended):** Replacement of HVAC only, with minimal reactive repairs undertaken to the pool shell and other plant, this option would allow the facility to operate for a maximum of 2-3 years before requiring to be closed indefinitely.

**ENGAGEMENT**

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

**COMMUNICATIONS PLAN**

As the centre is required to be temporarily closed for the works to be undertaken a communication plan is currently in development including options to encourage continued participation at our other aquatic and recreation facilities. Advice regarding the future temporary closure will be advertised throughout the centre, through social media, via membership newsletters and direct contact with local schools.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

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

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

**FINANCIAL CONSIDERATIONS**

The total required funding allocation required from the FY24/25 capital works budget is \$3,189,000.00.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

#### 4.3 Instruments of Appointment and Authorisation

Prepared By	Diana Harris, Governance Officer
Authorised By	Chief Executive Officer
Document ID	A12945441
Briefing Note Number	Not applicable
Attachment(s)	1. Authorisation under P&E Act

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#### EXECUTIVE SUMMARY

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

The attached Instrument of Appointment and Authorisation (Attachment 1) has been prepared to ensure the relevant Mornington Peninsula Shire (Shire) officers are properly authorised under the legislation.

It is recommended that Council appoints the relevant Shire officer as an Authorised Person under the *Planning and Environment Act 1987*.

#### RECOMMENDATION

1. **That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instrument of Appointment and Authorisation, Council resolves that:**
  - A. **The member of Council staff referred to in Attachment 1 be appointed under the *Planning and Environment Act 1987*.**
  - B. **The Instrument comes into force upon the resolution of Council.**

#### COUNCIL & WELLBEING PLAN

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

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

Theme 2: A robust, innovative and diverse economy.

Theme 3: A flourishing, healthy and connected community.

#### GOVERNANCE PRINCIPLES

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

- A. Council decisions are to be made and actions taken in accordance with the relevant law.

**4.3 (Cont.)**

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

**RELEVANT COUNCIL DECISIONS AND POLICIES**

The Appointment of Authorised Officers by Council occurs regularly to ensure new employees or employees changing roles are appointed in a timely manner. The previous report was presented to Council for endorsement on 6 February 2024.

**DISCUSSION****Purpose**

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

***Planning and Environment Act 1987***

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

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

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

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

- Bree Stone – Coordinator Statutory Building – position change

**Background**

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

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

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

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

**Options for consideration**

Not applicable.

**4.3 (Cont.)**

**ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

Not applicable.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

**4.4 Approval for Attendance at the 2024 Australian Coastal Councils Conference - Councillor Sarah Race**

Prepared By	Sophy Jennings, Councillor Liaison Officer; Jess Orr, Team Leader - Councillor Support
Authorised By	Chief Executive Officer
Document ID	A12943073
Briefing Note Number	Not applicable
Attachment(s)	Nil

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**EXECUTIVE SUMMARY**

Cr Race has requested approval to attend the Australian Coastal Councils Association Inc. (ACCA) 2024 Australian Coastal Councils Conference in McLaren Vale, in the City of Onkaparinga, South Australia from 29 May to 31 May 2024.

Cr Race was appointed as the Council delegate to the ACCA on 12 December 2023 by Council resolution.

Cr Race has a speaking role at the Australian Coastal Councils Conference and will be discussing the Coastal Roundtable Event that was hosted by the Mornington Peninsula Shire Council on the 15 March 2024, and the Victorian approach.

Expenses relating to the Conference will be attributed to Cr Race's Conferences, Seminars, Training and Events budget.

If Cr Race is unable to attend, a substitute delegate should be appointed by the Mayor in her stead.

**RECOMMENDATION**

- 1. That Council approves the attendance of Cr Sarah Race at the Australian Coastal Councils Association Inc. 2024 Australian Coastal Councils Conference in McLaren Vale, in the City of Onkaparinga, South Australia from 29 May to 31 May 2024, with associated expenses to be deducted from the Councillor's Conferences, Seminars, Training and Events account.**
- 2. If Cr Race is unable to attend, that the Mayor be authorised to nominate another Councillor to attend, with associated expenses to be deducted from that Councillor's expenses account.**

**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.

**4.4 (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, C and E which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- E. Innovation and continuous improvement is to be pursued.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

Councillor Expenses, Reimbursements, Resources and Facilities Policy 2022.

Item 4.9 Appointment of Councillor Representatives and Committee Chairs 12 December 2023.

**DISCUSSION****Purpose**

The purpose of this report is to seek authorisation from Council for Cr Sarah Race to attend the 2024 Australian Coastal Councils Conference.

**Background**

On 12 December 2023 Council appointed Cr Race as the delegate to the ACCA.

The 2024 Australian Coastal Councils Conference is being held in McLaren Vale, in the City of Onkaparinga, South Australia from 29 May to 31 May 2024.

The ACCA website states:

*Association Chair, Councillor Sharon Cadwallader, Mayor of Ballina Shire Council in Northern NSW, said the Australian Coastal Councils Conference is an important event for elected representatives and officers of coastal councils and other coastal stakeholders. "We are excited at the prospect of holding the 2024 event at McLaren Vale," she said. "It is 10 years since we held our last conference in South Australia, and I know it will be a very popular destination with delegates. The program will also be of great relevance and interest to delegates."*

*One of the key features of the 2024 event will be the release of the interim report of a new study by The University of Sydney titled, Short-term rentals in urban and coastal communities: impacts and policy responses. The report updates and extends the landmark research report, Planning responses to online short-term holiday rental platforms, which was commissioned by the Association in 2017 with the final report being released in 2018.*

*The objectives of the new study are to:*

*Identify relevant planning responses to the current growth in online short-term holiday rental platforms (STR) in terms of local government planning frameworks, rating regimes, licensing and regulations, and complaints mechanisms;*

**4.4 (Cont.)**

*Define the tools and strategies required to address concerns around the amenity, tourism, infrastructure, cost burdens and potential housing market impacts of growth in STR platforms.*

*The City of Onkaparinga is home to 31km of iconic sandy beaches, tidal rivers, estuaries and world class tourism destinations and has developed many innovative coastal initiatives, including a Coastal Adaptation Plan and Coastal Monitoring Program that is the culmination of years of rigorous scientific investigation, risk assessments and community engagement. The conference will also be an opportunity to hear presentations on innovative South Australian coastal initiatives, including the Climate Ready Coasts Program and the work of the Coast Protection Board and the Department of Environment and Water's Coast and Marine Branch. Join us to find out how coastal councils around the nation are finding smarter solutions to the challenges facing their communities.*

Costs will be approximately:

Conference (Early Bird Discount Package – includes full conference, reception, and networking dinner tickets)	\$1,380
Accommodation (three nights at \$200 per night)	\$600
Airfares	\$600
Transfers	\$110
<b>Total</b>	<b>\$2,690</b>

Cr Race has expended \$12,450.88 of her \$16,000 Conferences, Seminars, Training and Events budget.

**ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

Not applicable.

**LEGAL AND REGULATORY FRAMEWORK**

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

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

The anticipated costs are approximately \$2,690. This will be deducted from the Councillor's Conferences, Training, Seminars and Events account.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

**4.5 Approval to attend National General Assembly and Australian Council of Local Government 2024**

Prepared By	Simone Borthwick, Executive Officer to the Mayor & Deputy Mayor; Jess Orr, Team Leader - Councillor Support
Authorised By	Chief Executive Officer
Document ID	A12952197
Briefing Note Number	Not applicable
Attachment(s)	Nil

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**EXECUTIVE SUMMARY**

This report seeks Council's endorsement for the Mayor, Cr Simon Brooks, Deputy Mayor, Cr Antonella Celi, Cr Steve Holland and Cr Sarah Race to attend the National General Assembly (NGA) and Australian Council of Local Government (ACLG) in Canberra to be held 2 to 5 July 2024.

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

**RECOMMENDATION**

- 1. That Council approves the attendance and associated expenditure of funds for Mayor, Cr Simon Brooks, Deputy Mayor, Cr Antonella Celi Mar, Cr Steve Holland and Cr Sarah Race to attend the National General Assembly and Australian Council of Local Government in Canberra to be held from 2 to 5 July 2024.**
- 2. That subject to Council's decision above, the amount expended is to be allocated from the Mayor, Deputy Mayor, Cr Steve Holland's and Cr Sarah Race's Training, Conferences and Seminars and Events account.**
- 3. In accordance with section 6.2.6 of the Councillor Expenses, Reimbursement, Resources and Facilities Policy 2022, Councillors attending any approved interstate activity will provide Council with a report of their attendance via a Councillor delegate's report within 30 days of return from travel.**

**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 principles F, E and H which are:



**4.5 (Cont.)**

- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.
- 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**

Councillor Expenses, Reimbursement, Resources and Facilities Policy 2022.

**DISCUSSION****Purpose**

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

The total cost for Mayor, Cr Simon Brooks, Deputy Mayor, Cr Antonella Celi and Cr Steve Holland is estimated to be \$3,290 and will be allocated from their Training, Conferences, Seminars and Events account. The breakdown of these costs is:

- NGA registration fee based on the early bird discount rate ending 31 May is \$1,395.
- Return economy airfares from Melbourne airport to Canberra airport based on webjet.com.au as at 29 February 2024 is approximately \$700.
- Accommodation staying at QT Hotel Canberra (as booked through the NGA registration process) is approximately \$1,195 for five nights.

Councillors have an allowance of \$16,000 for their four-year term to use for conferences, training and seminars.

Cr Race has almost reached this threshold with a balance remaining of \$850.00. Given the cost of this event is greater than the balance available, Cr Race will personally fund the balance so she can attend. For clarity the breakdown of these costs is:

- The amount of \$850 will be used towards the NGA registration fee based on the early bird discount rate ending 31 May being \$1,395; the remainder of the registration fee will be personally funded by Cr Race.
- Flights and accommodation will be personally funded by Cr Race.

**Background**

The Australian Local Government Association's annual NGA is the largest, most influential local government conference in Australia. Held in Canberra, the NGA attracts more than 870 representatives from councils across the states and territories.

The Assembly's 2024 theme is 'Building Community Trust' and will aim to explore the critical importance of trust in governments, between governments, its institutions, and its citizens.

Through the NGA, the delegates will exchange ideas and experiences with other councils and gain valuable knowledge the program will cover a range of issues, reflecting the diversity of local government. Delegates will have the opportunities to interact with keynote speakers, Panels of subject-matter experts and local government representatives.

**4.5 (Cont.)**

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

**Options for consideration**

Outlined above.

**ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

Not applicable.

**LEGAL AND REGULATORY FRAMEWORK**

Not applicable.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

Budget considerations are outlined above as applied by the Policy.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## PLANNING & INFRASTRUCTURE

### 4.6 Planning Application P22/2300 - 6 Napier Street, Rye - Use of land for a residential hotel, development of a five-storey building with basement parking, reduction in parking provision and removal of vegetation

Prepared By	Carl Jenkins, Principal Planner
Authorised By	Director - Planning and Infrastructure
Document ID	A12780340
Briefing Note Number	Not applicable
Attachment(s)	<ol style="list-style-type: none"><li>1. Officer Assessment</li><li>2. Development Plans</li><li>3. Landscaping Plans</li><li>4. Planning Submission</li><li>5. Arboricultural Assessment</li><li>6. Traffic Impact Assessment</li><li>7. Objections 1-21 (confidential)</li><li>8. Objections 22-47 (confidential)</li><li>9. Objections 48-51 (confidential)</li><li>10. Objections 52-53 (confidential)</li><li>11. Letters of Support 1-7 (confidential)</li></ol>

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### EXECUTIVE SUMMARY

The purpose of this report is to seek a decision on Planning Permit application P22/2300 (the application) for use of the land for a residential hotel, development of a five-storey building with basement parking, reduction in parking provision and removal of vegetation at 6 Napier Street, Rye (the site). The application has been called in by Councillor Bissinger for a decision by Council.

The application seeks planning permission for the use of the subject site for a residential hotel and for the development of a building containing a basement and five storeys above ground. The proposed building will accommodate the residential hotel, a restaurant and bar which will be open to hotel residents and the general public. The use of the land for a restaurant and bar does not require a planning permit.



Fifty-three (53) objections and seven (7) letters of support have been received in response to the proposal.

The proposal is considered to be unacceptable having regard to the relevant objectives and purposes of the applicable planning controls. The proposed scale and height of the proposed building is considered to be inconsistent with the existing neighbourhood character. The parking provision within the development and vehicle access arrangements are also considered to be unacceptable. Consideration has been given to the matters raised in the objections received which relate primarily to scale, height, inconsistency with Design and Development Overlay Schedule 58 (DDO58) and traffic. Consideration has also been given to the matters raised in the letters of support which relate to the need for investment, boosting the local economy and providing opportunities for visitors.

The applicant has lodged a Section 79 Appeal (applications for review of failures to grant permits) with the Victorian Civil and Administrative Tribunal (VCAT) on 10 November 2023. 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 not be supported and that Council advise VCAT and the relevant parties that it would have refused the application based on grounds contained in the recommendation of this report.

## 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 P22/2300 for the use of land as a residential hotel, development of a five storey building with basement parking, reduction in car parking provision, removal of vegetation and associated works at 6 Napier Street, Rye, would have been refused and that a Notice of Refusal would have been issued on the following grounds:**

- 1. The height, scale and form of the proposal is unacceptable having regard to the design objectives of the Design and Development Overlay Schedule 58 (Rye Town Centre) and the objectives and strategies of Clause 11.03-5S (Distinctive**

**4.6 (Cont.)**

Areas and Landscapes), Clause 15.01-5S (Neighbourhood Character) and Clause 15.01-1S (Urban Design) of the Mornington Peninsula Planning Scheme.

2. The proposal is unacceptable having regard to the provision of car parking or vehicle access for the proposed development and will have a detrimental impact on the efficient and safe functioning of the surrounding road network contrary to the purpose of Clause 52.06 (Car Parking) of the Mornington Peninsula Planning Scheme. The application has not sufficiently demonstrated how parking will be allocated to hotel residents and staff or how the access arrangements and traffic light system provides for users of the adjoining laneway.
3. The proposal is unacceptable having regard to the relevant objectives and standards under Clause 55.02-1 (Neighbourhood Character) and Clause 55.04-6 (Overlooking) of the Mornington Peninsula Planning Scheme.

**Part B**

That Council resolves that Attachments 7, 8, 9, 10 and 11 to this report be retained as confidential items pursuant to section 3 (1) (f) of the *Local Government Act 2020* as they contain personal 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 1.3: A sustainable built environment that respects the natural environment and protects the community from the impacts of the climate emergency.
- 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 principles B, H and I which are:

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

Not applicable.

**DISCUSSION****Purpose**

The purpose of this report is to provide a summary of:

**4.6 (Cont.)**

- any relevant background of the site
- the proposal
- the key issues, and
- the assessment against the relevant provisions of the *Planning and Environment Act 1987* and Mornington Peninsula Planning Scheme.

For a detailed assessment of all the relevant matters please see Attachment 1 – Officer Assessment.

<b>Proposal</b>	Use of land as a residential hotel, development of a five-storey building with basement parking, reduction in car parking provision, removal of vegetation and associated works.
<b>Zoning and Overlays</b>	Zone: <ul style="list-style-type: none"> <li>• Commercial 1 Zone (C1Z)</li> <li>• Adjacent to Transport Zone 3 (TRZ3).</li> <li>• Planning Overlays:               <ul style="list-style-type: none"> <li>• Design and Development Overlay Schedule 58 (DDO58)</li> <li>• Vegetation Protection Overlay Schedule 1 (VPO1)</li> <li>• Adjacent to Design &amp; Development Overlay Schedule 2 (DDO2)</li> </ul> </li> </ul>
<b>Permit Triggers</b>	<ul style="list-style-type: none"> <li>• C1Z – Section 2 Use (Accommodation – Residential Hotel)</li> </ul> <p>Note: A planning permit is not required for the use of land as a restaurant or bar</p> <ul style="list-style-type: none"> <li>• C1Z – a planning permit is required for buildings and works</li> <li>• DDO58 – a planning permit is required for buildings and works</li> <li>• VPO1 – a planning permit is required to remove, destroy or lop vegetation</li> <li>• 52.06 – a planning permit is required to reduce the car parking requirement.</li> </ul>
<b>Advertising</b>	The application was advertised by sending direct notice to adjoining properties, properties opposite and erecting two signs on site for 14 days.
<b>Submissions</b>	Fifty-three objections and seven letters of support have been received to date.

## 4.6 (Cont.)

<b>Consultation</b>	An informal information session was to be held on 6 November 2023. This was cancelled. The applicant lodged the appeal with VCAT.
<b>Key Issues</b>	<ul style="list-style-type: none"><li>• Whether the proposed use of land for a residential hotel is appropriate.</li><li>• The design and appearance of the building and its response to neighbourhood character.</li><li>• Whether vehicle access and car parking is appropriate.</li><li>• Consideration of the matters raised in the objections.</li></ul>
<b>Recommendation</b>	Refuse

**DISCUSSION****The site and surrounds**

The subject site is formally identified as Lot 1 on Title Plan 392124C and is located on the north-west corner of the intersection of Nelson Street and Napier Street, in the commercial area of Rye. The site has a frontage of 25.1 metres to Napier Street and frontage of 40.6 metres to Nelson Street and a total area of approximately 1,023 square metres. An unnamed laneway adjoins the west boundary of the site.

The land is relatively flat and there are several small trees and shrubs within the site and along the Nelson Street frontage. A Swamp Paperbark tree (4 metres) is located in the Nelson Street nature strip. All the vegetation is noted in the applicant's arboricultural assessment as having low landscape significance.

The subject site currently contains a single storey weatherboard building located centrally within the site with a garage in the north-west corner. The site was previously used as a funeral home and a dwelling. Vehicle access is from two vehicle crossings, one to each road frontage.

The Napier Street frontage is currently unfenced, whilst part of the Nelson Street frontage has a 1.8-metre-high timber fence.





Figure 1: Aerial photo showing subject site and surroundings – Nearmap September 2023

#### Surrounding properties

<b>North</b>	<p>To the north at 2-4 Napier Street is a double storey building used as a residential hotel, setback approximately 4.2 metres from the shared boundary. There is a double width crossover and driveway adjacent to the common boundary which provides access to covered parking.</p> <p>Part of the building has zero setback to Napier Street and comprises varied roof forms including pitched, gabled and bullnose verandah. Additional vehicle access is provided via a single width crossover located centrally within the frontage.</p>
<b>East</b>	<p>Napier Street to the east provides 90-degree street parking within the centre median as well as parallel parking located at the kerb side. On the opposite side are single storey retail buildings.</p>
<b>South</b>	<p>A wide nature strip and footpath separate the south boundary from Nelson Street. Parallel kerb side parking is provided along the northern side (which is used by the mobile library on Thursday mornings) and angled parking is provided along the southern side of Nelson Street. On the opposite side of the street is the Rye Civic Hall.</p>
<b>West</b>	<p>The laneway to the west is 3.2 metres wide and provides vehicle access to the adjoining property at 14-16 Nelson Street and to several commercial tenancies fronting the Point Nepean Road to the north.</p>



**4.6 (Cont.)****Proposal**

Please refer to the following for further details:

- Attachment 1 – Officer Assessment
- Attachment 2 – Development Plans
- Attachment 3 – Landscaping Plans
- Attachment 4 – Planning Submission
- Attachment 5 – Arboricultural Assessment
- Attachment 6 – Traffic Impact Assessment.

The application seeks approval for the use of the land for a residential hotel and for the development of a building containing a basement car park and five storeys above ground. The proposed building will accommodate the residential hotel, a restaurant at ground floor level and a bar on the third level. The top two storeys are to be recessed from the Nelson Street and Napier Street frontages.

The residential hotel provides 29 hotel suites providing a mix of studio rooms, single and double suites and a triple suite. The main hotel entry is shown from the Napier Street frontage. The basement level car park is to provide 24 parking spaces and six bicycle spaces. The vehicle access to the basement carpark is to be from the laneway located immediately to the west of the site.

The restaurant is located on the ground floor with main entry from Nelson Street. The restaurant will provide for 100 patrons and available to hotel residents and the public. Opening hours will be 8.00am to 11.00pm Monday-Thursday and Sunday and 8.00am to 1.00am Friday and Saturday.

The bar is to be located on the third level and will provide for 30 patrons also available to hotel residents and the public. The opening hours will be 10.00am to 11.00pm Sunday to Thursday and 10.00am to 1.00am Friday and Saturday.

No application has been made at this time for a liquor licence or signage and would be subject to consideration under separate applications, unless exempt from planning permission.

**PLANNING SCHEME PROVISIONS**

Please refer to the following for further details:

- Attachment 1 – Officer Assessment.

**NOTIFICATION AND CONSULTATION****Notification**

The application was advertised by sending direct notice to adjoining properties, properties opposite and erecting two signs on site for 14 days.

**Submissions**

Please refer to:

**4.6 (Cont.)**

- Attachment 7 – Objections 1-21
- Attachment 8 – Objections 22-47
- Attachment 9 – Objections 48-51
- Attachment 10 – Objections 52-53
- Attachment 11 – Letters of Support.

Council received 53 objections and seven letters of support to the application. The matters raised in those objections and letters of support are discussed further in this report.

**REFERRALS**

Referrals were undertaken by internal departments including Health, Development Engineering, Traffic and Transport team, Property team, and Urban Designer, via Council's Design Advisory Panel.

The Traffic and Transport team does not support the proposal. Further discussion is provided in the report below.

The Development Engineer raises questions regarding the operation of the vehicle access for which conditions were recommended to address.

The other departments provided conditional consent to the application or raised no objections.

**CONSIDERATION**

Please refer to Attachment 1 – Officer Assessment for full details of assessment.

The following key issues are summarised below:

- Whether the proposed use of land for a residential hotel is appropriate.
- Whether the design and appearance of the building and its response to neighbourhood character is appropriate.
- Whether vehicle access and car parking is appropriate.
- Consideration of the matters raised in the objections and letters of support.

**Whether the proposed use of land for a residential hotel is appropriate**

The Planning Scheme, in its strategic framework identifies Rye as a 'Large Township Activity Centre' within the 'Neighbourhood activity centre' hierarchy.



*Figure 2: Mornington Peninsula strategic framework plan – Clause 02.04*

There is a clear strategic direction to strengthen the hierarchy of the activity centres and concentrate commercial and non-commercial services in these areas to serve the needs of the community, visitors and tourists as well as to promote economic development.

The subject site is in the Commercial 1 Zone that is well located within the Rye Town Centre and is currently considered to be underutilised and suitable for redevelopment. The Commercial 1 Zone encourages mixed uses, and as such, the proposal supports the objectives of ensuring a sufficient supply of land for residential, commercial and retail uses to provide for residents and visitors. In this respect, the proposed use as a residential hotel is entirely consistent with the policy direction.

The immediate surrounding area consists of a number of retail premises, other holiday apartments and hotels. The existing immediate surrounding uses are not considered highly sensitive and are very similar in nature to the proposal being holiday apartments, hotel facilities, food and drink premises and retail shops. Residential zoned properties are located further away to the south and south east. However, the closest residential zoned properties are also currently utilised for commercial purposes with the Rye RSL. The nearest dwelling on residential zoned land is located approximately 86 metres to the south east. It is considered that this distance is a reasonable buffer to the proposed building and use. It is noted that the proposed bar and restaurant uses do not require a planning permit in themselves and the residential hotel component is likely to be a quieter use.

The proposed use is considered to be compatible with the zoning and existing uses in the immediate area.

However, urban consolidation and activity centre redevelopment to create more vibrant centres are not the only relevant planning considerations. The planning policies and controls also seek to protect the unique character and functions of the smaller coastal townships and ensure the location, design and construction of buildings is compatible with the built form and

**4.6 (Cont.)**

landscape character of the surrounding area. The proposal is found to be inconsistent with some of the other relevant considerations as addressed in more detail below.

**Whether the design and appearance of the building and its response to neighbourhood character is appropriate**

The existing neighbourhood character in this part of Rye is that of generally single and two storey flat roof buildings directly fronting the street frontages and often with additional verandahs extending out over the footpaths. The overall scale and height of buildings in this part of Rye is low. There are some notable buildings of larger footprint such as apartment buildings and the Rye Hotel adjoining the subject site. Nevertheless, they are also two storeys in height.

The proposed development is of a contemporary design and has five storeys above ground with a building height of 18.5 metres to roof top. The top two storeys are recessed from the Nelson and Napier Street frontages (10.57 metres and 8.08 metres respectively), thereby reducing their visibility to some extent when viewed from street level.

The proposed development has been reviewed by the Design Advisory Panel (the Panel). The Panel notes that the improvements made to the design during the course of the application are positive and provide an improved built form and public interface. Overall, the Panel is supportive of the proposed development.

DDO58 was introduced to the Planning Scheme via Amendment C275 on 7 July 2022. DDO58 implemented the Rye Urban Design Guidelines. DDO58 was introduced after the previous planning permit P19/1026 for a four storey development was determined.

The design objectives of the overlay include:

- *To ensure scale and form of new development is compatible with the role and character of the centre.*
- *To provide a pedestrian friendly experience through appropriate scale and built form.*
- *To ensure new development provides an appropriate transition to low scale residential areas.*
- *To enhance the public realm by ensuring commercial development provides activation of the street at ground level, along with balconies and window openings at upper storeys.*
- *To encourage a palette of built form materials and design that reinforces the coastal character of the centre.*

DDO58 provides requirements for building heights and setbacks which differ between the 'precincts'. The subject site is located within Precinct 3 which is limited to a small area around the north end of Napier Street within the Rye town centre.

The proposed building seeks some variations to the preferred requirements of DDO58. These include the building height and also the setbacks. There is no mandatory maximum building height limit specified in Precinct 3. Instead, Precinct 3 has a discretionary (or 'preferred') building height of 11.5 metres and three storeys and this requirement can be varied with a planning permit. The proposed building is 18.5 metres high.

During consideration of Planning Scheme Amendment C275 (to introduce DDO58) the Planning Panel considered a request for preferred rather than mandatory height limits to provide greater flexibility to accommodate variations and innovative designs within the small central precinct. The Planning Panel concluded that there was insufficient evidence to

**4.6 (Cont.)**

demonstrate that additional height would lead to the potential for loss of views to the vegetated backdrop to Rye and there was insufficient justification for mandatory height controls. Instead, the Planning Panel agreed that preferred height controls would provide greater flexibility and encourage a site-specific built form design response, recognising the town centre precinct's role as an 'urban' focussed civic centre.

While a preferred height was implemented for Precinct 3 in DDO58 it should not be interpreted that no regard is to be given to building height. A five storey building of the height and design proposed will represent a significant departure from surrounding buildings and will be highly visible from the surrounding land, including when approaching from the east or west along Nelson Street or from the south along Napier Street. Consequently, the proposed building will be more visible in the streetscape and the wider area. It is evident that the height, scale and design of the proposed development is uncharacteristic for Rye and is not considered compatible with Rye's role and function within the anticipated built form outcomes for an activity centre of this type.

**Whether vehicle access and car parking is appropriate**

The applicant has provided a Traffic Impact Assessment prepared by One Mile Grid in support of the application.

An external review of the proposal has been undertaken by Salt3 on behalf of Mornington Peninsula Shire's (Shire) Traffic and Transport team .

**Vehicle access**

Vehicle access to the basement car park of the proposed development is to be provided via the laneway which runs along the western boundary of the site. The laneway connects to Nelson Street immediately to the south-west of the subject site and also provides access to the rear of some commercial properties to the north. The laneway owned by Council, is currently sealed, has a width of 3.2 metres and extends north from Nelson Street for approximately 65 metres, where it changes direction and extends west for approximately 35 metres.

Due to the narrow width of the laneway, the application proposes a traffic light system to assist entering and exiting the basement car park ramp. However, there appears to be no provision for other users of the laneway (to the north) and therefore there is the potential for conflict. The proposed access arrangement is not supported by the Shire's Traffic and Transport team who consider the arrangement (including traffic light system) to be insufficiently developed. The Traffic and Transport team suggest that the proposed building should be set back from the laneway to allow for two-way movement of vehicles between the site access and Nelson Street.

A loading bay for delivery and waste collection vehicles is to be provided via a door on the Nelson Street frontage and a crossing immediately adjacent to the laneway. This arrangement necessitates any waste collection and delivery vehicle to reverse across the pedestrian footpath to access the delivery and waste collection area. This arrangement is also not supported by the Shire's Traffic and Transport team as it creates a point of conflict and a safety hazard. The suggested set back of the building from the laneway (mentioned above) could also resolve the safety issue identified with the delivery and waste collection arrangements.

## 4.6 (Cont.)

**Car Parking Provision****Table 1: Car parking requirement in Clause 52.06 and provision within the proposed development**

Use	Planning Scheme rate	Planning Scheme requirement	Provision	Reduction sought
Residential hotel with 29 lettable rooms/suites (a mix of studio rooms, single suites, double suites and a triple suite)	No rate specified, car parking to be to the satisfaction of the responsible authority	Car parking to be to the satisfaction of the responsible authority	24 basement parking spaces	N/A
Restaurant with 100 patrons	0.4 per each patron permitted	40	0	40
Bar with 30 patrons	0.4 per each patron permitted	12	0	12
Total		52 + 29 (hotel component to the satisfaction of RA)	24	52 + 5 (difference between 29 required by RA and 24 provided by applicant) = 57

The Shire's Traffic and Transport team is not supportive of the proposed development. Rye experiences a large parking demand in peak periods. The proposal only provides 24 spaces which equates to a rate of 0.83 spaces per residential hotel room/suite. Whilst there is parking available on the surrounding streets and the public car park off Nelson Street, parking is seasonally restricted between December and April to 2 or 4 hours further restricting the parking available for hotel residents or restaurant/bar patrons.

The case studies referred to and the parking demand assumptions made in the applicant's Traffic Report are not supported. These are based on case studies in areas such as St Kilda where there are multiple public transport options available. In contrast Rye is served only by a public bus service and therefore patrons and visitors are much more likely to arrive by car. The case studies are considered as being of limited value to the assessment of this proposal.

No parking spaces are provided for hotel manager or staff. It is further noted that no parking spaces are to be provided for the patrons or staff of the proposed restaurant or bar within the proposed development. Whilst the restaurant and bar will cater for hotel residents, they will also be open to the public and again it is likely that at least some patrons will arrive by car given the size of the venues (100 patrons and 30 patrons respectively).

The Shire's Traffic and Transport team has expressed the view that the proposed on-site parking provision is insufficient for the level of development that is proposed. The Traffic and Transport team considers the following rates to be appropriate:

- 0.85 spaces per hotel room (hotel guests) – based on a likely occupancy rate of 85%

**4.6 (Cont.)**

- 1 manager space (staff use)
- 2 spaces for the restaurant (staff use)
- 1 space for the bar (staff use).

Based on the current proposal this would require 29 on-site car parking spaces to be provided. It is suggested that this could be achieved either by providing another half-basement level or reducing the development yield to support the current amount of parking proposed.

The Traffic and Transport team recommends that a number of matters should be addressed prior to issuing a planning permit including further car parking demand assessment, additional swept path diagrams, further operational details for the access arrangement, a further traffic analysis and details of access controls.

The Traffic and Transport team also recommends that a number of modifications are required to the plans including site access arrangements, bicycle parking arrangements, car parking arrangements and any changes resulting from a revised Transport Impact Assessment which should also assess the impact on the existing operation of the laneway. Some of these matters could require significant changes to be made to the site plan and floor plan layout for the proposed building.

**Consideration of the matters raised in the objections and letters of support**

Refer to Attachments 7, 8, 9, 10 and 11 – Objections and Letters of support (confidential).

Council has received 53 objections to the proposal. The matters raised in the objections are summarised and responded to as follows:

- Building height
- Scale out of keeping
- Creates precedent for high rise buildings
- Insufficient parking (no staff parking, will affect other tenancies)
- Architecturally unsympathetic and visually overpowering
- No need for another hotel
- Block views of beach from residential properties
- Traffic congestion
- Disrespectful to rate paying residents
- Breaches height limits in DDO58
- Inconsistent with DDO58
- Concrete will attract graffiti
- Will affect coastal feel/town
- Traffic consultant's examples of St Kilda and Oakleigh are not comparable

**4.6 (Cont.)**

- Overlooking into windows of adjacent apartments/ residences
- Impacts on adjacent laneway which provides access to shops, other businesses.
- Minimal setbacks
- Vegetation removal – impact on wildlife
- Inadequate services, infrastructure and amenities in area
- Litter and waste
- Overdevelopment
- Lack of affordable housing for staff
- Basement below sea level
- Similar to 2019/2022 proposal which was refused.

The majority of the matters raised in the objections including the scale, height and design of the proposed building, traffic and parking have been addressed elsewhere in this report and in the Officer Assessment. Other matters raised are addressed below:

- Block views of beach from residential properties

The nearest residential properties are located approximately 163 metres to the south and 86 metres to the south east. The majority of surrounding dwellings are low in scale being single and two stories in height. Some of the dwellings along Napier Street to the south are on elevated ground and appear to have outlooks towards the bay to the north. At this distance however and given the location of the town centre with many commercial buildings being two storeys in height, it is unlikely that many dwellings would have significant views of the beach and coastline. Whilst the proposed building will be significantly higher than existing surrounding buildings, it is more likely to impact views above the horizon rather than views of the beach and bay. Furthermore, it is likely that any outlooks would be extensive and would not be entirely blocked by the proposed building.

- Fire appliances not designed for structure of this size

The proposed development will be accessible from public streets and accessible to emergency services.

- Shadowing of streets

Given the height of the building, it will cast a shadow on adjacent streets. However, both Nelson Street and Napier Street are relatively wide and given the orientation of the subject site (with streets to the south and east and laneway to the west) the shadow will move across the streets and not cast continuous shadow over any particular part. Shadowing will not unreasonably impact on any private spaces.

- Higher price for accommodation – reducing potential values of existing commercial premises.



**4.6 (Cont.)**

- Property values

These are not valid planning considerations as previously established by many Victorian Civil Administrative Tribunal decisions.

- Operating hours

It is noted that the use of the land for a restaurant and bar does not in itself require a planning permit in the Commercial 1 Zone. Consequently, it would be unreasonable and ultra vires to impose conditions in respect of operating hours for those uses. It is also noted that the application does not include the use of land to sell and consume liquor. Such an application would be assessed separately on its merits. It is unreasonable to impose hours of operation conditions on a residential hotel since the use will be conducted 24 hours a day, seven days a week. However, residential hotels are not generally considered to be significant noise generating uses.

- Disruption during construction

There will inevitably be some disruption during construction of a building of this nature. However, these impacts are temporary and can be adequately managed through the requirements of a Construction Management Plan which will assist in mitigating any amenity impacts such as access, noise, dust, deliveries of materials etc. Construction noise is also controlled by other legislation to limit it to reasonable hours and duration.

- Overlooking into windows of adjacent apartments/ residences

It appears that the apartments of the adjoining property 2-4 Napier Street have bedroom windows facing the subject site. The adjoining apartments are located approximately 5m from the boundary and are located at first floor level. Some north facing windows and balconies of the proposed development will have direct sight into these windows which will lead to an unacceptable degree of overlooking and does not meet the required standard in Clause 55. However, overlooking could be addressed with the use of suitable sill heights or screening options for relevant windows and balconies to a height of 1.7 metres above floor level as required in Clause 55.

Council has received seven letters of support to the proposal. The matters raised are summarised and responded to as follows:

- Rye needs investment
- Modern architecture
- Good opportunities for families
- Boost for local economy and jobs
- Will bring visitors
- Much needed upgrade
- Good for the future of Rye.

These matters have been addressed more broadly elsewhere in this report. The proposed use of the land as a residential hotel is consistent with policy direction in the Commercial 1 Zone and will provide opportunities for visitors to the area and contribute to a vibrant town centre and local economy. However, there are also other considerations in respect of the form of development and whether it is responsive to the neighbourhood character. In this

**4.6 (Cont.)**

instance, it is considered that the neighbourhood character considerations outweigh the positive benefits the proposal may bring to the Rye town centre.

**Background Documents*****Rye Urban Design Guidelines (adopted August 2020)***

The guidelines followed a review of the existing built form character within Rye commercial centre to provide clear design guidance for future development of private land within the commercial core.

The final *Rye Urban Design Guidelines* and *Rye Township Plan* were implemented into the Planning Scheme by Amendment C275morn through DDO58. The guidelines were also incorporated into 72.08 – Background Documents.

The proposal has been assessed against DDO58 earlier in the report. The proposal is considered but inconsistent with others and consequently is also considered partly consistent and partly inconsistent with the objectives of the Rye Urban Design Guidelines.

***Rye Township Plan (concept design endorsed by Council 18 May 2021)***

The Rye Township Plan sets the strategic vision and direction for the improvement of the foreshore, streetscape and town centre of Rye. Broadly it considers the foreshore and streetscape in terms of vehicle movements (lanes, parking, cycling), pedestrian movement along the street and between the street and foreshore, street furniture and landscaping.

The Township Plan identifies Napier Street as a plaza or promenade which is anticipated to be a main pedestrian / shared zone and main pedestrian link between foreshore, town centre and town square/community hub to the south. It is anticipated that this area will have wider footpaths, street planting and commercial buildings will generally be retail at ground level and provide street activation.

The proposal is generally consistent with the outcomes sought in the Rye Township Plan with the proposed hotel, restaurant and bar facing the street and providing good activation with both Napier Street and Nelson Street on this corner.

The Township Plan were also incorporated into 72.08 – Background Documents by Amendment C275morn alongside the introduction of the DDO58.

**CONCLUSION**

Whilst the proposed use is considered to be consistent with the purpose of the Commercial 1 Zone and is compatible with existing uses surrounding the site, the proposed development of the five storey building is considered to be unacceptable having regard to the relevant objectives and decision guidelines of the applicable planning scheme provisions and with regard to the existing neighbourhood character of the area. The proposed building will provide an significant and unacceptable contrast to the height, scale and design of existing buildings in the immediate area and will be visually prominent in the wider area. The proposed development is considered unacceptable in terms of parking provision and vehicle access arrangements, which in turn will have a detrimental impact on the efficient and safe functioning of surrounding road network.

Therefore, it is recommended that the application not be supported based on the grounds contained in the recommendation of this report and that this forms Council's position in the proceedings before the Victorian Civil and Administrative Tribunal.

**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 CN2768 Rye West – Campgrounds Realignment – Tender Recommendation Report**

Prepared By	Alex Christie, Project Manager - Infrastructure Projects
Authorised By	Director - Planning and Infrastructure
Document ID	A12940828
Briefing Note Number	Not applicable
Attachment(s)	1. CN2768 - Tender Assessment Report (confidential)

**EXECUTIVE SUMMARY**

The purpose of this report is to recommend the acceptance of the tender submission for the construction of the Rye West – Campgrounds Realignment project.

**RECOMMENDATION**

1. That Council, having considered all tender submissions, hereby accepts the tender submission received from Tenderer A for the lump sum value of \$XXX plus \$XX GST being for CN2768 – Rye West – Campgrounds Realignment.
2. That Council approves the contingency sum identified within the confidential section of this report, which is not to be disclosed to the tenderer until and if required by a contract variation.
3. That Council delegates the execution of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

**Part B**

That Council resolves that Attachment 1 to this report be retained as a confidential item pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

**COUNCIL & WELLBEING PLAN**

The Rye West – Campgrounds Realignment project supports the following strategic theme of the Council and Wellbeing Plan 2021-2025.

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.

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

The purpose of this report is to recommend the acceptance of the tender submission for the construction of the Rye West – Campgrounds Realignment project.

**Background**

The Rye Township Plan project received funding through the 2019-20 Growing Suburbs Fund. The Rye Township Plan will deliver a new Foreshore Promenade, Napier Street Plaza, Foreshore Park, Campground Upgrades and will reclaim valuable open foreshore space.

As part of the Rye Township Plan, which was endorsed by Council in 2021, this project will deliver Part C of the Township Plan, which is a realignment of campsites throughout the Rye West area.

The works to be delivered to improve the Western Campgrounds include:

- Larger overall site spacing
- New internal crushed rock access road (with compliant width for fire access)
- Upgraded services supply to campgrounds providing electricity and water
- Upgraded fire response hose reels throughout the campsite.

It is anticipated that construction works will commence in August 2024 and be completed by December 2024. These works are scheduled to take place between the 2023-23 and 2024-25 Summer Camping Seasons.

**TENDER INVITATION**

The tender was released to the market on 14 October 2023 via The Age newspaper, the Shire's website and Tenderlink.

The tender closed at 3.00pm on 8 November 2023.

Three submissions were received.

**TENDER EVALUATION**

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

Three submissions progressed to evaluation and assessed against the following criteria:

Criteria	Weighting
Compliance with the Request for Tender document	Pass/Fail
Independent financial assessment and capability	Pass/Fail.
Willingness to undergo supplier verification	Pass/Fail
Extent of proposed departures from the Agreement	Degree of compliance

## 4.7 (Cont.)

Capability to provide construction methodology and demonstrated capacity to deliver the services within the nominated construction period	Degree of compliance
Previous relevant experience in delivering similar services or comparable projects	Degree of compliance
Demonstrated ability to comply with the construction specification	Degree of compliance
Quality assurance	Degree of compliance
Environmental Management	Degree of compliance
Risk management principles	Degree of compliance
Demonstrated Resources and Methodology <ul style="list-style-type: none"> <li>• Technical, managerial, physical and financial resources</li> <li>• Quality of the proposed organisation and management structure performing the contract</li> <li>• Construction Methodology</li> <li>• Relevant expertise and track record</li> <li>• Evidence of works undertaken in environmentally sensitive areas with biodiversity considerations.</li> </ul>	Weighting not disclosed
Program <ul style="list-style-type: none"> <li>• Nominated Program</li> <li>• Contractor's identification of key milestones and critical path</li> <li>• Duration of key tasks</li> <li>• Available date for commencement of work</li> <li>• Overall duration of works.</li> </ul>	Weighting not disclosed
Local Procurement <ul style="list-style-type: none"> <li>• Proximity to the Mornington Peninsula Shire</li> <li>• Local subcontractors</li> <li>• Percentage of workforce living on the Mornington Peninsula</li> <li>• Contribution to the municipality</li> <li>• Nominated quantities and suppliers for materials.</li> </ul>	Weighting not disclosed
Tender Price	Weighting not disclosed

Evaluation was guided by an approved Evaluation Plan.

## 4.7 (Cont.)

**EVALUATION PANEL**

The Evaluation Panel consisted of:

<b>Name and Title</b>	<b>Role in Evaluation Process i.e. price/non-price/independent/ financial/technical etc</b>	<b>Scoring or Non-Scoring Member</b>
Jessica Lang, Procurement Partner	Evaluation Chair	Non-Scoring
Alex Christie, Project Manager	Pricing Panel Member	Scoring
Mark Grainger, Team Leader – Foreshore Camping	Non-Price Evaluation Panel Member	Scoring
Adrian Hyland, Coastal Planner	Non-Price Evaluation Panel Member	Scoring
Elliott Reid, Team Leader – Project Delivery (Western Port)	Technical Knowledge	Non-Scoring
Athanasios Karabatsas, Project Manager – Infrastructure Projects	Technical Knowledge	Non-Scoring
Derek Rotter, Manager – Infrastructure Projects	Technical Knowledge	Non-Scoring
Jo-Anne Tetteroo, Coordinator – Natural Systems Strategy	Technical Knowledge	Non-Scoring

**PROBITY ATTESTATION**

Not applicable.

**CONTRACT VALUE**

A lump sum contract has been adopted for the contract works. A detailed project specification has been documented.

The value of the recommended contract is \$XXX plus \$XX GST.

**TERM OF CONTRACT**

The term of this contract will comprise a 22-week construction period.

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

**DELEGATED AUTHORITY ASSESSMENT**

<b>Yes/No</b>	<b>Instrument of Delegation Conditions</b>
Yes	The full amount is within budget
No	That the recommended Tenderer is the lowest cost tender

**4.7 (Cont.)**

Yes	That the recommended Tender is NOT the lowest cost tender and is >\$200,000.01 therefore Council determination required.
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It has been determined in accordance with current Instruments of Delegation that Council will be the final decision-making authority.

**CONFLICTS OF INTEREST**

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



## CORPORATE STRATEGY & BUSINESS IMPROVEMENT

### 4.8 Peninsula 2040 Community Vision Pulse Check - Approval of Draft Project Communications and Engagement Plan

Prepared By	Jackie Thorne, Strategy Projects Officer; Jarrod Lawson, Team Leader - Corporate Performance; Kirsty Hardt, Team Leader - Advocacy, Communications & Engagement
Authorised By	Director - Corporate Strategy and Business Improvement
Document ID	A12928743
Briefing Note Number	BN1853 – 27 February 2024
Attachment(s)	<ol style="list-style-type: none"><li>1. Draft Communication and Engagement Plan</li><li>2. Peninsula 2040 Community Vision</li><li>3. MPS Community Engagement Strategy and Policy</li></ol>

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### EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) requires Council to review or develop, by 31 October 2025 (following a General Election), through deliberative engagement practices, its:

- Community Vision
- Council Plan
- Financial Plan
- Asset Plan.

To support the first stage of this work, the report seeks approval of the Mornington Peninsula Shire's (the Shire) Peninsula 2040 Community Vision Pulse Check engagement activities (Attachment 1) for a period of six weeks from 25 March to 6 May 2024.

Findings from this community engagement will inform the review of the Community Vision and the development of Council's strategic plans for 2025-2029.

### RECOMMENDATION

**That Council approves, in-principle, the Peninsula 2040 Community Vision Pulse Check Project Timeline and Communication and Engagement Plan (Attachment 1).**

### COUNCIL & WELLBEING PLAN

The review of Peninsula 2040 Community Vision is the first deliverable from Council's strategic planning cycle for 2025-2029. The community engagement findings will inform the development of Council's next Council and Wellbeing Plan.

**4.8 (Cont.)****GOVERNANCE PRINCIPLES**

Section 9 of the Act states that a council must in the performance of its role give effect to the overarching governance principles. This report aligns with principle D which is:

- D. The municipal community is to be engaged in strategic planning and strategic decision making.

**RELEVANT COUNCIL DECISIONS AND POLICIES****Peninsula 2040**

The Peninsula 2040 Community Vision (Attachment 2) was developed in 2021.

Community feedback was presented to an independent Citizens' Panel, that was empowered by Council to develop the Community Vision. Council adopted the Vision and seven Principles as presented by the Citizens' Panel and committed to use these, to guide the development of our Council and Wellbeing Plan and other key initiatives.

The engagement campaign was extensive and conducted during the current Council term. Therefore, it is recommended that this review be conducted as a 'pulse-check' on what our community told us was important to them and how they wanted their Peninsula to look like in 2040.

The engagement seeks to understand, at a high level, if the Vision and Principles still resonate with the community three years on, if anything is missing or not represented, and how the community would like to see the current Vision and Principles inform the next Council and Wellbeing Plan.

The proposed approach seeks to meet our legal requirements whilst respecting our community's valuable contribution in shaping our long-term Peninsula 2040 Vision.

***Community Engagement Strategy and Policy***

The review of the Vision must meet deliberative engagement requirements outlined in the Act and the Shire's policy position (Attachment 3).

The Shire's Community Engagement Strategy defines deliberative engagement as: *A form of community engagement that requires participants to critically consider arguments and weigh-up competing demands in order to determine preferences for resolving public policy questions.*

The Shire's Community Engagement Policy states:

*The Shire will undertake community engagement that includes deliberative engagement practices in the development of, but not limited to:*

- *Community Vision*
- *Council Plan*
- *Financial Plan*
- *Asset Plan*
- *Public Health and Wellbeing Plan.*

**4.8 (Cont.)****DISCUSSION****Project Overview**

The Peninsula 2040 Community Vision Pulse Check will inform the broader strategic planning of a newly elected Council beyond the existing 2021-2025 plans.

Ultimately, the vision and strategic plan decisions will be the responsibility of the new Council following the General Election on 26 October 2024. The Act requires the vision and plans to be adopted by 31 October 2025, though they come into effect retrospectively on 1 July 2025.

To support the Shire's annual budgeting and planning cycle, this project seeks to align the Peninsula 2040 Vision Pulse Check and development of a Council and Wellbeing Plan, as close as possible to 30 June 2025.

The time between election and legislated deadlines is relatively tight. This project is focused on gathering rich and meaningful data during the remainder of this Council term, to support the next Council to deliver their four-year strategic direction for our community and organisation.

As outlined in the high-level project timeline, the Peninsula 2040 Community Vision Pulse Check findings will be presented back to the Community at a date to be confirmed before the Council Caretaker Period commencing in September 2024. The findings and all previous decisions will be provided to the new Council for approval as soon as practicable following the election.

**Options for Consideration**

Council may elect to hold all decisions regarding the review (or development) of our Peninsula 2040 Community Vision until the new Council is in place.

The impact will be a delay in the timing of our community engagement (Feb-Mar 2025) and, more likely, would see the adoption of the Council and Wellbeing Plan being closer to the 31 October 2025 legislated deadline.

While it is open to do so, if the plans are not adopted until the last possible deadline, the ability of the Council to cascade their contents effectively into other subordinate plans would be diminished in the first full financial year of the Council's term.

**ENGAGEMENT**

Refer to Attachment 1 and Attachment 3.

**COMMUNICATIONS PLAN**

Refer to Attachment 1.

**LEGAL AND REGULATORY FRAMEWORK**

The report and recommendations support the delivery of sections 55, 88, 89, 90, 91 and 92 of the Act.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable at this time, though it may be a consideration in the development of the future strategic plans of Council.

**4.8 (Cont.)**

**FINANCIAL CONSIDERATIONS**

Not applicable at this time, though it will be considered in the development of the future strategic plans of Council.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## COMMUNITY STRENGTHENING

### 4.9 Update on Community Sector Reforms

Prepared By	Cheryl Casey, Manager - Arts, Culture & Community; Louise Jolly, Team Leader - Early Years & Community Care; Tanya Gilbert, Quality and Business Support Officer
Authorised By	Director - Community Strengthening
Document ID	A12781689
Briefing Note Number	Not applicable
Attachment(s)	<ol style="list-style-type: none"><li>1. Aged care 5 pillars over 5 years</li><li>2. Phases of aged care reform</li><li>3. Positive ageing and wellbeing programs and initiatives for seniors</li></ol>

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### EXECUTIVE SUMMARY

The purpose of this report is to provide a contextual update to Council on sector reforms in aged care, National Disability Insurance Scheme (NDIS) and community care services for younger residents.

### RECOMMENDATION

**That Council notes the context of current and emerging sector reforms in aged care, National Disability Insurance Scheme (NDIS) and community care services for younger people.**

### 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.

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 principles B, D, G and H which are:

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

**4.9 (Cont.)**

- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- 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.

**RELEVANT COUNCIL DECISIONS AND POLICIES**

- Positive Ageing Strategy 2020-2025
- Disability Inclusion Plan 2018-22 (under review).

At the Council meeting held on 14 December 2021 Council resolved to:

- *Cease delivery of in-home aged care services at 30 June 2022; and*
- *Through its budget processes, commit a significant contribution to positive ageing and wellbeing programs and initiatives on a yearly basis.*

**DISCUSSION****Purpose**

The current and emerging sector reforms across the aged care, National Disability Insurance Scheme (NDIS) and community care for younger residents' sector is complex and evolving. This report provides a contextual update and key considerations for Council as the reforms progress.

**Background**

In response to the Final Report of the Royal Commission into Aged Care Quality and Safety, the Commonwealth Government released its response to the Commissioner's recommendations and a blueprint to guide its national reform of the aged care service system. The 'Five Pillars over Five Years' plan (Attachment 1) provided the scope of ambitious change to be implemented over a five-year period 2021-2025.

The Commonwealth's roadmap to implement change has remained true to this plan and the reform of the national aged care service system continues at pace, with further significant changes to be introduced in 2024 and active reform of the community based aged care sector to continue through to at least 2027 (Attachment 2 – Phases of aged care reform).

In late 2023, two key reports were released to guide further reform of the national disability service system. The Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability was released in September 2023 and the Final Report of the Independent Review into the NDIS was released in December 2023.

Both reports provide a range of recommendations to inform the further reform of the disability service system and to guide the strengthening of the community-based disability service model. The Commonwealth Government is expected to provide a response to these recommendations this year and it is anticipated this will provide guidance regarding the further reform of the national disability service system.

Historically, Victorian Local Government has played a significant role as funder, planner and provider of home and community focussed aged care and disability services in partnership with the Victorian and Commonwealth Governments. The introduction of the NDIS in 2015 and the transition of Home and Community Care (HACC) services to the Commonwealth

#### 4.9 (Cont.)

Home Support Program (CHSP) in 2016 activated a significant change in the role and function of Victorian Local Government in the provision of home and community-based services to older people, people with disabilities and carers.

The progressive reform of the aged care service system over the last eight years has fundamentally changed the role of Victorian Local Government in the Aged and Disability Service systems, with further change requiring councils to consider their best future role and focus in response to these reforms regarding to the needs and priorities of their communities.

The introduction of significant change in 2024 will further influence and impact Local Governments role as a provider of funded aged care and disability services to eligible people living independently in their homes and community.

#### **New Aged Care Act and Quality Standards**

As part of the 2021 Royal Commission into Aged Care Quality and Safety, one of the many recommendations was for a completely new *Aged Care Act* to be developed. The Commonwealth released the new *Draft Aged Care Act* (Act) which is due to be passed into legislation on or after July 2024.

The new Act will enable the Commonwealth to introduce significant change to the funding and design of the aged care service system. Importantly, for the first time the CHSP will fall under the Act and providers of these funded services will be required to meet the responsibilities and obligations required of approved providers under the Act. The introduction of new Aged Care Quality and Safety Standards will be embedded into the new Act and will require approved and new aged care providers to meet the requirements of these standards to achieve and maintain provider registration.

The new legislation has received mostly positive sentiments providing the foundation to support delivery of a high-quality care across a varied range of aged care services, providing a single assessment entry point with clarity of criteria, adopting a rights-based approach for older residents and a risk based regulatory model.

The passing of the new Act will facilitate the expansion of the aged care provider market under current program arrangements, with the Commonwealth confirming their intention to expand the CSHP provider market progressively from July 2024 to address unmet service need and to offer enhanced choice to eligible older people.

#### **Aged Care Assessment**

The Commonwealth Government is establishing a new **Single Assessment Service** from 1 July 2024 with the aim of simplifying and improving access to aged care services. The Single Aged Care Assessment Service will incorporate the Victorian current Regional Assessment Service (RAS), Aged Care Assessment Teams (ACATs) and Australian National Aged Care Classification (AN-ACC) assessment organisations to undertake all aged care assessments, simplifying and improving the consumer experience.

The introduction of the long-awaited Single Assessment Service, commencing in two stages from 1 January 2024 will signal the conclusion of the current Regional Assessment Service (RAS) and the alignment of the Victorian assessment services to a nationally consistent model. The current Victorian aged care assessment model includes the Regional Assessment Service (RAS) and the Aged Care Assessment Service (ACAS).

The Department is currently seeking tenders for one or both of the following assessment services:

**4.9 (Cont.)**

1. Aged Care Assessment comprising of Home Support Assessments, currently provided through Regional Assessment Services (RAS) and Comprehensive Assessments, currently provided by Aged Care Assessment Teams (ACATs); and
2. Residential Aged Care Funding Assessment Services (RAC Funding Assessments), which involves assessments to inform Australian National Aged Care Classification (ANACC funding).

Upon completion of the tendering and assessment process, successful tenderers are to commence services from 1 October 2024 and must be fully resourced by 1 January 2025.

Mornington Peninsula Shire (Shire), along with many other councils are currently outlet providers of the RAS and will continue to provide these assessment services until the conclusion of the program. As a current service provider of RAS services only, Council is not equipped to complete additional complex assessments, nor deliver the volume of assessments that would be required across an entire region. As such, there is no ability to tender for the ongoing delivery of assessment services under the new model.

**Support at Home program**

In June 2023, the Commonwealth Department of Health announced its intention to introduce the new **Support at Home** program in two stages;

- The first stage provides for the transition of Home Care Packages and Short-Term Restorative Care program to the new Support at Home program model commencing 1 July 2025.
- The transition of the CHSP will commence **no earlier than 1 July 2027**, requiring a further extension of the CHSP until this time.

Different to other extensions provided to the CHSP since 2018, this extension will require progressive reform transition and implementation toward the new Support at Home model. The extension is intended to ensure that new providers are ready to activate the new Support at Home model from July 2027 and a process of progressive reform and change will be required, commencing July 2024, to enable this stage of readiness.

The conclusion of CHSP from 1 July 2027 will also signal the conclusion of grant funding to councils for the delivery of any remaining CHSP funded services, with the new Support at Home program providing approved residents the opportunity to exercise 'choice and control' by controlling their funding and selecting their providers from an expanded market of aged care providers who will compete to attract and retain clients to purchase their services into the future.

Program and service design and pricing models are in final draft and will be confirmed ahead of 1 July 2025 as the first stage of the new Support at Home program is introduced.

**NDIS / Home and Community Care Program for Younger People**

The introduction of the NDIS into Victoria in 2015 provided the opportunity for many of Council's previous Home and Community Care clients with a disability to transition to this new program and access a package of services to better meet their complex and broader needs. Residents living with disability had previously accessed limited available resources to support them to remain in their home and community through the Victorian Home and Community Care program.

The transition of clients under 65 years of age living with disability to the NDIS required the transition of HACC funding to the new program to support their current and emerging service



**4.9 (Cont.)**

needs. For most Victorian Local Governments, between 70 and 90% of clients transitioned to the NDIS and this required the transfer of equivalent funding and services.

The establishment of the HACC Program for Younger People (HACC-PYP) provided the framework for the delivery of some services to those clients ineligible to transfer to the NDIS at that time. Universally, the new HACC-PYP provided a very limited amount of funding to Victorian Local Governments to support residents ineligible to access NDIS services and supports, to live independently in their home and community.

The NDIS Review Final Report was released on the 7 December 2023 and provides 26 recommendations and 139 actions for holistic implementation over a 5-year period.

The Report describes the original intention of the NDIS to provide one part of a disability ecosystem but recognises that “important programs and services that supported all people with disability were also rolled into the scheme, leaving those who were not eligible for the NDIS without many former supports”.

The complexity of NDIS implementation also impacted the continuing reform of available mainstream disability services to secure improved access and inclusion.<sup>1</sup>

The Report confirms that “the ramifications are felt throughout the NDIS and in the wider disability community today” and that the failure of maintaining community disability services outside of the NDIS has “left significant support gaps and seen the closure of many community services”.

In responding to media inquiries following the release of the Final Report, the Victorian Premier noted the HACC-PYP as a key mechanism to support Victoria’s response to further reform the community-based disability service system.

While councils have necessarily focussed their attention on the transition and evolution of the Commonwealth reform of the aged care service system, the Victorian Government funded HACC-PYP program has continued to offer some limited entry level services and supports for people living in the community, under 65 years of age and ineligible to enter NDIS.

Significantly smaller than the program offered to people under 65 years through the original HACC program, HACC-PYP continues to deliver small amounts of entry level services with the funding that remained available following the transfer of clients and funds to the NDIS. To continue this low level of service delivery, councils have historically relied on the larger aged care infrastructure to support the cost of service delivery. Providing these services without this aged care infrastructure has proven a significant challenge to continued HACC-PYP service delivery, resulting in a significant number of councils withdrawing from HACC-PYP as they resolved to conclude all or part of their funded aged care service delivery.

Now often operating on the periphery of the disability service system, the mode of service delivered under current funding and program arrangements is becoming less attractive to younger people with disability, or unsuitable given the complexity of their needs, and so the demand for Council’s HACC-PYP services has been steadily declining over time.

A review of the HACC-PYP commenced in July 2023 and this review is expected to recommend minor changes and a more in-depth review to inform a future program approach. The parameters of this review have not been socialised and it is unclear if the final report from this review process will be released to the sector. The recommendations emerging from the recent Royal Commission and NDIS Review, combined with the HACC-PYP service

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<sup>1</sup> <https://www.ndisreview.gov.au/resources/reports/working-together-deliver-ndis/overview>

**4.9 (Cont.)**

review, may facilitate further review and consideration of the role HACC-PYP may play in supporting a Victorian Government response to the Commonwealths anticipated reform of the community disability sector.

**Mornington Peninsula Shire Council roles**

The proposed changes across the aged care sector are welcomed to ensure high quality and regulated care for older people and Mornington Peninsula residents. The new *Aged Care Act* is considering a rights-based approach with a focus on the wellbeing of older people, rehabilitation after injury and quality of life.

The introduction of a single assessment model to access aged care services is also welcomed, with clarity of guidelines and supported by a single assessment tool. Council will remain delivering the Regional Assessment Services until no longer contracted to do so, upon which time another suitably qualified service provider will have been appointed by the Commonwealth Government through its open tender process to deliver the Single Assessment Service.

To continue to deliver on Council's long-standing commitment to support its older residents, Council currently invests more than \$1 million annually in a Positive Ageing program to deliver complimentary supports and programs that assist older residents to stay at home and connected to their community. A range of Council funded services and supports are provided as a commitment to meeting the needs of older residents such as Community Transport, Health Access Transport, Living Safely Supports, seniors' arts and recreation programs, technology support programs, Peninsula Advisory Committee for Elders (PACE), Positive Ageing Steering Committee (PASC), Respected Seniors Network and Peninsula Dementia Action Group (refer to Attachment 3 – Positive ageing and wellbeing programs and initiatives for seniors).

Council has a unique capacity to ensure that the needs of people living across the Shire continue to be met as they age alongside the services and supports that are driven by State and Federal governments. The Shire has a long history and strong track record in providing leadership to promote and deliver a range of initiatives, programs, services, advocacy and accessible infrastructure to improve access and inclusion of older people and people with a disability.

Some examples include coordination of a Positive Ageing Committee, Disability Access Committee, Health and Wellbeing Committee and Universal Design Reference Group, three annual Positive Ageing Community Summits, facilitation of intergenerational programs and Elder Abuse and Dementia Awareness events and advocacy; and infrastructure development and improvements such as seniors exercise parks, age friendly equipment in community facilities, accessible recreation areas across the peninsula, providing accessible transport and parking, changing places toilets and participating in the Master Locksmiths Access Key and Hidden Disabilities Sunflower program.

The promotion of older community members' valued skills and abilities is also a key role played by the Shire, through the Seniors Festival Events, Delys Sargeant Age Friendly Awards, as is linking those that are more vulnerable into appropriate services. Council's expertise and experience in working alongside and engaging with the older community means it is well suited to ensuring that we are moving towards collaborative outcomes and impact-based program models when supporting our older community.

**ENGAGEMENT**

Shire officers will continue to engage with the sector as the reforms are rolled out whilst consulting with the community to ensure that Council continues to provide complimentary services and programs that best meet the needs of the community. This includes consultation with older people and residents with a disability to inform the development of the

**4.9 (Cont.)**

Shire's first Inclusion Strategy, 'We All Belong' and the proposed introduction of a new Community Connector service from July 2025 that would support the older community and people with a disability to navigate the complex aged and disability sectors as they continue to evolve throughout the reforms.

Shire officers intend to share these latest sector reform updates and any further progress and information as it becomes available with relevant advisory committees such as PACE and the Disability Advisory Committee over the coming months.

**COMMUNICATIONS PLAN**

This report will be published to the Shire's website and made available for the public to access.

**LEGAL AND REGULATORY FRAMEWORK**

The new *Aged Care Act* was released in late November 2023, seeking engagement and feedback on the *Exposure Act* from older people, families and carers, aged care service providers, professional and advocacy bodies and state and territory governments.

The new act will replace all existing legislation including the *Aged Care Act 1997*, and the *Aged Care Quality and Safety Commission Act 2018*, and once introduced will respond to 33 of the recommendations from the Royal Commission.

It remains the intention of the Commonwealth Government to introduce this new legislation effective from 1 July 2024.

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

Not applicable.

**FINANCIAL CONSIDERATIONS**

To continue to deliver on Council's long-standing commitment to support its older residents, Council currently invests more than \$1 million annually in a Positive Ageing program to deliver complimentary supports and programs that assist older residents to stay at home and connected to their community.

In its 2023-24 Budget Council contributed \$1,059,545 to support the delivery of the Regional Assessment Service and remaining CHSP services, in addition to grant funding received from the State and Commonwealth Governments.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## COMMUNITY STRENGTHENING

### 4.10 The Briars Events

Prepared By	Tanya Scicluna, Director - Community Strengthening; Rebecca Levy, Manager - Destination, Recreation & Community Connection
Authorised By	Chief Executive Officer
Document ID	A12968210
Briefing Note Number	Not applicable
Attachment(s)	Nil

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### EXECUTIVE SUMMARY

In August 2023, Council resolved to hold an event experience in the Wildlife Sanctuary at The Briars. Despite strong support for the event there was significant community opposition to the proposed location on the basis that it was not appropriate given its primary purpose as a wildlife sanctuary.

In response to this community concern, in February 2024 Council resolved to relocate the event experience to a different location within The Briars.

The purpose of this Council report is to seek Council's endorsement to restrict the scale and type of future activities to be undertaken within the Sanctuary at The Briars.

### RECOMMENDATION

#### That Council:

- 1. Resolves that no high impact, prolonged events, that include any elements that may negatively impact the wellbeing of wildlife will be held within the Wildlife Sanctuary at The Briars**
- 2. Notes that any events that are held within the Wildlife Sanctuary are required to comply with all relevant Acts.**

### 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.

Theme 2: A robust, innovative and diverse economy.

- Strategic Objective 2.3: A thriving entrepreneurial economy, with a vibrant tourism sector, that provides accessible employment to our diverse community.

Theme 3: A flourishing, healthy and connected community.

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

## **GOVERNANCE PRINCIPLES**

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

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- G. The ongoing financial viability of the Council is to be ensured.

## **RELEVANT COUNCIL DECISIONS AND POLICIES**

- At the Council Meeting held on 22 August 2023 Council resolved to enter into an agreement with an event organiser to hold a significant event at the Sanctuary at The Briars in 2024.
- At the Council Meeting of 13 February 2024 Council resolved to approve the relocation of the event from The Briars Sanctuary to The Briars Community Forest (dog walking park) and adjacent overflow parking paddocks.

This report relates to the delivery of The Briars Master Plan and the Mornington Peninsula Shire (Shire) Events Policy

## **DISCUSSION**

### **Purpose**

The purpose of this report is for Council to consider restricting the scale and type of events that can be held within the Wildlife Sanctuary at The Briars.

### **Background**

The Briars is the largest property owned and run by the Mornington Peninsula Shire Council, with the eight-hectare heritage precinct co-owned with the National Trust of Australia (Victoria). The Briars comprises of a wildlife sanctuary, heritage buildings, significant Aboriginal sites, nursery, school camp, a children's workshop space and a restaurant. The Briars Master Plan articulates the vision of Council and the community for the future of The Briars and demonstrates how The Briars can contribute to the continued success of the Mornington Peninsula through its contribution to the Council and Wellbeing Plan 2021-2025.

Community events and activities that promote The Briars are critical to support its ongoing financial viability and to help secure the longer-term sustainability of this vital and critically important community asset. These activities also ensure Council can continue to preserve the unique natural, cultural and heritage assets at the site. Aligned with The Briars Master Plan, a broad range of low impact activities and events are held at The Briars for the community enjoy and to support increased connection to wildlife and promote wildlife conservation.

Connecting people to nature is a critical part of wildlife conservation. A carefully planned program of activities, aligned with The Briars Master Plan, are currently run within the Wildlife Sanctuary which connect people to place and nature. Examples include nature and heritage tours, Aboriginal Cultural Heritage walks and experiences, school holiday programs, school education programs, ranger walks, after-dark night walks, seasonal artwork trails etc. These programs have proven to be popular with local community members and attracting visitors from outside of the Region.

The recent proposal to host a larger-scale event over a prolonged period in the Wildlife Sanctuary resulted in significant interest by the community, who expressed concern that, while they broadly supported the experience and the economic and social benefits it would bring to the Region, they did not support the location in the Sanctuary. Further, community expressed that they did not feel that the experience was in-line with the intent of The Briars Master Plan, community have previously supported. As a result, Shire officers and Councillors have given consideration to clarifying what will be allowed in the Sanctuary into the future, in line with The Briars Master Plan.

### **Options for consideration**

Acknowledging the community concern that has been raised about the use of the Sanctuary for high impact, prolonged events, Shire officers proposed that these types of events are restricted and will not be held within the Sanctuary.

Current low impact activities and opportunities would continue to be assessed and delivered, such as education programs, art programs, night walks and Aboriginal Heritage programs.

### **ENGAGEMENT**

There has been a cohort of the community who strongly opposed the location of a recent event experience proposed within the Sanctuary. This feedback has been noted and considered by Council and Shire officers over the past few months.

Future events to be held at The Briars (in any location) will continue to be assessed on a case-by-case basis including consultation with a range of Shire officers, teams and independent expert consultants/specialists, including cultural heritage advisors and key community stakeholder groups.

In response to community feedback during the development of The Briars Master Plan, Council will continue to deliver The Briars Wildlife Sanctuary expansion, which will result in it being extended by an additional 40 hectares, creating more habitat for wildlife, spaces for walks, quiet reflection and animal observation. Aboriginal Culture will continue to be strongly represented through art, story-telling and other media.

### **LEGAL AND REGULATORY FRAMEWORK**

Events held at The Briars are required to comply with a range of regulations and legislation depending on the location and type of activity. These include:

- *Local Government Act 2020*
- *Flora and Fauna Guarantee Act 1988*
- *Wildlife Act 1975*
- *Aboriginal Heritage Act 2006*
- *Heritage Act 2017*

- *Water Act 1989*
- Mornington Peninsula Shire Event Policy
- Mornington Peninsula Shire Planning Scheme.

### **CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

This Council resolution would not diminish the positive contribution that The Briars makes to the realisation of the Climate Emergency Plan.

The Briars Master Plan was designed to support the delivery of Council's commitment to the environment and sustainability, through initiatives including:

- The expansion of the wildlife sanctuary including significant revegetation of cleared areas.
- Delivery of a regenerative agriculture research and education hub.
- Reduction in the use of potable water.
- The Ark Program – reintroduction of 'ecosystem engineers' who will improve soil and vegetation health. Including locally endangered and extinct species.
- Inclusion of additional indigenous bush foods, including a display garden, at The Briars Nursery.
- Additional education and immersion experiences which will connect people to the natural world.
- Development of an Innovation Centre – a significant education and experience centre which demonstrates next generation land management and regenerative agriculture techniques.

To date, the following from The Briars Master Plan has been or is currently being delivered:

- Expansion of the Wildlife Sanctuary
- First stage of the regenerative agriculture precinct – bringing recycled water to the site.
- Restoration of the Heritage Homestead
- Restoration of the Restaurant building
- Expansion of school and other education programs.

The Briars Master Plan will continue to be delivered, delivering gains for the community and for Council's commitment to sustainability and the Climate Emergency Plan.

### **FINANCIAL CONSIDERATIONS**

Events are critical to the ongoing financial viability of Council assets such as The Briars. A range of low impact commercial activities are currently held within the Sanctuary that are focussed on promoting Wildlife Conservation and education.

The current annual operating cost FY2024 of The Briars is \$4,646,309. This budget includes operating cost, capital cost, and other projects.

**4.10 (Cont.)**

**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

### 4.11 Chief Executive Officer Performance and Remuneration Review - Process

Prepared By	Christine Aslanidis, Team Leader Governance and Legal Support
Authorised By	Acting Manager - Governance
Document ID	A12977985
Briefing Note Number	Not applicable
Attachment(s)	<ol style="list-style-type: none"><li>1. Draft - CEO Review Cycle and Process <a href="#">↓</a></li><li>2. Draft - CEO Quarterly Assessment <a href="#">↓</a></li><li>3. Draft - CEO Core Pillars <a href="#">↓</a></li><li>4. Draft - CEO Feedback from Direct Reports <a href="#">↓</a></li></ol>

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### EXECUTIVE SUMMARY

The purpose of this report is to request Council endorsement of the attached key document templates for inclusion in the Chief Executive Officer Performance and Remuneration Review process.

These templates have been collaboratively developed with input from the Mayor and Councillors Group, in partnership with the Independent Advisor, Serena Gleeson of TMS Consulting Pty Ltd.

### RECOMMENDATION

1. **That Council endorses the use of the following templates as part of the 2024 Chief Executive Officer (CEO) Performance and Remuneration Review Process:**
  - A. **CEO Review and Cycle Process.**
  - B. **CEO Quarterly Assessment.**
  - C. **CEO Core Pillars.**
  - D. **Feedback from Direct Reports.**

### 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 principles B, E and I which are:

**4.10 (Cont.)**

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

**RELEVANT COUNCIL DECISIONS AND POLICIES**

- CEO Employment and Remuneration Policy.
- CN: 2634 – Independent Advisor – Chief Executive Officer Performance and Remuneration Review.
- At the Council Meeting held 16 May 2023, Council appointed TMS Consulting as the Independent Advisor to the Chief Executive Officer Employment and Remuneration Committee.

**DISCUSSION****Background**

The Chief Executive Officer (CEO) Employment and Remuneration Committee, in accordance with the Chief Executive Officer Employment and Remuneration Policy (Policy), has been established to oversee matters concerning the recruitment, performance, review, and assessment of the Chief Executive Officer.

The Chief Executive Officer Employment and Remuneration Committee, consisting of all Councillors and Independent Advisor Serena Gleeson from TMS Consulting Pty Ltd.

The Independent Advisor has provided the following template documents, which have been developed and reviewed by Council:

1. CEO Review Cycle: This template outlines the quarterly review timetable, components for each review, and the process to complete the review.
2. CEO Quarterly Assessment: Designed to review progress made on operationalising the Council and Wellbeing Plan on a quarterly basis.
3. CEO Core Pillars: Utilised in Q2 & Q4, providing a combination of CEO self-assessment and Councillor assessment against both qualitative and quantitative data.
4. Feedback from Direct Reports: One of the review components in Q4.

Upon Council endorsement, the attached templates will be uploaded to Survey Monkey. This will streamline the administrative process of completing the survey and enhance the effectiveness and efficiency of preparing the summary.

It is anticipated that minor adjustments may be made to the content/process after the initial review cycle.

In conclusion, the adoption of these key document templates will facilitate a structured and comprehensive Chief Executive Officer Performance and Remuneration Review process, ensuring accountability and alignment with organisational goals and objectives.

**Options for consideration**

Not applicable.

**ENGAGEMENT**

Not applicable.

**COMMUNICATIONS PLAN**

Not applicable.

**LEGAL AND REGULATORY FRAMEWORK**

*Local Government Act 2020.*

**CLIMATE AND SUSTAINABILITY CONSIDERATIONS**

No climate and sustainability considerations.

**FINANCIAL CONSIDERATIONS**

Not applicable.

**OFFICER DIRECT OR INDIRECT INTEREST**

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

## 5 NOTICES OF MOTION

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

### 5.1 Notice of Motion 434 (Cr Gill) - Community Watchdog Budget Panel

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

*That a report considering the establishment of a Community Watchdog Budget Panel be brought to Council in readiness for potential implementation early in the next financial year.*

#### Background

This would further improve transparency and accountability in budget preparations and implementation and would highlight the unacceptable lack of consultation, accountability and transparency involved in State and Federal decision making.

Officer Comment Prepared by	Bulent Oz, Chief Financial Officer
Authorised by	John Baker, Chief Executive Officer

#### OFFICER COMMENT

Officers would support allocating a session with the existing Citizens Panel as a 'Budget Watchdog session'. This initiative aligns with our ongoing efforts to enhance transparency and accountability in our budget processes. By involving the Citizens Panel in this role, we aim to deepen the community's understanding of how budget decisions are made and how they impact the services we provide.

This approach not only brings to light the complexities of budget management but also encourages an open dialogue between the Council and our community members. It is an opportunity for residents to engage directly with budget matters, offering their perspectives and understanding the challenges and considerations involved in budgetary planning.

Incorporating discussions about our current budget performance and adherence to financial goals within the Citizens Panel will provide valuable insights. It will help demystify the financial aspects of Council operations and allow for a more informed conversation about financial priorities and outcomes.

By embracing this model, we not only uphold our commitment to transparent governance but also empower our community members to actively participate in and contribute to the fiscal stewardship of our municipality. This collaborative approach is fundamental in building trust and ensuring that our budgetary decisions reflect the community's needs and aspirations.

#### Legal Implications

Not applicable.

#### Financial and Resourcing Implications

Not applicable.

#### Potential Alternative Wording

Not applicable.

## **6 URGENT BUSINESS**

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

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

## 7 CONFIDENTIAL ITEMS

### Advice to the Public

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

### MEETING CLOSED TO THE PUBLIC

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

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

**RECOMMENDATION**

That Council considers the confidential 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      Parking Compliance Services Tender**

This matter is considered confidential under sections 3 (1) (a) and (g) (ii) of the *Local Government Act 2020*. It contains information in relation to Council business information and private commercial information, that if released, would prejudice the Council's position in commercial negotiations and would unreasonably expose the business, commercial or financial undertaking to disadvantage.