



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 20 MAY 2025

6:30PM

**FLINDERS CIVIC HALL
54-56 COOK STREET, FLINDERS**

MORNINGTON PENINSULA SHIRE COUNCIL**WARDS AND COUNCILLORS**

Beek Beek	Cr Kate Roper
Benbenjie	Cr Max Patton
Briars	Cr Anthony Marsh
Brokil	Cr Patrick Binyon
Coolart	Cr David Gill
Kackeraboite	Cr Stephen Batty
Moorooduc	Cr Bruce Ranken
Nepean	Cr Andrea Allen
Tanti	Cr Paul Pingiaro
Tootgarook	Cr Cam Williams
Warringine	Cr Michael Stephens

EXECUTIVE TEAM

Mr Mark Stoermer Ms Cheryl Casey Ms Sam Stanton Mr David Simon Mr Davey Smith Mr Bulent Oz	Chief Executive Officer Acting Director – Community Strengthening Director – Corporate Strategy and Business Improvement Acting Director – Planning and Environment Director – Assets and Infrastructure Chief Financial Officer
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RECORDING

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

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

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1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

To be read by Cr Stephens

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 6 May 2025, be confirmed.

2.4 Councillor Briefing Sessions

Councillor Briefing Sessions – 29 April 2025

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 29 April 2025.

2.5 Council Decision Register

Attachment(s)	1.	2019 Council Decision Register Summary ⇒
	2.	2020 Council Decision Register Summary ⇒
	3.	2021 Council Decision Register Summary ⇒
	4.	2022 Council Decision Register Summary ⇒
	5.	2023 Council Decision Register Summary ⇒
	6.	2024 Council Decision Register Summary ⇒
	7.	2025 Council Decision Register Summary ⇒

PURPOSE

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

Attached are Summaries of the 2019-2025 Decision Registers (Attachments 1-7) as at 9 May 2025.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2025 (Attachments 1-7) as at 9 May 2025.

2.6 Petitions and Joint Letters

Harleston Road Mount Eliza

A joint letter with 13 signatories has been received. The joint letter is requesting a meeting between Shire officers and residents regarding the condition of Harleston Road, Mount Eliza.

Immediate Comment

Council understands there are a number of concerns raised by residents, not only relating to the road surface but also to open drains. This area is slightly unique in that there appears to be some sealed and unsealed areas with this stretch of road. There are also some inconsistencies currently in the open drain network.

The Mornington Peninsula Shire's (Shire) Roads and Drainage officer has been in contact with the resident, Ash Martin, and has confirmed his attendance for an onsite meeting to discuss these concerns.

Outcomes of this meeting will be reported back to the Roads and Drainage Team Leader, assessment can then be made if we are to proceed with any identified works.

It is important to note that the Shire's unmade road network grading program is currently under review, any amendments to the program will be advertised through multiple platforms. The objective of street lighting on Mornington Peninsula managed roads is to provide a lit environment which is conducive to the safe and comfortable movement of vehicular and pedestrian traffic at night. Given the extremely high number of roads and footpaths across the Shire we are unable to provide lighting across them all and only focus on areas which can cause conflict either between different road users or vehicles and objects. This means we focus on lighting pedestrian crossings, intersections and traffic calming treatments such as speed humps. Specific lighting for pedestrians is only installed in areas with facilities that generate high night time pedestrian volumes which is not within residential areas.

Harleston Road, Mount Eliza is a low speed residential street with a very low volume of traffic. There has been no recorded crashes for the period from 1/1/2020 to 8/5/2025. There is existing street lighting at its intersections with Old Mornington Road and Ocean Grove. Therefore, the installation of additional street lighting is not warranted in Harleston Road, Mount Eliza.

Action Officer: Manager – Strategic & Infrastructure Planning and Manager Infrastructure Services

Yawa – Spin Bikes

A petition with 29 signatories has been received. The petition is requesting the addition of 6 extra spin bikes in the cycle gym at Yawa Aquatic Centre.

Immediate Comment

After receiving the petition from Yawa members, Yawa's health club manager has reached out to the members and understands that it is only the 9.15am classes causing the concern. It is proposed to add an additional 2 classes at 10.15am on Monday's and Friday's for a 4 week trial to see if this alleviates the demand issues currently being experienced by members. A full review and follow up with the members after the 4 week trial will be completed to assess the necessity of purchasing additional spin bikes.

Action Officer: Manager – Commercial, Legal and Procurement Services

2.6 (Cont.)**Vegetation Removal**

A petition with 421 signatories has been received. The petition is requesting that the Shire review vegetation removal processes.

Immediate Comment

The Shire has an Area Vegetation Pruning program (AVP) aimed at road safety under the Shire's *Road Management Plan and Road Management Act 2004*. This program includes pruning of street trees to achieve clearance along roads and designated paths where the Shire is the Responsible Road Authority and proactively completed on a 5-year cycle.

The Shire responds to requests for clearance between program to address risk of vegetation obstructing road carriageways, path access and line of sight. For information regarding the Shire's obligations please refer to the Shire's [Road Management Plan - Mornington Peninsula Shire](#).

The Shire periodically reviews the Shire's Road Management Plan and is referring a draft to Council for endorsement to go on public exhibition in June 2025, this would be your opportunity to provide feedback regarding your observations and concerns which will be later this calendar year.

For information regarding Shire's approach to and the actions to protect and improve the resilience of the natural environment and biodiversity, please refer to the Shire's [Biodiversity Conservation Plan - Mornington Peninsula Shire](#). There are planting programs and revegetation delivered through the Shire's Friends Groups and a Shire tree planting program of 1,000 juvenile trees and 1,000 tube stock per annum.

Action Officer: Manager – Infrastructure Services

RECOMMENDATION

That Council receives and notes the:

- 1. Petition requesting a meeting between Shire officers and residents regarding the condition of Harleston Road, Mount Eliza.**
- 2. Petition requesting the addition of six extra spin bikes in the cycle gym at Yawa Aquatic Centre, Rosebud.**
- 3. Petition requesting that the Shire review vegetation removal processes.**

2.7 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 Patton	Tori Hayat, Team Leader – Arts and Culture
Association of Bayside Municipalities	Cr Patton	Cr Batty	Laura Crilly, Team Leader – Water and Coasts
Audit and Risk Committee	Cr Ranken Cr Batty	Cr Roper	Bulent Oz, Chief Financial Officer
Australian Coastal Councils	Cr Patton	Cr Batty	Laura Crilly, Team Leader – Water and Coasts
Bass Park Trust	Cr Gill	Cr Stephens	Pam Vercoe, Manager – Governance and Risk
Climate Emergency Community Reference Group	Cr Stephens	Cr Patton	Chris Yorke, Energy and Carbon Management Officer
Disability Advisory Committee	Cr Binyon	N/A	Monica Seal, Disability Community Inclusion Officer
Friends of Lospalos	Cr Binyon	N/A	Chris Munro, Manager – Community Partnerships
Greater South East Melbourne	Mayor	Deputy Mayor	Mark Stoermer, Acting Chief Executive Officer
Health and Wellbeing Committee	Cr Williams	N/A	Kate Hills, Team Leader – Community Wellbeing
Hinterland Local Area Action Plan Advisory Committee	TBC	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Metropolitan Transport Forum	Cr Batty	Cr Williams	Justine Lewis, Transport Strategy Coordinator
Mornington Liquor Industry Accord	Cr Batty	N/A	Katherine Cooper, Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Patton	Cr Stephens	James Rose, Team Leader – Natural Systems

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Mornington Peninsula Cemetery Trust	Cr Roper Cr Batty Cr Pingiaro	N/A	Jenny Brown, Senior Cemeteries Officer
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Pam Vercoe, Manager – Governance and Risk
MAV Emergency Management Committee	Cr Batty	Cr Pingiaro	Andrew Brick, Team Leader – Community Resilience and Emergency Management
Northern Mornington Peninsula Local Area Action Plan Advisory Committee	TBC	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Peninsula Advisory Committee for Elders	Cr Williams	N/A	Helen Ridgeway, Positive Ageing Officer
South East Councils Climate Change Alliance	Cr Stephens	Cr Patton	Nicci Tsernjavski, Climate Change Partnerships Officer and Daniel Kabel, ESD Infrastructure Officer
Southern Mornington Peninsula Local Area Action Plan Advisory Committee	TBC	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Triple A Housing Committee	Cr Gill	N/A	Petrina Dodds-Buckley, Housing Projects Lead
Victorian Local Governance Association (VLGA)	Cr Roper	Cr Pingiaro	Pam Vercoe, Manager – Governance and Risk
Western Port Local Area Action Plan Advisory Committee	TBC	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment

4 MANAGEMENT REPORTS

PLANNING & ENVIRONMENT

4.1 Amendment C295morn - Creswell Street East, Crib Point - Development Contributions Plan - exhibition outcomes

Issued By	Manager - Strategic & Infrastructure
Authorised By	Acting Director - Planning & Environment
Document ID	A13512353
Briefing Note Number	BN2021 – 1 April 2025
Attachment(s)	<ol style="list-style-type: none">1. Existing DCP ⇒2. Amendment C295morn - Exhibited version ⇒3. Submissions (redacted) ⇒4. Submissions review and officer responses ⇒5. Amendment C295morn - Proposed post-exhibition version for Panel (tracked changes) ⇒6. Indicative extent of vegetation removal ⇒7. Revised DCP ⇒

EXECUTIVE SUMMARY

This report presents the outcomes of public exhibition for proposed Amendment C295morn (Amendment) to the Mornington Peninsula Planning Scheme (Planning Scheme) and recommends next steps in the amendment process.

The Amendment proposes to implement Council's revised Development Contributions Plan (DCP) to fund road and drainage infrastructure upgrades required to service private residential properties in Creswell and Cooma Streets, Crib Point which were rezoned from industrial purposes in 2019.

The revised DCP was adopted by Council in late 2023 in response to an independent review by Mesh Planning Consultants which identified several issues and risks associated with the existing DCP originally introduced as part of the rezoning. Most significantly, the review identified that current infrastructure construction costs far exceed those estimated in the original DCP, and that if the DCP is not changed, Council will be liable to cover these increased costs, regardless of whether enough landowner contributions are collected before the DCP expires.

The review recommended a range of improvements to align the DCP with best practice, including extending road and drainage infrastructure upgrades to fill illogical gaps in the local network, applying the DCP to additional properties in Creswell, Cooma and Glossop Streets which will directly benefit from upgrades, and applying a new method to calculate landowner contributions more equitably.

Consistent with the existing DCP, the revised DCP requires landowners to contribute 70% of the total costs while Council must contribute 30%. Landowners must pay their contribution before they can develop their land and Council must administer the DCP and deliver the infrastructure. While some contributions have already been collected to date, development rates in the area have been slower than anticipated leaving a significant funding shortfall.

4.1 (Cont.)

Following Ministerial authorisation to prepare Amendment C295morn in May 2024, Council publicly exhibited the Amendment in October to December 2024. Seven submissions were received, including three from government agencies and four from private landowners. Five object to the Amendment, including one from the Department of Energy, Environment and Climate Action (DEECA) about proposed native vegetation removal. Three are from landowners who oppose being added to the DCP, and one from a landowner outside the DCP who opposes vegetation being removed from their land due to adjacent infrastructure works.

Due to all submissions not being able to be resolved, Mornington Peninsula Shire (Shire) officers recommend referring the submissions to a Planning Panel for independent review. Shire officers also recommend that Council endorse a revised version of the Amendment to form part of its submissions to the Panel which addresses some of the issues raised in submissions about vegetation removal and transparency of estimations underpinning the increased costs of the revised DCP. Shire officers also recommend that Council accept DEECA's request that planning permission to remove native (and non-native) vegetation required to accommodate the infrastructure upgrades be sought via a Planning Permit – not the Amendment, as exhibited – to ensure vegetation loss is minimised and Council is statutorily bound to deliver required native vegetation offsets.

Finally, the report flags potential financial risks for Council associated with Amendment C295morn, as well as other implications if the Glossy Grass Skink (found within the DCP area) is listed for protection under the federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) later this year.

RECOMMENDATION**That Council:**

- 1. Receives and considers, in accordance with section 22(1) of the *Planning and Environment Act 1987*, all submissions received in response to Amendment C295morn to the Mornington Peninsula Planning Scheme as at Attachment 3 to this report.**
- 2. Notes and endorses the summary of submissions and Shire officers' response to submissions in relation to Amendment C295morn to the Mornington Peninsula Planning Scheme as at Attachment 4 to this report.**
- 3. Requests that the Minister for Planning appoint a Planning Panel to consider all submissions in relation to Amendment C295morn to the Mornington Peninsula Planning Scheme, as at Attachment 3 to this report, in accordance with section 23 of the *Planning and Environment Act 1987*.**
- 4. Refers submissions 1 – 7 to Amendment C295morn to the Mornington Peninsula Planning Scheme, as at Attachment 3 to this report, to a Planning Panel pursuant to section 23 of the *Planning and Environment Act 1987*, including any late submissions received up until the date of the Panel Hearing.**
- 5. Endorses the proposed changes to Amendment C295morn to the Mornington Peninsula Planning Scheme, as at Attachment 5 to this report, for the purpose of Council's advocacy position before the Planning Panel.**
- 6. Endorses Shire officers to prepare a Planning Permit Application to remove native and non-native vegetation required to accommodate the infrastructure works outlined in Council's adopted Creswell Street East Crib Point Development Contributions Plan (Mesh, December 2023) as generally shown in Attachment 6.**

4.1 (Cont.)

7. Includes in its submission to the Planning Panel the proposed changes to documentation for Amendment C295morn to the Mornington Peninsula Planning Scheme, generally in accordance with Attachment 5 to this report.
8. Delegates authority to the Director – Planning & Environment to determine the form of Council's submissions to the Planning Panel with the assistance of legal representatives and/or expert witness advice, including changes to the endorsed version of Amendment C295morn to the Mornington Peninsula Planning Scheme, to resolve matters between Council, submitters and the Planning Panel during the Planning Panel Hearing.
9. Notifies all submitters to Amendment C295morn to the Mornington Peninsula Planning Scheme in writing of Council's decision.
10. Authorises the Director - Planning & Environment to make editorial changes and administrative changes to the attachments to this report as required.

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

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

- **18 June 2018:** Council resolved to adopt Amendment C210morn to rezone private properties in Creswell and Cooma Streets in Crib Point from industrial to residential purposes and introduce the Creswell Street East Crib Point Development Contributions Plan (April 2018) (2018 DCP) Incorporated Document via Schedule 1 to the Development Contributions Overlay (DCPO1) to fund and deliver associated infrastructure. Amendment C210morn was gazetted by the Minister for Planning (Minister) on 6 June 2019.
- **19 December 2023:** Council resolved to:

4.1 (Cont.)

- Adopt the Creswell Street East Crib Point Development Contributions Plan (Mesh, December 2023) (revised 2023 DCP) and seek Ministerial authorisation for Amendment C295morn to implement this revised DCP into the Planning Scheme.
 - Request Ministerial approval for Amendment C300morn to extend the expiry of the existing 2018 DCP until 6 June 2026 to ensure it remains in place so Council can continue collecting contributions until Amendment C295morn is approved. Amendment C300morn was gazetted by the Minister in September 2024 (existing 2024 DCP).
 - Consider the costs to deliver the infrastructure under the revised 2023 DCP as part of Council's future annual budget process if Amendment C295morn is approved and commit to voluntarily pay for offsets required for native vegetation removal needed to accommodate the DCP infrastructure works (because Amendment C295morn seeks to exempt Council from needing a planning permit for native vegetation removal, thereby removing the statutory requirement to provide corresponding offsets).
- **Mornington Peninsula Shire Unmade Roads Construction Strategy (March 2006)** provides a strategic approach to managing road infrastructure on the Mornington Peninsula and identifies that all unmade sections of Creswell, Cooma and Glossop Streets should be sealed with a "low" (C) priority ranking.
 - **Mornington Peninsula Shire Road Management Plan (September 2022)** identifies that Council's roles as a road authority is limited by reasonably available funding and other resources and requires Council to consider a broad range of other services it provides to the community when making decisions.

Mornington Peninsula Shire Asset Plan 2022 – 2032 requires Council to provide for the affordable and equitable funding of new public infrastructure, including with development contributions to manage the impacts of growth and ensure costs are not unfairly borne by established communities. The plan also requires Council to prioritise maintaining and renewing existing assets over new ones, invest in assets based on current and future community need, and make sound investment decisions based on thorough risk assessment and maximising public value of infrastructure investment to enable improved social, environmental and economic outcomes for the community.

DISCUSSION**Purpose**

The purpose of this report is to present the outcomes of the public exhibition of proposed Amendment C295morn and recommend that Council:

- Resolves to request that the Minister appoint an independent Panel to consider all submissions received in relation to the Amendment.
- Includes in its submissions to the Panel proposed changes to the Amendment in response to issues raised in submissions relating to vegetation removal.

The report includes a summary of the background to the Amendment, key issues raised in submissions during exhibition, and recommended Shire officer responses to submissions. It also flags potential financial risks for Council and other implications if the Glossy Grass Skink (found within the DCP area) is listed for protection under the federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) later this year.

4.1 (Cont.)

Background

A DCP is a mechanism which allows for the fair funding and delivery of certain infrastructure to support new development. It is a planning tool that legally mandates landowners to contribute towards the costs of infrastructure that a Council must then deliver.

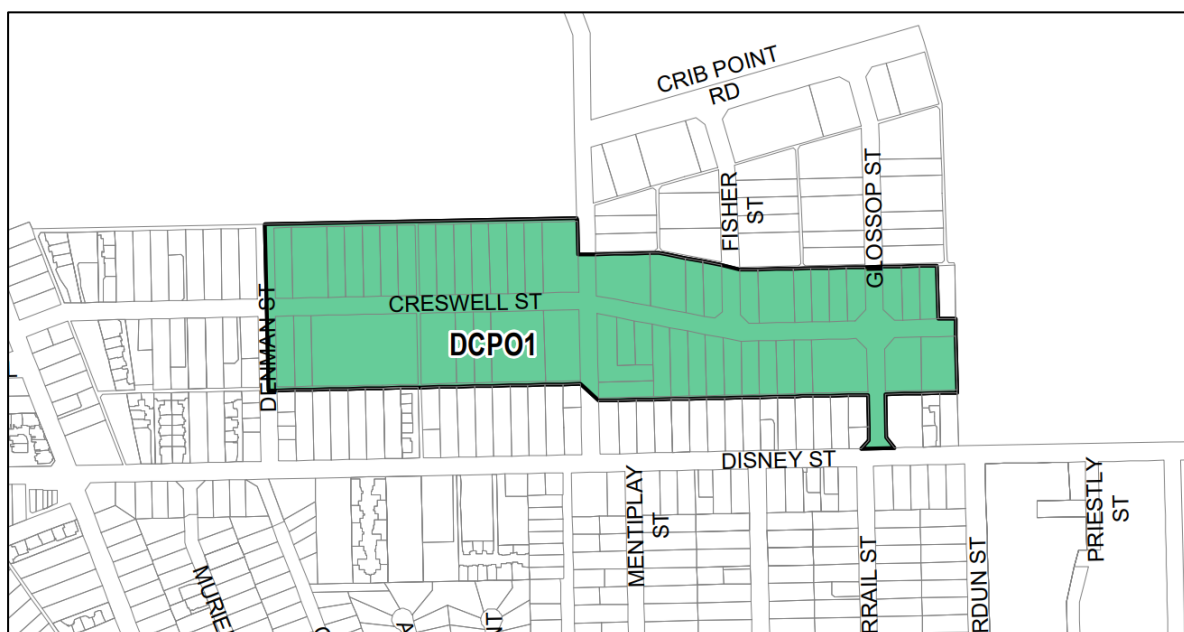
A DCP identifies the area of land it applies to, the infrastructure projects the financial contributions would fund, and how these contributions are calculated and shared across landowners subject to the DCP. DCPs are permitted under the *Planning and Environment Act 1987* (the *P&E Act*), as approved by the Minister via a planning scheme amendment. DCPs must be prepared in accordance with the Ministerial Direction on the Preparation and Content of Development Contribution Plans (11 April 2025) and should comply with the State Government's Development Contributions Guidelines (March 2007). They can only include certain types of infrastructure set out in the Ministerial Direction, such as roads and drainage, but exclude essential services such as potable water supply, electricity and gas.

Payment of landowner contributions under a DCP is required at the time a landowner subdivides or develops their land, which usually occurs via a condition on a planning permit. Where a planning permit is not required, payment must be made before a building permit can be issued under the *Building Act 1993*. Once a landowner pays their contribution, their obligations under the DCP are deemed to be met and they are not required to pay any further contributions.

Creswell Street East Crib Point Development Contributions Plan (Existing 2024 DCP)

Residentially zoned land in Creswell Street, Crib Point (as shown in Figure 1 below) is currently affected by the Creswell Street East Crib Point Development Contributions Plan (June 2024) (refer Attachment 1). This DCP – the only one on the Mornington Peninsula – was incorporated into the Planning Scheme on 6 June 2019 as part of privately initiated Amendment C210morn which rezoned the land from Industrial 3 Zone (IN3Z) to the Neighbourhood Residential Zone (NRZ1) and applied the Development Contributions Plan Overlay – Schedule 1 (DCPO1).

Figure 1: Area of the existing DCP



The existing 2024 DCP was required because the area is poorly serviced in terms of basic access roads (with sections only accessible by 4WD when there has been poor weather), inadequate drainage and limited other services. The existing DCP provides for the delivery of

4.1 (Cont.)

road, drainage, public street lighting and optic fibre ready pit and pipe infrastructure within the unmade Council road reserves (within sections of Creswell Street and Cooma Street).

The 2024 DCP requires that landowners contribute 70% of funding required to deliver the infrastructure and that Council contributes 30% of the funding. Landowner contributions are calculated based on linear metre of lot frontage and indexed according to the Consumer Price Index (CPI) on a quarterly basis to account for inflation.

The 2024 DCP also requires Council to deliver the infrastructure within 7 years of the DCP coming into operation, or when 50% of landowner contributions have been collected – whichever comes first. Council is obliged to cover any financial shortfall that may arise because the DCP must also be removed from the Planning Scheme upon expiry (being 6 June 2026), with Council unable to collect landowner contributions thereafter.

The DCP is required to be reviewed at least every 5 years and updated as needed, with any changes (i.e. changes to cost estimates, delivery timeframes, charge areas, infrastructure projects, cost-apportionment, etc.) implementable only via a planning scheme amendment approved by the Minister.

DCP Review

Since the DCP was introduced, development within the DCP area has been slower than expected. At the time of preparing this report, only 9 of 64 properties have paid their required contributions to date (totalling \$227,576.15), including 6 properties which paid their contributions following Council's December 2023 decision to adopt a revised 2023 DCP (totalling \$160,838.02).

Significantly, the actual cost to deliver the existing DCP infrastructure upgrades has far exceeded the estimates and inflation indexation provided within the existing 2024 DCP – increasing from about \$2.09 million (October 2017 dollars) to about \$3.66 million (July 2023 dollars). This means that Council is liable for about \$1.8 million (July 2023 dollars) in contributions which is significantly greater than the \$795,000 as originally estimated in the existing 2024 DCP (indexed to July 2023).

Council therefore commissioned an independent review of the existing DCP by Mesh Planning Consultants which resulted in the development of the revised DCP that was adopted by Council on 19 December 2023 (refer Attachment 7).

The revised 2023 DCP

The revised 2023 DCP retains the existing infrastructure types but incorporates the increased cost estimations (based on detailed design, quantity survey costs provided by Harlock Consulting and a 10% design and construction contingency) and plan preparation costs. It also includes financing (i.e. loan) costs to allow Council to deliver the infrastructure as soon as the revised DCP is gazetted.

Table 1 below, outlines the revised DCP costs, noting that, consistent with State Government requirements, certain costs have been excluded from the revised 2023 DCP including those relating to capital recovery (i.e. staff) and native vegetation offsets.

Table 1: Revised DCP costs

Project type	Total costs in the revised 2023 DCP
Roads and drainage infrastructure works	\$4,720,000
Finance costs	\$520,428

Plan preparation costs	\$319,240
TOTAL	\$5,559,668*

* expressed in May 2023 dollars

It is noted that the above costs for the infrastructure works and total DCP costs increase by 5.12% to \$4,961,441 and \$5,844,060 respectively once quarterly increments of CPI are applied to the figures up to December 2024.

Importantly, the revised 2023 DCP also increases the extent of local road and drainage works to fill illogical gaps in the network between Creswell, Cooma and Glossop Streets. Increasing the extent of the local road and drainage works has contributed about \$1,061,888 (expressed in May 2023 dollars) to the total cost of \$4,720,000 for roads and drainage infrastructure works.

A further 12 properties have consequently been included within the DCPO1 area because they are immediately adjacent to these sections of road and will therefore directly benefit from the infrastructure upgrades – particularly the sealing of road reserves and improved drainage infrastructure which will reduce flooding risks and enhance overall safety and amenity. The existing and revised DCP area is shown in Figure 2 below.

Figure 2: Area of the existing and revised DCPO1



Increased DCP costs means landowner contributions also increase. It is noted, however, that the revised DCP changes the contribution calculation method (or demand units) from linear metre of frontage to square meter of lot area (consistent with State Government DCP Guidelines) to ensure better equity of cost-sharing across the DCP area. In addition, while the independent review by Mesh Planning recommended that Council apportion 100% of DCP costs to landowners (as they benefit directly from the upgraded infrastructure), Council resolved to retain the existing 70/30 split between landowners and Council. Amendment C295morn therefore intends to pass on \$3,891,768 to landowners, with Council to cover at least \$1,667,900.

As part of adopting the revised DCP, Council also resolved to:

- Seek authorisation from the Minister for Planning to prepare and publicly exhibit proposed Amendment C295morn to implement the revised DCP into the Planning Scheme.

4.1 (Cont.)

- Seek Ministerial approval to extend the expiry of the existing DCP to ensure it remains in the Planning Scheme so Council can continue to collect contributions until the revised DCP is implemented by Amendment C295morn. The Minister approved Amendment C300morn in September 2024 which extends the expiry date of the DCP until 6 June 2028.
- Consider the costs to deliver the infrastructure under the revised DCP as part of Council's future annual budget process if Amendment C295morn is approved and gazetted.
- Commit to voluntarily pay for offsets required for native vegetation removal needed to accommodate the DCP infrastructure works, given Amendment C295morn seeks to exempt Council from needing a planning permit for native vegetation removal, thereby removing the statutory requirement to provide corresponding offsets. Recommended by officers from the Department for Transport and Planning as standard practice for many DCPs across Victoria, the exemption provides an administratively simpler process for Council, avoiding the need to undertake two planning approval processes to achieve the same outcomes – i.e. vegetation removal to deliver required infrastructure. It also gives Council greater certainty by avoiding a potential Victorian Civil and Administrative Tribunal (VCAT) appeal if a planning permit was appealed. Council's commitment to provide offsets voluntarily acknowledges its obligations under its adopted Biodiversity Conservation Plan (2019) which require Council to take a lead role in protecting and enhancing the Shire's biodiversity.

Public exhibition

The Minister granted Council authorisation to prepare Amendment C295morn on 21 May 2024. Following authorisation, Amendment C295morn was publicly exhibited for seven weeks, from 31 October until 20 December 2024. The exhibited version of the Amendment is contained in Attachment 2 to this report. Exhibition was carried out as per the requirements set out in the *P&E Act* and as directed by the Minister. Details are contained in the 'Engagement' section of this report.

Submissions

In total, seven submissions were received – three from government agencies and four from private landowners (refer to Attachment 3). Five submissions objected to the Amendment, requesting changes, while submissions from the Country Fire Authority (CFA) and South East Water did not object. In summary:

- Three of the four landowners objected to the Amendment on the basis that they should not be added to the DCP because; they already have access to utility services, will not use the newly sealed roads, and therefore gain no benefit from the DCP. These landowners also generally relied on a combination of some or all of the following additional grounds:
 - Sealing the roads will increase traffic in their local street and/or cause associated amenity (noise) and safety issues (including for school children accessing the local bus stop).
 - Upgrading Cooma Street via the DCP is inequitable and contrary to Council's adopted Unmade Roads Construction Strategy (2006) which identifies this road as a 'low priority'.
 - The DCP is inconsistent with several objectives of Council's adopted Crib Point Township Plan Refresh (2021) regarding environmental protection and township character.

4.1 (Cont.)

- The DCP is inconsistent with Council's adopted Asset Plan 2022-2032 which prioritises maintaining and renewing existing assets over new ones, requires equitable funding of new infrastructure and that costs are not unfairly borne by established communities.
- Landowners added to the DCP were not consulted on the proposed revised DCP which amounts to a denial of natural justice and is contrary to Principle D of section 9 of the *Local Government Act 2020* which requires Council to engage with the community on strategic planning matters.
- Council (i.e. ratepayers) should not be contributing 30% towards the cost of delivering infrastructure that benefits a small number of local properties on Creswell Street being developed following a privately initiated rezoning. All costs should be borne by those landowners alone.
- Contributions should continue to be calculated on linear meters of street frontage – not square meters of lot area.
- Concerns about potential future extension of Cooma Street to Wooleys Road in the north and associated increased traffic volumes.
- Inaccuracy of Amendment documentation, including that the revised DCP does not acknowledge existing service connections for properties proposed to be added, and the supporting vegetation removal plan shows a tree that has already been removed.
- The fourth objecting landowner does not support the proposed removal of an established and mature native tree on their property to accommodate the infrastructure works. The property of this landowner is not part of the DCP area, but rather borders where the drainage works will occur.
- The Department of Energy, Environment and Climate Action (DEECA) objects to the Amendment in its current form on the basis that it may prevent the full biodiversity impacts of any native vegetation removal from being appropriately assessed, and that further opportunities likely exist to avoid and minimise impacts on native vegetation. Specifically, DEECA submits that:
 - The native vegetation proposed to be removed has high biodiversity value for a range of reasons, including that it is relatively large and high quality, contains an endangered Ecological Vegetation Class, and provides potentially suitable habitat for threatened fauna species. Therefore, Council should further explore opportunities to avoid and minimise vegetation loss.
 - The most appropriate statutory process to facilitate native vegetation removal is to apply for a planning permit – not be exempted from requiring a planning permit as proposed.
 - Council's proposed "voluntary" approach to providing native vegetation offsets is not supported and should instead be a mandatory planning requirement as per standard practice, via a condition of a planning permit.
 - The Amendment contains drafting and mapping inconsistencies, noting that all vegetation (including non-native vegetation) proposed for removal is not clearly documented, and a planning permit is still required to remove non-native vegetation as per the planning controls in the DCPO1 area.

4.1 (Cont.)**Response to submissions and recommended post-exhibition changes to the Amendment**

Attachment 4 contains a more detailed summary of each individual submission and associated Shire officer responses to issues raised. Overall, Shire officers recommend that all submissions be referred to a Planning Panel for independent review (as detailed later in this report). Shire officers also recommend that the below post-exhibition changes (as shown in Attachment 5) be presented as part of Council's submissions to the Planning Panel to resolve issues raised in DEECA's submission and one of the private landowner submissions:

- Delete the proposed Schedule to Clause 52.17: Native Vegetation, which exempts Council from needing a planning permit to remove, destroy or lop native vegetation from the DCPO1 area to accommodate the roads and drainage infrastructure works.
- Delete the 'Vegetation Removal Plan' currently forming part of the revised DCP Incorporated Document (and any reference to the appendix identifying the vegetation removal plan) because it is referenced in the Schedule to Clause 52.17 exemption.
- Update remaining Amendment documentation (i.e. Explanatory Report, Instruction Sheet, etc.) as a consequence of the above changes.

Shire officers recommend deleting the native vegetation removal exemption component of the Amendment in favour of proceeding with a planning permit application instead, as recommended by DEECA, for the following reasons:

- While a different approach, the outcome will remain the same. That is, a planning permit will achieve the desired outcome of removing native vegetation necessary to construct the DCP's infrastructure works and securing native vegetation offsets (via a condition of the permit). The permit could also address the removal of non-native vegetation which requires approval under the Schedule 1 to the Vegetation Protection Overlay (VPO1) that applies to the DCPO1 area.
- Opportunities to potentially further minimise or avoid some vegetation removal will be explored when Shire officers prepare the planning permit application, in consultation with a qualified arborist. Note: the planning permit application will be referred to DEECA at a later date, as required by the Planning Scheme.
- The application would be prepared by Shire officers within the Infrastructure Project Delivery unit and assessed and determined by Shire officers within the Development Services teams. The application would follow the standard planning permit application procedures, including public notice and associated appeal rights for any objectors should a Notice of Decision to grant a permit be issued by the Shire. While there is a risk that approval of the application could be appealed and/or overturned at the Victorian Civil and Administrative Tribunal (VCAT), this risk is considered low because:
 - The existing DCP area was specifically rezoned from a more intensive urban land use (i.e. industrial) to residential, with the existing road and lot layout within the DCP area remaining unchanged.
 - Removal of vegetation is necessary to deliver the basic infrastructure required to support existing and future residential development within the revised DCP area.
 - Vegetation removal will be avoided and minimised where possible (as noted above), in consultation with a qualified arborist.
- If a VCAT appeal does occur, it is expected that a decision will be delivered before Amendment C295morn is finalised, meaning the permit approach is unlikely to result in

4.1 (Cont.)

significant delays to delivering the infrastructure that might otherwise compromise Council's ability to meet its obligations under the DCP. In the unlikely event an intolerable delay becomes possible, Council could seek to further extend the delivery date of the DCP until matters are resolved.

The extent of native (and non-native) vegetation to be removed is generally shown in Attachment 6.

The remaining objecting submissions cannot be resolved (as detailed in Attachment 4) and should be referred to a Planning Panel to be considered.

In addition to the above changes, Shire officers recommend that the revised Incorporated Document be updated to include the quantity surveyor cost estimates that underpin the infrastructure costs outlined in the revised DCP (as per Attachment 5). This provides greater transparency of the revised DCP costs to Council, affected landowners, ratepayers, and the State Government. It is noted that the estimate was publicly available on Council's Amendment C295morn webpage during the public exhibition period (and remains available for download now).

Options for consideration

Once Council considers all submissions received during public exhibition (as required under section 22 of the *P&E Act*), Council must choose from the following options as per section 23 of the *P&E Act*:

Option 1: Change the Amendment in the manner requested by submissions (not recommended). This option is not available to Council because, as outlined in Attachment 4, all issues raised in objecting submissions cannot be resolved. That is, changes cannot be made to the Amendment to satisfy all submitter objections or requests.

1. Option 2: Refer all submissions to an independent Planning Panel (recommended). This option is recommended because Council has received submissions that it cannot resolve. The Planning Panel process is the appropriate means for the views of submitters and Council to be independently heard and considered before Council then makes a final decision about whether to adopt the Amendment (with or without changes), having regard to the findings and any recommendations of the Planning Panel. Further details about the Planning Panel process are provided later in this report.

Proceeding with Option 2 includes presenting the recommended post-exhibition changes to the Amendment outlined earlier in this report as part of Council's submissions to the Panel. Should Council proceed with this option, Shire officers will also prepare the Planning Permit Application to remove the vegetation required to accommodate the infrastructure works as outlined earlier.

2. Option 3: Abandon the Amendment or part of the Amendment (not recommended). This option is not recommended because it would mean that Council cannot implement its adopted revised 2023 DCP into the Planning Scheme which was specifically prepared to address significant deficiencies identified with the existing DCP through an independent peer review. Council would therefore be bound to deliver the infrastructure upgrades as per the current DCP. As detailed earlier in this report, this includes delivering the works by 6 June 2026 at considerably greater cost (most of which could not be recovered by Council), without enough funding available in Council's budget, and regardless of whether enough contributions have been collected from landowners directly benefitting from the infrastructure upgrades.

4.1 (Cont.)**Planning Panel**

If Council resolves to proceed to the Panel stage as recommended in Option 2 above, all seven submitters will be notified about Council's decision and how they can participate in the Panel hearing if they wish to (with or without third party representation). The Panel will consider their submissions regardless of whether they appear at the hearing. If no submitters wish to appear at the hearings, the Panel may elect to review the Amendment and submissions 'on the papers' (i.e. without holding a hearing).

As per the requirements of Ministerial Direction 15 (The Planning Scheme Amendment Process), the following dates have been pre-set for a Panel Hearing:

- Directions Hearing: week beginning 30 June 2025.
- Panel Hearing: week beginning 11 August 2025.

Following the Panel hearing (or 'on the papers' review), the Panel will prepare a report with recommendations which Council must consider at a later Council meeting before deciding whether to adopt the Amendment (with or without changes). Council must also notify all submitters and affected landowners of its decision.

If Council adopts the Amendment, it must submit the Amendment to the Minister for Planning for approval and gazettal. In doing so, Council should clearly explain whether it accepts all or part of the Panel's recommendations and why, noting that even though Panel recommendations are not binding on Council, the Minister for Planning often favours the findings and recommendations of a Panel.

If the Minister approves the Amendment, the Planning Scheme will be updated with the revised DCP when the amendment is officially gazetted. If the Minister rejects the Amendment, the Planning Scheme will remain unchanged and the existing DCP will remain in place, meaning Council will be legally bound to deliver the infrastructure under the existing DCP by 6 June 2026, regardless of whether sufficient landowner contributions have been collected by that time. As noted above, the same applies if Council decides to abandon the Amendment before or after a Panel process.

Additional Risks to Amendment C295morn – the Glossy Grass Skink

The DCP area for infrastructure and drainage works contains habitat suitable for the Glossy Grass Skink which is a threatened species considered endangered in Victoria. The species was recorded within the area in 2024 through surveying undertaken by ecologists, Abzeco.

Significantly, the Glossy Grass Skink is currently being considered for listing as a threatened species and therefore potentially a Matter of National Environmental Significance (MNES) pursuant to the *EPBC Act*. At this stage, a listing determination is due on 30 October 2025.

If the species is listed, the DCP infrastructure works (which impact the species' habitat) may need to be referred for federal assessment and approval under the *EPBC Act*. A referral may impact and/or delay delivery of the infrastructure works which would likely increase costs for Council. While the risk of a referral is unavoidable, possible implications include refusal of the proposed works, changes to the proposed works and/or delays to delivering the infrastructure.

Shire officers consider that refusal or major changes to the design of the infrastructure works are unlikely given impacts to the species' habitat have been minimised as far as practically reasonable. However, changes to design, or delays to constructing the infrastructure (resulting from the timeframe to complete the *EPBC Act* approval's process) are possible. These factors could in turn hinder Council's ability to complete the works by the delivery date.

4.1 (Cont.)

specified in the revised DCP (being by 30 June 2028), and/or further increase overall costs to Council through inflation.

If Council resolves to proceed to a Planning Panel process, a decision on the Glossy Grass Skink's listing under the *EPBC Act* will likely occur after the Panel's report is due, and before Council will decide whether to adopt the Amendment. Council will therefore be able to determine whether the *EPBC Act* referral is required and if needed, commence the referral process and consider the need to extend the DCP delivery timeframes, to account for the referral process.

It is noted that no *EPBC Act* referral is required in relation to the Swamp Skink which was listed as endangered under the *EPBC Act* in March 2023. While there was potential for Swamp Skink habitat in the area (based on vegetation types present), Abzeco confirmed that no Swamp Skinks were detected during surveys and that it is unlikely that the site provides significant habitat for the species.

Abzeco therefore confirmed that a referral for the infrastructure works is not required because the works are unlikely to have a significant impact on the species. That is, the works do not meet the significant impact criteria under the Federal Government's Matters of National Environmental Significance: Significant Impact Guidelines 1.1 (Australian Government, 2013).

Similarly, Abzeco has confirmed that no Environment Effects Statement (EES) is required for the works under the State *Environment Effects Act 1978 (EE Act)* because the project does not meet the referral criteria under the Ministerial Guidelines for Assessment of Environmental Effects Under the *Environment Effects Act 1978* – Eighth Edition (State Government, 2023).

ENGAGEMENT

Amendment C295morn was publicly exhibited for seven weeks, from 31 October until 20 December 2024. Notice of the Amendment was given by public notices in the Government Gazette and Western Port Newspaper as well as a dedicated webpage on the Shire's website. Individual letters with Amendment notices were also sent to:

- Owners and occupiers of land in the immediate area.
- Local real estate agents, community groups, and environmental organisations.
- Ministers and public authorities as prescribed under the *P&E Act*.

During exhibition, anyone could enquire about the Amendment with officers from the Shire's Strategic Planning team by phone or email, or by arranging an in-person appointment at Shire offices. Submissions could be made via letter, email or online via a submission portal on the Shire's webpage.

In terms of community engagement:

- Three dedicated in-person sessions were held at the Shire's Hastings office during office hours in late November and early December and were attended by four groups / individuals.
- One in-person after-hours session was scheduled for the Crib Point Community Hall but was cancelled for the safety of staff and members of the public due to severe weather. All individuals registered to attend this session were contacted immediately following the severe weather warning, with attendees offered rescheduled individual appointments. Some registered attendees instead elected to speak to Shire officers over the phone at that time, with all questions and concerns satisfactorily addressed.

4.1 (Cont.)

- Shire officers also scheduled two after-hours sessions to phone community members that may register a request for an after-hours phone call to discuss the Amendment. Ultimately, these sessions were not required as no bookings were requested.

COMMUNICATIONS PLAN

A Communications Plan was not required for Amendment C295morn as public notice was provided in accordance with the requirements of the *P&E Act*.

As per the recommendations of this report, Shire officers will notify all submitters of Council's decision, following the meeting. The Shire's webpage will also be updated to communicate Council's decision: [Amendment C295morn: Creswell Street East, Crib Point - revised DCP - Mornington Peninsula Shire](#).

LEGAL AND REGULATORY FRAMEWORK

Amendment C295morn has been prepared in accordance with the requirements of the *P&E Act*, relevant Ministerial Directions and the State Government's DCP Guidelines.

Exhibition of the Amendment was undertaken in accordance with section 17, 18 and 19 of the *P&E Act*.

Following exhibition, Council must consider all submissions as per the requirements of section 22 of the *P&E Act*.

Submissions have been received which request changes to the Amendment, therefore in accordance with section 23 of the *P&E Act*, Council must decide whether to:

- change the Amendment in the manner requested
- refer submissions to a Panel
- abandon the Amendment or part of the Amendment.

As outlined in this report, officers recommend that Council refer all submissions to a Panel.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The environmental, social, and economic effects of Amendment C295morn are noted in the Explanatory Report as at Attachment 5 of this report.

FINANCIAL CONSIDERATIONS

As per Council's 19 December 2023 resolution, Council will need to consider funding delivery of the infrastructure for the revised 2023 DCP as part of its annual budget processes. The sooner Council can deliver the infrastructure, the lesser the risk that costs will exceed estimations in the revised DCP and CPI (as has occurred with the existing DCP).

Of the total \$5,559,668 cost of the revised DCP, Amendment C295morn intends to pass on \$3,891,768 to landowners (70%), with Council to cover at least \$1,667,900 (30%). It is noted that the project costs include plan preparation and loan costs which were not factored into the original 2024 DCP.

However, Council will never collect 70% of the DCP costs, because:

- Nine landowners have already paid their contributions under the lower rates of the existing DCP (totalling \$227,576.15). As per the 'rules' of DCPs, these landowners

4.1 (Cont.)

cannot be required to pay any further contributions – even if the revised DCP is approved and gazetted.

- More landowners may pay their contributions under the existing DCP before Amendment C295morn is finalised, to avoid the higher rates of the revised DCP. Council has no power to prevent this or require these landowners to pay contributions at a higher rate than is otherwise specified in the existing DCP.
- There are costs associated with implementing the infrastructure under the DCP (existing or revised) that Council cannot pass onto landowners. These include native vegetation offsets (approx. \$134,530), costs to undertake Amendment C295morn (approximately \$50,000 - \$90,000 including amendment fees, Panel costs, etc.) and Shire staffing costs (approximately \$150,000).
- While every effort has been made to accurately estimate costs underpinning the revised DCP, costs such as those associated with finance could alter depending on interest rates at the time the loan is secured and how much Council ultimately resolves to loan. That is, whether Council obtains a loan for the full cost of the road and drainage infrastructure works or 70% (with the remaining 30% covered by Council's capital budget). It is noted that the revised DCP is conservatively based on a 100% loan amount. If Council decides to loan 70%, as part of a future annual budget adoption, the revised DCP could be adjusted before it is finalised for adoption (after a Panel process).

If Council decides to refer the Amendment and submissions to a Panel, the following estimated costs will be incurred:

- Panel appointment costs – about \$20,000-\$40,000 (depending on the number of Panel members appointed by the Minister and length of the Panel hearing)
- Representation at the Panel – about \$30,000-\$40,000 (including appearing on Council's behalf, preparing written submissions and instructing expert witnesses)
- Preparation and presentation of expert witness statements – about \$15,000-\$30,000 (depending on how many expert witnesses are required, noting that evidence will likely be called from Mesh Planning, the authors of the DCP review and Council's adopted revised 2023 DCP. The need for any additional experts will be determined prior to any hearing).

While none of the above costs can be recovered via the revised 2023 DCP, they can be accommodated within existing operational budget allocated to the Shire's Strategic Planning and Legal teams.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.2 Future Beach Cleaning

Issued By	Manager - Climate Change & Sustainability
Authorised By	Acting Director - Planning & Environment
Document ID	A13700318
Briefing Note Number	Not applicable
Attachment(s)	<ol style="list-style-type: none"> 1. Beach Cleaning Recommendations Report ⇒ 2. Monitoring - Hand Beach Cleaning Trial Monitoring Summary ⇒ 3. Monitoring - Beach Cleaning Trial Monitoring Methods ⇒ 4. Options - Beach Cleaning Options Assessment ⇒ 5. Options - Beach Cleaning Options Maps ⇒ 6. Options - Hybrid 80 Hand 20 Rake Values Analysis ⇒ 7. Options - Hybrid 70 Hand 30 Rake Values Analysis ⇒ 8. Memo Beach Cleaning Additional Info (confidential) 9. Technologies - Mechanical Technology Review (confidential) 10. Technologies - Surf Rake Brochure ⇒ 11. Technologies - Surf Rake Manual ⇒ 12. Technologies - BeachTech Overview ⇒ 13. Technologies - BT 1500 Specifications ⇒ 14. Technologies - BT 2000 Specifications ⇒ 15. Technologies - Clean Coast Solutions Introduction ⇒ 16. Future Beach Cleaning FAQs ⇒

EXECUTIVE SUMMARY

Note, this report provides the same recommendation and reasonings as provided to Council on 8 April 2025. Council were advised the Mornington Peninsula Shire (Shire) officer recommendation would remain unchanged on 23 April 2025. An additional attachment, 16. Future Beach Cleaning FAQs has been provided.

This report presents the following five future beach cleaning methodology options for our Port Phillip Bay beaches:

1. 100% hand cleaning (same as current trial)
 2. 100% mechanical raking (only services 80% of beaches, no cleaning of remaining 20%)
 3. Hybrid – 80% hand cleaning and 20% mechanical raking
 4. Hybrid – 70% hand cleaning and 30% mechanical raking (recommended)
 5. Hybrid – 20% hand cleaning and 80% mechanical raking (same as pre-trial).
- Percentages are based on the 32.5 kilometre length of serviced Port Phillip Bay beaches and have been rounded for naming purposes.

Each option has been indicatively priced for in-house or outsourced delivery models for Council's consideration. Additionally, the data collected throughout the hand beach cleaning trial from July 2024 to February 2025 is presented in Attachment 2.

4.2 (Cont.)

Attachment 1 - Beach Cleaning Recommendations Report, outlines the basis of this recommendation.

Option 4 Hybrid – 70% hand cleaning and 30% mechanical raking is recommended. This option has been determined on localised beach accessibility, recreational values, visitation rates, coastal setting, community sentiment and litter volumes collected throughout the first seven months of the hand cleaning trial. Details are provided in Attachments 4, 5 and 7.

An outsourced delivery model of Option 4 Hybrid – 70% hand cleaning and 30% mechanical raking is recommended as indicative pricing of outsourced delivery is more economical than internal delivery, as detailed in Confidential Attachment 8.

RECOMMENDATION**That Council:**

1. **Adopts the recommended future beach cleaning model of: Hybrid – 70% hand cleaning and 30% mechanical raking with an outsourced delivery model.**
2. **The Council's adopted methodology for beach cleaning will be actioned from the date of Council's decision in accordance with Council's contractual obligations, effective up to 30 June 2028.**
3. **That Council notes the observations of Coast Saltwort (*Salsola tragus subspecies pontica*) which is listed as 'Endangered in Victoria' under the *Flora and Fauna Guarantee Act 1988* and note that return of mechanical beach cleaning will incur an additional cost for development, approval, and implementation of a Management Plan for the protection of the species if it is found in areas proposed for mechanical cleaning.**

Part B

That Council resolves that Attachments 8 and 9 to this report be retained as confidential items pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as they contain commercial in confidence information and if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

COUNCIL & WELLBEING PLAN

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

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

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

GOVERNANCE PRINCIPLES

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

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

4.2 (Cont.)

- 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

Relevant Council decisions and engagement:

- 18 October 2022 – Notice of Motion 370
 - *That Council agrees in principle for a hand beach cleaning program on Mornington Peninsula Shire beaches and that the Chief Executive Officer brings back to Council a recommendation on whether implementation should go ahead based on cost, efficiency, community benefit and consideration of the role of volunteers.*
- 30 May 2023 – Notice of Motion 401
 - *That Council policy emphasise an environmentally friendly outcome for cleaning of Council controlled beaches and take notice of Climate Crisis issues involved in some beach cleaning methodology.'*
- 21 November 2023 Council briefing - Update and context for future maintenance contracts
- 13 February 2024 Council briefing - Beach Cleaning Review and Proposed Future Cleaning Program
- 5 March 2024 – Council report and decision - Item 4.3 Beach Cleaning Review Findings and Proposed Future Cleaning and Grooming Program.

The report recommended that Council:

- Supports a 12-month trial beach cleaning program of Option 2 – 4.0 full time equivalent (FTE) Hand Cleaners and 0.4 FTE Mechanical Raking (two days per week). This option would result in approximately 20% of beaches being mechanically cleaned and 80% hand cleaned.
- Recognises the complexity of beach cleaning and the variety of community perceptions and supports the Mornington Peninsula Shire Council dedicating funding towards volunteer support, educational material and an ongoing monitoring program, see 'Provisional Items'.

Council resolved:

- *That Council supports a 12-month trial beach cleaning program of Option 4 of 100% hand cleaned beaches. This option recognises the environmental values of the coastline as our top priority.*
- 17 December 2024 Urgent Business item 6.1 – Hand Beach Cleaning Trial

Council resolved:

- *That a report be brought to the first Council Meeting in 2025 to consider:*
 - 1. *Ending the hand beach cleaning trial with immediate effect*

4.2 (Cont.)

2. *Reinstate the mechanical rake method as soon as possible, pending a further resolution*
3. *Prepare a report for council by April 2025, exploring a hybrid/ combined approach using hand and innovative mechanical methods, informed by community and broad industry consultation.*

- 28 January 2025 Council report – Item 4.3 – Response to urgent business item regarding hand beach cleaning trial

This report was included in the 28 January Council meeting agenda. However, the minutes note that the report was withdrawn prior to the meeting. This was a decision of the Chief Executive Officer, made in consultation with the Mayor.

The report recommended that Council:

- Notes the information provided.
 - Receives a workshop style briefing in February to discuss options for recommendation towards the future service delivery model.
 - Continues existing beach clearing methods until a Council decision is made for the implementation of a future service delivery model.
- 4 February 2025 – Councillor workshop

Councillors ranked options to be further explored by officers and brought back to Council for consideration. Council ranking was as follows:

1. In house Service Delivery (21)
 2. Hybrid – 80% hand, 20% mechanical (19)
 3. Mechanical – rake/tractor (17)
 4. Hybrid – 20% hand, 80% mechanical (14)
 5. Hand 100% (10)
 6. Volunteer/Community – Beach Patrols (7)
 7. Volunteer/Community – Friends Group (6)
 8. Hybrid – 100% hand, 20% mechanical (3)
 9. Volunteer/Community – Grants (3)
 10. Mechanical – AI robot (0)
 11. Hand 100% + seaweed removal (0)
- 25 March 2025 – Council report - Item 4.6 - Future Beach Cleaning
- This meeting was cancelled and so the item was moved to the next available Council meeting on the 8 April 2025. This report recommended Council:
- Adopts the recommended future beach cleaning model of: Hybrid – 70% hand cleaning and 30% mechanical raking with an outsourced delivery model.

4.2 (Cont.)

- The Council's adopted methodology for beach cleaning will be actioned from the date of Council's decision in accordance with Council's contractual obligations, effective up to 30 June 2028.

This report, in the Legal and Regulatory Framework section (page 7), noted that 'Observations of Coast Saltwort (*Salsola tragus* subspecies *pontica*) have been reported at various beaches between Portsea and Mount Eliza. This species is listed as 'Endangered in Victoria' under the *Flora and Fauna Guarantee Act 1988* (the Act). Consultation with the administrators of the Act, the Department of Energy, Environment and Climate Action (DEECA) is currently underway, to better understand management responsibilities. The recommended option minimises potential impact on this endangered species.'

- 8 April 2025 - Council report and decision - Item 4.3 – Future Beach Cleaning

This report recommended that Council:

- Adopts the recommended future beach cleaning model of: Hybrid – 70% hand cleaning and 30% mechanical raking with an outsourced delivery model.
- The Council's adopted methodology for beach cleaning will be actioned from the date of Council's decision in accordance with Council's contractual obligations, effective up to 30 June 2028.
- That Council notes the observations of Coast Saltwort (*Salsola tragus* subspecies *pontica*) which is listed as 'Endangered in Victoria' under the *Flora and Fauna Guarantee Act 1988* and note that return of mechanical beach cleaning will incur an additional cost for development, approval, and implementation of a Management Plan for the protection of the species if it is found in areas proposed for mechanical cleaning.

Council resolved:

- *That Council defers a decision on the future beach cleaning model until the 20 May 2025 Council Meeting.*
- *That Council requests that officers do not proceed with any changes to the existing beach cleaning arrangement or contractual commitment until Council has formally resolved its position.*

DISCUSSION**Purpose**

The purpose of this report is to present five beach cleaning options for our Port Phillip Bay beaches for Council's consideration.

The report considers findings from seven months of the hand beach cleaning trial along with a review of available mechanical rake technology and cost estimates for the implementation of each option, including internal and external service models.

Background

Council's approach to cleaning Port Phillip Bay beaches has been under review since 2021 in response to community feedback and subsequent Council decisions.

On 5 March 2024, Council was presented with a 'Beach Cleaning Review'. To assist with preparation of the Beach Cleaning Review, Shire officers sought a student placement from

4.2 (Cont.)

Monash University. The Master of Environment and Sustainability student, with the assistance of Shire officers produced a report detailing their findings titled Mornington Peninsula Shire Beach Cleaning Review. With consideration of the review's findings, a hybrid beach cleaning program consisting of mechanical raking and hand cleaning based on localised values including environmental, recreational, access and visitation was the Shire officer recommendation.

On 5 March 2024, Council adopted "*That Council supports a 12-month trial beach cleaning program of Option 4 of 100% hand cleaned beaches. This option recognises the environmental values of the coastline as our top priority*". In response to this decision, the 'Hand beach cleaning trial' commenced on 1 July 2024.

Options for consideration

In response to feedback received from Council at a beach cleaning workshop held on 4 February 2025, four beach cleaning options have been investigated:

- 100% hand cleaning (same as current trial)
- 100% mechanical raking (services 80% of beaches)
- Hybrid – 80% hand cleaning and 20% mechanical raking
- Hybrid – 20% hand cleaning and 80% mechanical raking (same as pre-trial).

On consideration of the data from the first 7 months of the hand beach cleaning trial, a fifth (and recommended option) has been added:

- Hybrid – 70% hand cleaning and 30% mechanical raking (**recommended**)

A review of the five options is provided in Attachment 4, Options – Beach Cleaning Options Assessment.

All five options have been indicatively priced for in-house or outsourced service delivery. The table below ranks each option according to their indicative price as an annual service cost, from lowest cost (1/10) to most expensive (10/10). See Confidential Attachment 8 for more detailed figures.

OPTION NAME	DELIVERY METHOD	PRICE RANKING (low to high)
100% mechanical raking (services 80% of beaches)	Outsourced	1
100% hand cleaning	Inhouse	2
100% hand cleaning	Outsourced	3
Hybrid – 80% hand cleaning and 20% mechanical raking	Outsourced	4
Hybrid – 70% hand cleaning and 30% mechanical raking (recommended)	Outsourced	4
100% mechanical raking (services 80% of beaches)	Inhouse	6

OPTION NAME	DELIVERY METHOD	PRICE RANKING (low to high)
Hybrid – 20% hand cleaning and 80% mechanical raking	Outsourced	7
Hybrid – 80% hand cleaning and 20% mechanical raking	Inhouse	8
Hybrid – 70% hand cleaning and 30% mechanical raking	Inhouse	8
Hybrid – 20% hand cleaning and 80% mechanical raking	Inhouse	8

Shire officers recognise Council's concern regarding the ability to implement all options given the presence of Coast Saltwort (*Salsola tragus* subsp. *pontica*). All options are considered implementable, based on available information. Each option likely has a varying degree of management requirements. Management requirements are expected to be proportionate to the presence of Coast Saltwort in mechanically raked areas. The following table outlines the potentially affected beaches due to Coast Saltwort and re-introduction of mechanical raking.

Beach Cleaning Option	Potentially affected beaches due to presence of Coast Saltwort
100% hand cleaning (same as current trial)	None
100% mechanical raking (only services 80% of beaches, no cleaning of remaining 20%)	Portsea, Sorrento, Blairgowrie, Rye, Tootgarook, McCrae, Dromana, Safety Beach, Mount Martha, Mornington, and Mount Eliza
Hybrid – 80% hand cleaning and 20% mechanical raking	McCrae, Dromana, Safety Beach, Mount Martha, Mornington, and Mount Eliza
Hybrid – 70% hand cleaning and 30% mechanical raking (recommended)	Dromana, Safety Beach, Mount Martha, Mornington, and Mount Eliza
Hybrid – 20% hand cleaning and 80% mechanical raking (same as pre-trial)	Portsea, Sorrento, Blairgowrie, Rye, Tootgarook, McCrae, Dromana, Safety Beach, Mount Martha, Mornington, and Mount Eliza

Further details are available in attachment 16, Future Beach Cleaning FAQs.

ENGAGEMENT

The community has been encouraged to provide feedback throughout the duration of the hand beach cleaning trial via an online survey. Additionally, consultation included in-person pop-ups, direct correspondence, data collected by the beach cleaning service provider, beach audits, and data collected by citizen scientists. A summary of engagement and monitoring data is presented in Attachment 2, Monitoring – Hand Beach Cleaning Trial Monitoring Summary.

4.2 (Cont.)**COMMUNICATIONS PLAN**

The community will be informed of the decision via the existing beach cleaning webpage, media release and social media platforms.

LEGAL AND REGULATORY FRAMEWORK

Observations of Coast Saltwort (*Salsola tragus* subspecies *pontica*) have been reported at Portsea, Sorrento, Blairgowrie, Rye, Tootgarook, McCrae, Dromana, Safety Beach, Mount Martha, Mornington, and Mount Eliza. This species is listed as 'Endangered in Victoria' under *the Act*. Shire officers will undertake necessary steps to manage the presence of Coast Saltwort when a preferred future cleaning method has been adopted by Council. The Department of Energy, Environment and Climate Action (DEECA) have confirmed that removal of the species via mechanical raking would require an application for a permit under *the Act*.

An application for a permit would require specific details which cannot be confirmed until a future cleaning method has been adopted by Council. The species has been observed at some beaches proposed for mechanical raking but may not be present in the specific areas to be raked. Therefore, further detailed assessments would be necessary before determining full potential impacts and costs, and before mechanical raking could commence in those areas. The recommended option minimises potential impact on this endangered species.

There is no guarantee DEECA will issue a permit.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

1. The five options presented in this report are ranked from most (1) emission reductions and climate resilience, to least 100% hand cleaning
2. Hybrid – 80% hand cleaning and 20% mechanical raking
3. Hybrid – 70% hand cleaning and 30% mechanical raking (**recommended**)
4. 100% mechanical raking (services 80% of beaches)
5. Hybrid – 20% hand cleaning and 80% mechanical raking

Options ranked 1, 2 and 3 above will reduce the amount of organic matter being disposed to landfill, in comparison to the pre-trial hybrid method (20% hand cleaning and 80% mechanical raking). Allowing organic material to breakdown via natural processes on the coast can reduce carbon emissions, provide habitat and food for animals, provide nutrients to support plant growth, deposit seeds promoting natural regeneration and attenuate wave energy. These outcomes contribute towards a healthier coastal ecosystem and increase erosion resilience of our beaches.

In recognition that contamination within wrack (organic material cast upon the shore) may impact environmental values in some instances and removal of wrack may be necessary. Opportunities to repurpose collected wrack and avoid any organic material being deposited to landfill because of beach cleaning is being explored.

FINANCIAL CONSIDERATIONS

The following options can be accommodated within the current 2025 Financial Year (FY) budget and the proposed FY26 budget, inclusive of anticipated disposal costs:

- 100% hand cleaning (outsourced or insourced delivery)

4.2 (Cont.)

- 100% mechanical raking (outsourced or insourced delivery)
- Hybrid – 80% hand cleaning and 20% mechanical raking (outsourced delivery only)
- Hybrid – 70% hand cleaning and 30% mechanical raking (outsourced delivery only).

The following options extend beyond the current FY25 budget and the proposed FY26 budget, inclusive of anticipated disposal costs:

- 80% hand cleaning and 20% mechanical raking (inhouse delivery)
- 70% hand cleaning and 30% mechanical raking (inhouse delivery)

OFFICER DIRECT OR INDIRECT INTEREST

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

ASSETS & INFRASTRUCTURE

4.3 2025/26 Capital Works & Operating Project Programs

Issued By	Manager - Assets, Property and Building Management
Authorised By	Director - Assets & Infrastructure
Document ID	A13704512
Briefing Note Number	BN2012 – 18 March 2025
Attachment(s)	1. Draft 2025-26 Capital Works Program ⇒ 2. Draft 2025-26 Operating Projects Program ⇒

EXECUTIVE SUMMARY

This report seeks Council adoption of the budget allocation for the 2025/2026 capital works and operating project programs (\$26.6 million, Council funding, \$52.1 million total). In addition, Council is also being asked to adopt the reallocation of funding from two 2024/2025 projects to achieve beneficial outcomes for the Community that align with Council's asset renewal priorities.

RECOMMENDATION

That Council:

1. **Adopts Attachment 1, as the 2025/2026 Budget allocation for the capital works program totalling \$50.3 million (\$24.7 million Council Funding, \$16.5 million External Funding, and \$9.1 million Contributions).**
2. **Adopts the multi-year commitments in the 2025/2026 Capital Works Program for the following projects up to \$6.9 million in funding:**
 - A. **Rye Landfill - Cell 2 Capping Layer (Delivery, Stage 1 - \$6,500,000)**
 - B. **Creswell Street East Crib Point – DCP (Design, Stage 1 - \$200,000)**
 - C. **Mount Eliza Landfill Flare (Design - \$200,000).**
3. **Adopts Attachment 2, as the 2025/2026 Budget allocation for operating projects totalling \$1.87 million.**
4. **Adopts the de-scoping of project A funded in 2024/2025, to fund project B as part of the 2025/2026 capital works program:**

Project A, totalling \$199,000:

 - A. **\$199,000 Smoke Free Environments Policy Implementation**

Project B, totalling \$199,000:

 - B. **\$199,000 Minor Renewal Works Community Facilities.**

4.3 (Cont.)

5. Adopts the deferral of project A (funded in 2024/2025 and currently on hold), and the reallocation of that funding to project B:

Project A, totalling \$299,634:

- A. \$299,634 Briars Recycled Water Irrigation Project

Project B, totalling \$299,634:

- B. \$299,634 Briars Homestead Refurbishment.

COUNCIL & WELLBEING PLAN

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

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

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

Theme 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.

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

RELEVANT COUNCIL DECISIONS AND POLICIES

Not Applicable.

DISCUSSION**Purpose**

By Council adopting the budget allocation for the 2025/2026 Capital Works and Operating Project Programs, it will allow Mornington Peninsula Shire (Shire) officers to consolidate as part of the 'Annual 2025/2026 Budget', for adoption by Council on 17 June 2025.

Background

The Draft 2025/26 Capital Works and Operating Project Programs are the culmination of a rigorous prioritisation and evaluation process. Project submissions originated from many sources including community submissions, councillor priorities, Council and Wellbeing Plan goals, adopted strategies, response to urgent risk, safety or community needs and critical renewal requirements identified within asset

4.3 (Cont.)

management plans. All submissions were scored using a detailed prioritisation methodology which contained ten criteria spread across the following four criteria groups:

- Importance
- Deliverability
- Portfolio Sustainability
- Financial Return and Funding Opportunities.

An internal panel then evaluated this program prioritisation over multiple sessions which included detailed analysis of long-term impacts, overlaying of community budget feedback, and refinement of project scope and requested funding.

The proposed programs were then workshopped with Councillors over two sessions to attain their feedback and ensure alignment with Council goals. This process aims to create maximum transparency with Council on project prioritisation, ensure the programs are aligned with the community's needs, and focus on long-term financial and asset sustainability.

Options for consideration

The recommendations put forward to Council provide balanced Capital Works and Operating Project Programs for 2025/2026 incorporating community feedback, extensive internal evaluation, and Councillor workshop input.

ENGAGEMENT

Community submissions were open in the budget portal from 16 December 2024 to 15 February 2025 with over 1,500 responses received.

The community was asked to select their top 5 priorities for the budget and responses were summarised into priority percentages. The table below lists each survey category from highest to lowest priority, along with the proposed program expenditure.

Budget Category	Identified as Top 5 Priority	Council Funding	External Funding	Contribution	Total
Road safety and maintenance	80.10%	8.8 M	4.8 M	0.0 M	13.6 M
Protecting green wedge zones	48.50%	-	-	-	-
Coastal infrastructure	45.80%	1.5 M	0.0 M	0.9 M	2.4 M
Natural environment care	41.20%	-	-	-	-
Aged, family, and youth services	39.30%	1.2 M	0.0 M	0.0 M	1.2 M
Community crisis and homelessness support	38.30%	-	-	-	-
Drainage and stormwater upgrades	32.20%	1.9 M	0.0 M	0.2 M	2.1 M
Community facility upgrades	32.10%	8.6 M	0.4 M	1.5 M	10.5 M
New footpaths	26.60%	1.2 M	2.0 M	0.0 M	3.2 M

Budget Category	Identified as Top 5 Priority	Council Funding	External Funding	Contributions	Total
Improved waste services	23.40%	-	-	-	-

4.3 (Cont.)

Climate action	22.30%	-	-	-	-
Improving planning services and permits	21.10%	-	-	-	-
Economic development, tourism & business	19.60%	1.0 M	0.0 M	0.0 M	1.0 M
New recreational facilities	16.80%	0.0 M	9.4 M	0.1 M	9.5 M
Arts and culture programs and facilities	12.90%	-	-	-	-

Overall, \$43.5 million of the total \$52.1 million Capital Works and Operating Project funding is attributable to the budget categories within the survey. It should also be noted that the remaining funding not attributed to the categories above (\$8.6 million), is primarily focussed on critical requirements such as landfill capping works (\$7.8 million).

Due to the current emphasis on renewal over new and upgrade, building renewal projects have been allocated to the Community Facility Upgrades category, and Footpath Renewal has been allocated to New Footpaths as their outcome is somewhat similar.

It should also be noted that projects have only been allocated one category, where multiple may be applicable. This also does not consider benefits built into the project management process. For example, Environmentally Sustainable Development (ESD) has been built into the project approval process and is considered by all capital projects, and there are multiple projects that could have been allocated to this as a secondary category.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Adopting the recommendations included in this report will allow for the proposed 2025/2026 Annual Budget to be finalised and recommended for adoption on 17 June 2025.

OFFICER DIRECT OR INDIRECT INTEREST

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

COMMUNITY STRENGTHENING

4.4 Draft Municipal Public Health and Wellbeing Plan 2025-29

Prepared By	Manager - Community Partnerships Acting
Authorised By	Director - Community Strengthening
Document ID	A13702079
Briefing Note Number	BN2027 – 22 April 2025
Attachment(s)	<ol style="list-style-type: none">1. Draft Municipal Public Health and Wellbeing Plan ⇒2. Health and Wellbeing Data Profile 2025 ⇒3. Engagement Findings Report ⇒4. Health and Wellbeing Stakeholder Forum - Report ⇒

EXECUTIVE SUMMARY

The purpose of the report is to present Council the Draft Municipal Public Health and Wellbeing Plan (MPHWP) 2025-29 (Attachment 1) and seek approval to progress the draft to a 4-week public exhibition period for community feedback.

The draft MPHWP has been developed based on comprehensive data analysis, community and stakeholder engagement, and in accordance with legislative requirements under the *Public Health and Wellbeing Act 2008*.

RECOMMENDATION

That Council endorses that the Draft Municipal Public Health and Wellbeing Plan 2025-2029 (Attachment 1) be placed on public exhibition for a 4-week public exhibition period from 21 May to 18 June 2025.

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.

4.4 (Cont.)

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

RELEVANT COUNCIL DECISIONS AND POLICIES

At the Council Meeting held on 28 January 2025, Council resolved:

That Council requests separate plans for the (Council Plan, Municipal Public Health and Wellbeing Plan) and that they be prepared in accordance with the requirements of the Local Government Act 2020 and the Public Health and Wellbeing Act 2008.

DISCUSSION**Background**

Under section 26 (2) of the *Public Health and Wellbeing Act 2008* (the Act), Councils are required to prepare a MPHWP every four years, within the 12 months after a Council election. The MPHWP must be consistent with the Council Plan and the Municipal Strategic Statement.

The Act sets out what must be included in the MPHWP including other legislative obligations that Councils need to be aware of when developing their MPHWP.

According to *the Act* the MPHWP must include:

- A detailed examination of data about health status and health determinants
- Identified goals and strategies based on available evidence
- Engagement with community in the development, implementation, and evaluation processes
- Outline of key partners/stakeholders that will support the delivery of public health initiatives, projects and programs to accomplish the goals and strategies identified in the plan
- Measures to prevent family violence and respond to the needs of victims of family violence
- Evidence of how Council will meet its relevant legislative requirements under the *Local Government Act 2020*, *Climate Change Act 2017*, and *Gender Equality Act 2020* as they pertain to health and wellbeing.

Additionally, *the Act* requires Councils to have regard to the Victorian Public Health and Wellbeing Plan 2023–2027 and State priorities.

The MPHWP must be submitted to the Department of Health Secretariat for approval within 12 months of a Council election. The current target is for Council adoption by 15 July 2025 in alignment with the Council Plan, Financial Plan and Asset Plan.

This will enable sufficient time for the Department of Health (DH) to approve the Plan. Council is currently on track to meet these legislative requirements.

Data Analysis

A comprehensive Mornington Peninsula Health and Wellbeing Data Profile (Attachment 2) has been developed encompassing relevant local data on health status and health determinants.

4.4 (Cont.)

This information was obtained via secondary data sources including but not limited to the Census, 2021; Victorian Population Health Survey, 2024; Crime Statistic Agency, 2025; Women's Health Atlas, 2025.

Summaries of this data have been included in the draft MPHWP under each priority area.

Of note are increased rates of food insecurity, family violence, mental illness, alcohol harm, gambling harm, and homelessness as well as decreased perceptions of safety at night.

Overview of the draft MPHWP

The draft MPHWP comprises seven priority areas that have been determined based on thorough analysis of secondary data; engagement data; and relevant policy frameworks:

1. Mental health and wellbeing
2. Family violence, inequality, and community safety
3. Food systems and food security
4. Physical activity
5. Alcohol, other drugs, and gambling harm
6. Health and wellbeing impacts of climate change.
7. Housing and homelessness.

To enact Council's commitment to these priority areas, the draft MPHWP outlines sets of goals, objectives, strategies, and indicators for each priority area. The draft MPHWP also articulates the role Council will fulfil to implement each strategy under four categories – Deliver, Partner, Advocate and Regulate.

Key partners have been outlined in the draft MPHWP alongside objectives and strategies under each priority area. Council upholds long-standing partnerships with the organisations listed which will support successful delivery of the MPHWP.

The draft MPHWP includes content that aligns with relevant legislative requirements under the *Local Government Act 2020*, *Climate Change Act 2017*, and *Gender Equality Act 2020*.

There is a mandated priority area for family violence prevention (with gender inequality being the key driver) and a mandated priority area for addressing the health and wellbeing impacts of climate change.

Implementation and Monitoring

Following Council adoption and Department of Health approval, implementation of the MPHWP will be guided by an Annual Action Plan which is a legislative requirement. Delivery of the Annual Action Plan is a cross-organisational responsibility and therefore units will be required to deliver their assigned strategies within Council endorsed operating budgets.

The MPHWP will be delivered in partnership with external stakeholders which enables the sharing of resources and responsibilities. Throughout the 4-year implementation cycle, external grants will actively be sought to support delivery of the MPHWP.

An Annual Report, encompassing an annual review of the MPHWP will be presented to Council via the Health and Wellbeing Advisory Committee and will be submitted to the Department of Health.

4.4 (Cont.)**ENGAGEMENT****Community and Stakeholder Engagement**

Community members and key health stakeholders have been actively engaged in the development of the draft MPHWP via the *Our Peninsula, Our Future* community engagement project. More than 2,000 community members and stakeholders helped to identify current and emerging health and wellbeing challenges impacting the Mornington Peninsula community and opportunities for collaborative and coordinated action. Data obtained through this project has been reflected under each priority area of this MPHWP and the results have been presented in the Community Engagement Findings Report (Attachment 3).

Further, a Health and Wellbeing Stakeholder Forum was delivered in partnership with Frankston City Council with 39 attendees representing 19 local and regional health and wellbeing focussed organisations (Attachment 4). This forum was an opportunity for local and regional health stakeholders to provide input into priority setting for the MPHWP and to discuss future coordinated and collaborative action.

COMMUNICATIONS PLAN

The public exhibition period will be advertised on the Shire's website and social media platforms, along with media releases and advertisements in Shire publications. Feedback on the draft Plan will be collected through the Shire's online engagement platform Shape.

LEGAL AND REGULATORY FRAMEWORK

Every four years, in accordance with the Victorian *Public Health and Wellbeing Act* 2008 (the Act), Mornington Peninsula Shire is required to develop a MPHWP. The aim of the MPHWP is to set Council's strategic direction for protecting and promoting the health and wellbeing of the community. The MPHWP directly aligns to the Victorian Government's Public Health and Wellbeing Plan 2023-27 and is underpinned by community and stakeholder engagement, health and social data analysis as well as best practice evidence-bases and policy frameworks.

The function of Council under *the Act* is to seek to protect, improve and promote public health and wellbeing within the municipal district by:

- (a) Creating an environment which supports the health and wellbeing of members of the local community and strengthens the capacity of the community and individuals to achieve better health and wellbeing.
- (b) Initiating, supporting and managing public health planning processes at the local government level.
- (c) Developing and implementing public health policies and programs within the municipality.

The Act requires that Councils prepare a Municipal Public Health and Wellbeing Plan every four years, within the 12 months after a council election. Section 26 (2) states that it must:

- (a) Include an examination of data about health status and health determinants in the municipal district.
- (b) Identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing.
- (c) Provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan.

4.4 (Cont.)

- (d) Specify how the Council will work in partnership with the Victorian Government Department of Health and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the public health and wellbeing plan.

Section 26 (2) (ba) requires councils to specify (in their municipal public health and wellbeing plan) measures to prevent family violence and respond to the needs of victims of family violence in the local community.

Councils are also required to ensure the Plan meets the legislative requirements, and has regard to the:

- *Local Government Act 2020*: Guided by five primary principles including community engagement, strategic planning, financial management, public transparency and service performance. The principles of community engagement and strategic planning are particularly relevant to council planning and the development of the MPHWP.
- *Climate Change Act 2017*: Section 17 requires councils to have regard to tackling climate change and its impacts on health when preparing their municipal public health and wellbeing plans.
- *Gender Equality Act 2020*: Applies to organisations ('defined entities'), that have fifty or more employees, including the public sector, universities and local councils.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The direct health and wellbeing impacts of climate change are predicted to include deaths, injuries, and ill health due to increases in respiratory diseases, cardiovascular diseases, infectious diseases, mental illness, allergies, injuries, poisoning, dehydration and malnutrition.

There are numerous co-benefits to addressing the health and wellbeing impacts of climate change such as improved mental health, reduced deaths from extreme heat, and reduced cardiovascular and respiratory disease.

The Climate Change Act 2017 requires councils to have regard to tackling climate change and its impacts on health when preparing their municipal public health and wellbeing plans, which is addressed in the Plan through Priority Area 6: Health and wellbeing impacts of climate change.

FINANCIAL CONSIDERATIONS

The MPHWP can be delivered within existing resources and additional funding for key initiatives are subject to Council's annual budget bid process.

OFFICER DIRECT OR INDIRECT INTEREST

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

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.5 Draft Council Plan 2025-2029 - for Public Exhibition

Issued By	Manager - Transformation & ePMO
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13692052
Briefing Note Number	BN2026 – 22 April 2025
Attachment(s)	1. draft Council Plan 2025-2029 ⇒ 2. Engagement Findings Report ⇒

EXECUTIVE SUMMARY

The purpose of the report is to present Council the draft Council Plan 2025-2029 (Attachment 1) and Community Engagement Findings Report (Attachment 2) and seek approval to progress the draft Council Plan 2025-2029 to a 4-week public exhibition period from 21 May to 18 June 2025.

RECOMMENDATION

That Council approves the draft Council Plan (Attachment 1) to progress to public exhibition for a period of 4 weeks from 21 May to 18 June 2025.

COUNCIL & WELLBEING PLAN

The Project supports the development of the next Council Plan 2025-2029.

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 principal D which is:

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

RELEVANT COUNCIL DECISIONS AND POLICIES

At the Council Meeting held on 28 January 2025, Council resolved:

1. That Council approve the high-level Project Plan, the Engagement Plan and the Communications Plan.
 - A. That the deliberative engagement be extended until the start of April.
2. That Council delegates authority to the Chief Executive Officer, in consultation with all Councillors to make updates to the engagement plan and communications plan as required, to enable delivery of the Project in accordance with relevant legislative requirements.

4.5 (Cont.)

3. That Council requests separate plans for the (Council Plan, Municipal Public Health and Wellbeing Plan) and that they be prepared in accordance with the requirements of the *Local Government Act 2020 (the Act)* and the *Public Health and Wellbeing Act 2008*.

Community Engagement was undertaken in accordance with *the Act's* deliberative engagement requirements and the Mornington Peninsula Shire's (Shire) Community Engagement Strategy and Policy, with the level of engagement of "involve" (iAP2).

DISCUSSION**Council Plan**

The Act requires Council to adopt a Council Plan, within 12 months of a General Election, to provide the strategic direction of Council and include:

- Strategic objectives for achieving the strategic direction.
- Strategies for achieving the objectives for a period of at least the next 4 financial years.
- Strategic indicators for monitoring the achievement of the objectives.
- A description of the Council's initiatives and priorities for services, infrastructure, and amenity.

Councillor Strategy Workshops were held on the 22 and 23 February and 26 March 2025 to support the drafting of the Council Plan. Councillors were also briefed on the draft Council Plan on 15 April 2025.

The Council Plan has been drafted to align with our shared Community Vision and Themes (Place, People, Prosperity and Performance), as adopted on 22 April 2025.

Community Engagement Findings

In accordance with *the Act* and the *Public Health and Wellbeing Act 2008*, the Shire's Community Engagement Strategy and Policy, community input was sourced to help Council develop our legislated strategic Plans:

- Council Plan (4-year)
- Municipal Health and Wellbeing Plan (4-year)
- Long Term Financial Plan (10-year)
- Asset Plan (10-year).

The Community Engagement Findings Report (the Report – Attachment 2) summarises the methods and results of the engagement undertaken between 19 February and 21 March 2025.

The engagement resulted in over 3,000 responses, collected via:

- A broad community engagement survey (1,569 responses)
- Broad community engagement outreach (930 participants from 18 pop-up locations across the Mornington Peninsula)
- An activity run in kindergartens (44 participants)

4.5 (Cont.)

- Postcards completed by primary school aged children (262 completed)
- A youth survey (70 responses)
- Three (deliberative) Community conversations (64 participants invited to attend three Community Conversations with 55/48/37 attending).

Options for consideration

Option 1 (preferred): Approve the draft Council Plan to go out on public exhibition for a period of 4 weeks. This option allows for the draft Council Plan to come back to Council for consideration on 15 July 2025.

Option 2: Approve the draft Council Plan to go out on public exhibition for a period of six weeks. This option allows for the draft Council Plan to come back to Council for consideration on 29 July 2025.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement was conducted in accordance with the 28 January 2025 approved Project Communications and Engagement Plans and promoted via:

- Digital (social media including Facebook Instagram and LinkedIn, email, Shape engagement platform)
- Print (physical signage in community, advertising in local publications, Pen-Wide)
- Face-to-face (pop-ups, meetings, Community Conversations)
- Media (media releases).

The results of the community engagement are outlined within the Community Engagement Findings (Attachment 2).

The public exhibition period will be advertised on the Shire's website and social media platforms, along with media releases and advertisements in Shire publications. Feedback on the draft Plan will be collected through the Shire's online engagement platform Shape.

LEGAL AND REGULATORY FRAMEWORK

The Act requires Council to adopt a Council Plan by 31 October 2025, in accordance with Council's deliberative engagement practices.

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.

4.6 Quartely Community Report January-March 2025

Issued By	Manager - Transformation & ePMO
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13573800
Briefing Note Number	BN2044 – 13 May 2025
Attachment(s)	1. Community Report January-March 2025 ⇒ 2. Community Summary ⇒

EXECUTIVE SUMMARY

The purpose of this report is to present the Quarterly Community Report (Attachment 1) to a meeting of the Council, which is open to the public, in accordance with section 97 of the *Local Government Act 2020* (the Act). The summary (Attachment 2) contains key service highlights, customer fast facts, financial highlights, and a key highlight from each Strategic Objective.

RECOMMENDATION

That Council receives and notes the Quarterly Community Report January-March 2025 (Attachments 1 and 2).

COUNCIL & WELLBEING PLAN

The Quarterly Community Report outlines progress against each of the Council and Wellbeing Plan's Strategies for the third quarter of 2024-2025.

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 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

Not applicable.

DISCUSSION**Purpose**

The Quarterly Community Report provides the community with a detailed overview of Council's activities during the quarter, reporting items of achievement and progress in

4.6 (Cont.)

alignment with the Council and Wellbeing Plan 2021-2025 and covers the financial performance and position of the Council.

Background

The Quarterly Community Report is a key component of our accountability to the community and outlines progress against each of the Council and Wellbeing Plan's Strategies and the actions from our Annual Plan and includes a Community Highlights report for each theme for the third quarter of 2024-2025.

It includes:

- Achievement and progress in alignment with the Council and Wellbeing Plan 2021-2025 and service highlights related to the three themes.
- Financial statements and commentary relating to Council's financial performance.
- Fast facts on how the community has engaged with the Mornington Peninsula Shire (Shire), including 'Have Your Say' activities.
- Updates on major projects, including Capital Works.

The presentation of the Quarterly Community Report ensures compliance with section 97 of *the Act* in relation to budget reporting. Financial commentary is provided in the summary Finance Report at an organisational level in a Standard Financial Statements format. The Finance Report includes a user-friendly financial highlights section for the community, financial commentary and the status of key priority projects and capital works.

Council and Wellbeing Plan Highlights

The activities outlined in Quarterly Community Report January-March 2025 demonstrate the ways in which Council has not only sought to deliver on our Council and Wellbeing Plan 2021-2025 but maintained its focus on our community. Highlights over the quarter include:

- Releasing our Shout Out for our community campaign.
- Hosting a Community Federal Election Forum.
- Launching "Our Peninsula, Our Future: Have Your Say" community consultation.
- Celebrating 2025 Local Australia Day Awards.
- Opening our newest Community Art Space at Somerville Shopping Centre.
- Launching Culture Fest 2025 to in support of Harmony Week.
- Increasing our annual investment in road renewal funding.
- Delivering a netball court at the Dromana Recreation Reserve.
- Upgrading the cricket nets at Emil Madsen Reserve.
- Delivering Seniors Exercise Parks at Hastings Foreshore Reserve and Dunns Road Reserve, Mount Martha.
- Winning Cricket Victoria's Community Facility Project of the Year for Alexandra Park Pavilion.

4.6 (Cont.)

- Finishing up our Budget Consultation campaign.

Finance highlights

- A Net Operating position of \$90.5 million (M).
- A cash position of \$165.2 million. \$120.6 million invested in term deposits, \$44.6 million held in at-call accounts and \$8.6 million held in Trust.
- Year-to-date spend on Capital Works projects of \$34.4 million.
- Spend in Materials and Services of \$26.8 million is less than forecast by \$3.7 million.
- \$1.97 million in loan repayments, reducing total borrowings to \$31 million.

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

In accordance with section 97 of *the Act*, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council Meeting that is open to the public (as soon as practicable after the end of each quarter of the financial year).

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.7 Peninsula Trails Masterplan

Issued By	Manager - Transformation & ePMO
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13511800
Briefing Note Number	BN2041 – 29 April 2025
Attachment(s)	<ol style="list-style-type: none"> 1. Peninsula Trails Strategic Plan ⇒ 2. Peninsula Trails Masterplan ⇒ 3. Peninsula Trails Masterplan Community Engagement Summary ⇒ 4. Natural Systems Position Statement RE: Mornington to Moorooduc Trail ⇒ 5. EH Partners Biodiversity Assessment ⇒ 6. Coalition of MP Environ Groups Railway Reserve Submission ⇒ 7. Targeted survey for National Significant River Swamp Wallaby Grass ⇒ 8. VicTrack Biodiversity Assessment Report ⇒ 9. Threatened Wetland Vegetation Report ⇒

EXECUTIVE SUMMARY

The Peninsula Trails project proposes to build upon existing trails to connect more than 170 kilometres of trails to deliver significant community and economic benefits across the Mornington Peninsula and beyond. It is a transformational opportunity to deliver a host of new options for active transport, wellbeing, and tourism experiences.

A Strategic Plan, setting the framework for the delivery of the Peninsula Trails project was developed to ensure benefits could be realised, implementation could be prioritised, and funding could be attracted. The Peninsula Trails Strategic Plan was endorsed by Council on 25 June 2024.

The draft Peninsula Trails Masterplan (the Masterplan) has now been developed to identify the best alignments for the missing sections, using a detailed evaluation matrix to support decision-making and extensive engagement to incorporate specialist and local knowledge, and community sentiment.

The feedback gathered through the draft Masterplan engagement process played a crucial role in evaluating alignment options and identifying a preferred alignment for each missing link where consensus was achievable.

Consensus was reached on the preferred alignment for eight of the sections. However, two sections, Mornington to Moorooduc and Anthony's Nose, have been identified as high-risk. Because neither the evaluation matrix nor the community consultation provided a clear preference for these, Council direction is required to determine which alignments to endorse. Mornington Peninsula Shire (Shire) officers are seeking endorsement from Council to commence public exhibition for the draft Peninsula Trails Masterplan for a period of four weeks, commencing in May 2025.

4.7 (Cont.)

RECOMMENDATION**That Council:**

1. **Endorses [insert preferred alignment] as the preferred alignment for the Mornington to Moorooduc section of the trail for the purpose of public exhibition of the draft Peninsula Trail Masterplan, subject to a further Council decision pending the outcomes of the design investigations noted in points 1.a and 1.b.**
 - A. **Notes that for both alignment options 1 and 2 proposed for Mornington to Moorooduc, Shire officers will undertake the minimal design investigations required to confirm whether the two rail crossings not currently listed on the Australian Level Crossing Assessment Model (ALCAM) register can be safely utilised.**
 - B. **Notes that for alignment options 1 and 2 proposed for Mornington to Moorooduc, additional investigations are necessary to assess the requirements for using the other three existing rail crossings, fencing requirements and how to minimise impacts on local biodiversity.**
2. **Endorses [insert preferred alignment] as the preferred alignment for Anthony's Nose of the trail for the purpose of public exhibition of the draft Peninsula Trail Masterplan, noting that any alignment on the north side of Point Nepean Road will require Council to collaborate with the Dromana Foreshore Committee to design a path.**
3. **Endorses the draft Peninsula Trails Masterplan to be released for public exhibition for a period of 4 weeks, commencing in May 2025.**

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

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

RELEVANT COUNCIL DECISIONS AND POLICIES

- The Peninsula Trails Strategic Plan was endorsed by Council on 25 June 2024.
- The Biodiversity Conservation Plan (2019).
- The inclusion of funding within the 2024-25 Budget to progress the Peninsula Trails Masterplan as part of the Peninsula Trails project.

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

The purpose of this Report is to present the Masterplan, seeking a decision on the preferred alignments for the Mornington to Moorooduc and Anthony's Nose sections, and endorsement to release the draft Masterplan for public exhibition.

Background

The Peninsula Trails project is a long-term initiative to connect more than 170 kilometres of walking and cycling trails across the Mornington Peninsula, enhancing access to key destinations, and linking the region with Melbourne's broader trail network. The project builds on the Peninsula's existing trail infrastructure and aims to deliver wide-ranging community and economic benefits, including improved options for active transport, enhanced health and wellbeing, and increased tourism opportunities.

To guide the development and delivery of the trail network, the Peninsula Trails Strategic Plan was created. This plan provides a clear framework for prioritising implementation, attracting investment, and ensuring the intended benefits are achieved. Council endorsed the Strategic Plan on 25 June 2024.

See Attachment 1 - Peninsula Trails Strategic Plan

With the strategic direction now in place, the Masterplan has been developed as the next phase of planning. The Masterplan focuses on identifying the most suitable alignments for the remaining missing sections of the trail. It draws on a detailed evaluation matrix and is informed by extensive engagement with specialists, stakeholders, and the local community to ensure decisions reflect both technical priorities and local knowledge and sentiment.

The Masterplan

The Masterplan provides a comprehensive and strategic assessment of the ten remaining missing links in the Peninsula Trails network. It outlines the most suitable trail alignments by evaluating each section against a broad set of objectives and considerations. These include environmental values such as biodiversity and cultural heritage, as well as practical factors like accessibility, safety, construction feasibility, and the potential to connect with existing or future attractions. The evaluation also considers community value, landscape character, land ownership, and opportunities for economic activation.

A detailed evaluation matrix was developed to guide this process. It applied a scoring and weighting system aligned with Council priorities, ensuring each potential alignment was assessed fairly and consistently. The highest-scoring options were recorded as the preferred alignments. These recommendations were then reviewed and refined through workshops with the Project Working Group, using agreed guiding principles, trail types (typologies), and user needs.

The draft Masterplan now proposes preferred alignments for eight of the ten missing trail sections. Two sections—Mornington to Moorooduc, and Anthony's Nose—remain more complex due to higher risks and a lack of clear consensus. Council direction is needed to determine the next steps for these areas.

By identifying the most suitable alignments and considerations for future development, the Masterplan will play a critical role in guiding the next stage of detailed design, community engagement, funding, and ultimately, delivery of the Peninsula Trails project.

See Attachment 2 - Peninsula Trails Masterplan

4.7 (Cont.)**Options for consideration*****Mornington to Moorooduc***

The two sections at either end of this missing link, from Moorooduc Station to Wooralla Drive, and from Mornington Station to the Esplanade have a clear proposed alignment from the evaluation matrix.

The evaluation matrix scoring is extremely close for the section along the railway corridor, from Wooralla Drive to Mornington Station. The Mornington Railway Reserve runs the length from Moorooduc Station to Mornington Station.

There has been considerable support raised by the community for both options, providing very different opinions, due to some subjectivity within the evaluation matrix. As such, there are two options for alignment for Council to consider.

Option 1 – Along the Mornington-Baxter Railway corridor

This alignment offers a high-quality experience through grassy woodland while complementing the tourist railway. It connects well with schools and open space and provides a direct route from Moorooduc to Mornington with fewer major road crossings. Formalising the trail would improve safety, replace informal tracks, and help manage the impact on fragile vegetation. It also presents opportunities for weed management and overall vegetation enhancement.

However, the alignment would require the removal of significant and ecologically valuable vegetation, which could result in an unacceptable and irreversible environmental impact. Such loss may compromise the ecological integrity of the area and conflict with broader conservation goals. In addition, unresolved fencing requirements, particularly if high or extensive fencing is required, could further threaten vegetation and diminish the natural experience for users.

In the lead up to the federal election, Federal Member for Flinders, Zoe McKenzie MP, reaffirmed a \$5 million election commitment for the Mornington to Moorooduc section via the rail corridor. Our approach to this section remains cautious due to lessons learned from the Somerville to Baxter trail, particularly the lengthy Safety in Design risk assessment process, potential fencing requirements, and uncertain pedestrian rail crossings. These complexities make delivery within any fixed grant funding timeframe challenging; however, this funding would contribute significantly to help complete the construction of this section.

Considerations

Biodiversity Impacts: There are significant and unavoidable impacts to biodiversity assets protected under state and federal legislation, including high quality remnant vegetation, endangered ecological vegetation classes, endangered species of state and national significance, and many large trees of state significance for the alignment along the rail corridor.

Shire officers within the Natural Systems team have provided subject matter expertise on the Peninsula Trail project and recommend against constructing a shared-use path within the Mornington Railway Reserve due to the biodiversity impacts. Despite best efforts to minimise impacts, the density and location of biodiversity assets along the Mornington Railway Reserve make significant and permanent environmental damage from constructing a shared-use path unavoidable.

For further information on Natural Systems position on the railway corridor option, refer to Attachment 4 – Natural Systems Position re Mornington to Moorooduc Trail

4.7 (Cont.)

Additionally, several environmental reports have been completed, each outlining the potential risks and requirements associated with constructing the trail through the rail corridor. All of these reports must be carefully considered together to ensure a complete and well-informed decision can be made.

- Attachment 5 - EH Partners Biodiversity Assessment
- Attachment 6 - Coalition of MP Environ Groups Railway Reserve submission
- Attachment 7 - Targeted survey for National Significant River Swamp Wallaby Grass
- Attachment 8 - VicTrack Biodiversity Assessment report
- Attachment 9 - Threatened Wetland Vegetation Report

Rail Crossings: To reduce the impact on biodiversity, the preferred alignment through the rail corridor (Option 1 in the Masterplan) is to utilise two rail crossings that aren't currently on the ALCAM (Australian Level Crossing Assessment Model) register. Any new rail crossings that aren't currently on the ALCAM register will require Ministerial approval, but only one example could be provided where Ministerial approval has been granted to date. Both options (either through or avoiding the rail corridor) previously utilised these crossings to minimise the impact on biodiversity or utilise the most direct route. If approval for these crossings could not be obtained, it would have a larger impact on biodiversity.

Fencing requirements/land management: Fence requirements will only be confirmed after a Safety in Design risk assessment, which Council would need to manage. The Safety in Design risk assessment for Somerville to Baxter took over 18 months, and the design would need to be further developed before this could be completed. The Evaluation Matrix has been completed under the assumption that a fence will be required. Because we are not the land manager, license agreements similar to Somerville to Baxter would need to be developed.

Construction impact zone: The construction of the trail through the rail corridor for the Somerville to Baxter section has also allowed us to gain a better understanding of the process that would be required to construct this trail. The construction impact zone will also be much wider than the final 2.5 metres (m) shared user path. The Mornington to Moorooduc rail corridor is significantly narrower than Somerville to Baxter, and so this impacts our ability to minimise and avoid the significant vegetation and biodiversity impacts.

Land Tenure Impacts: The Mornington Railway corridor land is owned and managed by the state government authority, VicTrack. VicTrack currently lease the land to the Mornington Tourist Railway Preservation Society to operate the tourist railway. Mornington Peninsula Shire presently has no legal obligations to manage, prevent access to, or maintain the land, except road-related infrastructure at some existing crossing points. If Council were to pursue the construction of a path within an active railway corridor on land owned and controlled by the state government, negotiations and a lease agreement will be required to determine infrastructure requirements and the extent of any additional management, legal and risk responsibilities that may be borne by Council, similar to the activities undertaken by the Somerville to Baxter link.

Regulatory Impacts: There are significant regulatory implications for the project if the Mornington Railway Reserve is selected as the preferred route option for this section of the Peninsula Trail. Multiple regulatory approvals, at the state and federal level, would be triggered by this option. The most significant of which, from an environmental impact perspective, is the potential for Ministerial approval under the Federal *Environment Protection and Biodiversity Conservation Act 1999*. Each of these regulatory processes would add significant time delays and additional costs to the proposed project, with no guarantee that the proposed project would be approved.

4.7 (Cont.)

Option 2 – Avoid the Mornington-Baxter Railway corridor

This alignment option avoids the rail corridor but is not the most direct route and utilises some service easements, which may have private use rights. However, a key benefit of this alignment is its service to the Mornington Industrial Precinct and communities in the southern part of Mornington.

Considerations

Existing track: There is already an unauthorised track that exists along the rail corridor, and despite ongoing attempts to close this off when the train is in use, careful consideration must be given to closing this section off to the public, or the reality that the community may continue to use this unauthorised section of the rail corridor even if an alternative path exists.

Biodiversity Impacts: There will still be some impact on biodiversity assets for this alignment, as widening existing footpaths will be challenging in some areas, and may require the removal of existing trees, however, most of the trail already exists.

Landscape character: Avoiding the rail corridor will require the path to travel along busy road interfaces such as Nepean Highway, and the proximity to a busy road introduces increased risk and will require additional pedestrian crossings. This also limits the landscape character and has limited community value, given that most of the trail already exists, and will increase the travel time between attractions.

Potential for marketability: This alignment would not have a direct connection to the Tourist Railway and Mornington Station, or Padua College, and avoiding the rail corridor limits the marketability of this alignment as a rail trail. Mornington Tourist Railway have identified that they support the trail within the rail reserve.

Accessibility: Adequate accessibility can be achieved with this alignment, but the convoluted path with several major road crossings will increase the complexity, as will the steep hill up Wooralla Drive.

Rail Crossings: For the preferred alignment to avoid the rail corridor (Option 2 in the draft Masterplan), it assumes the utilisation of the same two rail crossings that aren't currently on the ALCAM register, to provide the most direct route. If approval for these crossings could not be obtained, this alignment option would not be feasible, and the preferred alignment would then need to go along the Nepean Highway (Option 3 in the draft Masterplan).

This alignment offers the opportunity to include the more hidden area of Mornington but runs alongside moderately high-speed roads (a signalised crossing will be required at Nepean Highway), posing safety concerns and potentially diminishing the overall user experience.

Next Steps

The next steps for both options would be to proceed to detailed design to clarify the best potential alignment.

For the option through the rail corridor, this would include confirming the utilisation of the existing rail crossings and attempting to minimise the impact to biodiversity as much as possible through boardwalks, limiting construction impacts, and working closely with local environmental groups.

For the option avoiding the rail corridor, this would include confirming the utilisation of the existing rail crossings, detailed design to clarify the most direct route possible, and enhancing the user experience as much as possible.

Anthony's Nose

Anthony's Nose is a key connection that aims to provide a vital Bay Trail link between Dromana and McCrae. From Anthony's Nose Boat Ramp to McCrae, the preferred solution is a combination of a concrete pathway and a boardwalk adjacent to the existing seawall. There is still risk associated with this alignment, specifically around the cost required to design a safe and durable solution given the predicted rising sea levels.

The section east of the seawall generated a great deal of feedback both through the online engagement and the in-person community session at Dromana. Whilst there is a clear preferred alignment within the evaluation matrix along the north side of Point Nepean Road, there is significant community interest in this section that warrants a Council decision on the preferred alignment.

Option 1- North Side of Point Nepean Road

Stay on the north side of Point Nepean Road, through the Dromana Foreshore camping area.

Risks

Boat Ramp: The crossing at the boat ramp presents a significant challenge in meeting safety requirements. A suitable solution has not yet been identified and would need to be developed as part of the detailed design process.

Foreshore Camping: A co-design process with the Foreshore Committee has been recommended to progress this option; however, the community consultation reflected concerns related to the potential loss of car parking associated with the proposed alignment.

Safety: Multiple barriers are already in place to encourage bike riders to dismount when using the existing trail through the campground. However, conflicts between campers and trail users still occur, as the current path is narrow, has limited visibility, and is not suitable for shared use. The proposed trail would shift the path closer to the roadside, avoiding any impact on foreshore camping, but would reduce the number of available car parking spaces.

Option 2 – South Side of Point Nepean Road

Trail to cross to the south side of Point Nepean Road and follow an existing clearing within the Dromana Bushland Reserve.

Considerations

Crossings: This alignment would require two road crossings, which must be assessed by the Department of Transport and Planning (DOTP) as part of a Business Case, with consideration given to traffic flow impacts. There is a risk that DOTP may not approve these crossings for the trail.

Existing Track: Even if an alternative path is created across the road, there is a strong likelihood that community members will continue to use the existing, unauthorised section of the trail.

Biodiversity Impacts: This alignment would have a greater impact on local biodiversity and would require the removal of some vegetation.

ENGAGEMENT

The draft Masterplan was released for community consultation from December 2024 to January 2025, providing the community with an opportunity to have their say and share their feedback. There were 650 pieces of feedback received via interactive maps on the Shape

4.7 (Cont.)

Page and survey responses, and over 150 community members attended in-person sessions at several locations to share their thoughts and contribute to the process.

The consultation process aimed to identify any areas that may have been overlooked or required additional consideration in the design phase, as the draft Masterplan and connection options were further refined.

There were several methods for providing feedback and shaping the draft Masterplan:

Interactive Maps: Community members could access maps for each missing section and "drop a pin" to add specific comments or relevant information about the local area that should be considered. Each missing section had its own dedicated page, which explained more details about the area and the proposed routes.

Survey: A survey was created to gather insights about the development process and the draft Masterplan, with specific questions focused on how the Masterplan was developed.

Additionally, community members and some groups provided direct emails that were also considered. All of this community feedback was reviewed in order to ensure the draft Masterplan is representative of all views.

Extensive government agency engagement was also conducted in the development of the draft Masterplan, which included meetings with VicTrack, Department of Energy, Environment and Climate Action (DEECA), DOTP, Bunurong Land Council (BLC), and Parks Victoria. Extensive site visits have taken place with government agencies, local Committees of Management and community stakeholders to ensure the draft Masterplan adequately assesses and considers the complexities of each of the alignment options.

The feedback gathered through engagement played a crucial role in evaluating alignment options and identifying a preferred alignment for each missing link where consensus was achievable.

The major changes as a result of the consultation process were as follows:

- Updates of key considerations for each preferred alignment plan, as well as the evaluation matrix scoring and recommendations.
- An update to the highest ranked alignment in Mornington to Moorooduc from Bungower Road to Mornington Station to travel through the Mornington-Baxter railway corridor, whereas previously the highest ranked alignment was to avoid the railway corridor.

See Attachment 3 - Peninsula Trails Masterplan Community Engagement Summary

A briefing was provided to Council on 29 April 2025, during which a comprehensive summary of community and stakeholder feedback was presented. The session also included a discussion of the complexities associated with certain proposed alignments, particularly in relation to biodiversity impacts, rail crossings, land tenure considerations and the extent of consultation undertaken to date on this project.

COMMUNICATIONS PLAN

At each stage of the project, Council decisions have been communicated via the Shire's website and, where relevant, to stakeholders.

In line with commitments given both via the Shire's Peninsula Trails web page and during in-person community engagement sessions, the draft Masterplan is planned to be placed on

4.7 (Cont.)

public exhibition to collect any further comments and close the loop with the community before it is presented to Council for adoption.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The Masterplan recognises the contribution of the Peninsula Trails in creating and activating alternative transport links for our community and visitors.

The Masterplan recognises the unique environmental landscape of the Peninsula along with the consideration of Environmentally Sustainable Design (ESD) principles.

There are significant and unavoidable impacts to biodiversity assets protected under state and federal legislation, and consideration must be given to the Biodiversity Conservation Plan adopted in 2019.

FINANCIAL CONSIDERATIONS

Across 2023-24 and 2024-25 financial years a Council budget of \$200,000 was allocated to the development of the Peninsula Trails Masterplan.

This Masterplan will inform the progression of the Peninsula Trails for which Council has carried forward \$660,000 in the 2025-26 Budget to progress with detailed designs.

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

5.1 Notice of Motion 484 (Cr Gill) Road Safety

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

That Council:

1. *Holds a workshop to discuss options to improve road safety on the Mornington Peninsula.*
2. *Invites all local politicians to participate in the workshop.*
3. *Invites community views regarding findings of the workshop.*
4. *Considers a public meeting to highlight local road safety strategies and improved outcomes.*

Background

Not Applicable.

**Addendum – Officer Comment
Circulated – Friday, 16 May 2025**

Officer Comment Issued by	Manager – Strategic & Infrastructure Planning
Authorised by	Acting Director – Planning & Environment

OFFICER COMMENT

The Mornington Peninsula has one of Victoria's worst local government road safety records, with 105 fatalities and over 2,300 serious injuries in the past 15 years. The community consistently highlights road safety as a significant concern, with approximately 1,000 customer service requests received by the Mornington Peninsula Shire (Shire) annually. One of the functions of councils is to provide a safe transport network.

To address this, Council's Towards Zero 2020-2025 Road Safety Strategy sets out Council's commitment to zero deaths and serious injuries on the Peninsula road network by 2050.

Council's commitment to reducing road trauma is underpinned by the best-practice Safe System philosophy which is based on three key principles:

- People make mistakes – human error is inevitable, but the consequence of a mistake should not be death or serious injury.
- People are vulnerable – the human body can only absorb a certain level of crash impact so the risk of crashes should be minimised and when crashes do occur, the impact should not exceed the threshold where a person will be seriously injured or killed.

5.1 (Cont.)

- Shared responsibility – road safety has many stakeholders that all have a responsibility to contribute to a safe road network.

There are four pillars to a Safe System to improve road safety and address road trauma:

- Safer Roads – upgrade of roads and intersections
- Safer Road Users – education of drivers and other road users
- Safer Vehicles – improvement of vehicle safety
- Safer Speeds – appropriate speed limits and reduction of the number of vehicles travelling over the posted speed limit.

The ultimate goal is for all journeys to be safe and feel safe for all modes of transport by addressing systemic crash risks through the implementation of Safe System principles.

Towards Zero 2020-2025 Road Safety Strategy- refresh

The Shire's Traffic and Transport Team have successfully obtained a \$50,000 grant from the Transport Accident Commission (TAC) to undertake a review and refresh of the current road safety strategy. The review will include a detailed analysis of the crash statistics and trends over the period from 2020-2025. This will provide data driven insights on how Council is tracking on its target towards zero fatalities and serious injuries across the Shire's road network. In addition, it will provide direction on what the targeted focus areas should be for the next five years under the revised strategy. The review will also ensure that Council's approach is aligned with updated best-practice road safety practices, and development of action plans.

One of the four pillars within the Safe Systems approach is Safer Speeds, which plays a fundamental role in the chance of a crash occurring as well as the forces experienced by road users in a crash. Road safety research consistently shows that a small difference in vehicle speed significantly improves road safety outcomes, and other benefits such as contributing to more liveable and active neighbourhoods.

Setting safe and appropriate speed limits that match the environment, characteristics and use of roads is a key element in 'getting the basics right' in road safety to achieve Safe System aligned travel speeds, while maintaining the required level of mobility. Implementing appropriate speed limits is one of the most cost-effective ways of reducing death and serious injury.

Many speed limits within the Mornington Peninsula have been in place for decades and are not necessarily in line with current Department of Transport and Planning (DTP) speed zone guidelines. As part of the Road Safety Strategy Review, we are developing a comprehensive action plan to proactively identify safe and appropriate speed limits across all roads within the Mornington Peninsula.

This innovative approach will evaluate roads based on available data, road environment, usage, and types of road users. Applications for speed limit changes will be prioritised and submitted to the DTP in batches for greater efficiency than the traditional road-by-road ad hoc approach.

Shire officers would welcome the opportunity to workshop challenges and opportunities around road safety with Councillors, Local Politicians, DTP and Victoria Police. This would provide the opportunity for input into the development of the Towards Zero Road Safety Strategy and Speed Limit Action Plan, prior to seeking broader community feedback through public exhibition. Recent feedback from the community on the Safer Roads Consultation included over 2,000 submissions which has provided valuable insights into the issues the

5.1 (Cont.)

community is experiencing and demonstrates the importance for Council, local Politicians, DTP, Victoria Police and community to work collaboratively in addressing safety on our roads.

Legal Implications

Not applicable.

Financial and Resourcing Implications

A \$50,000 TAC grant has been secured to undertake the review of the Toward Zero Road Safety Strategy and action plans. Shire officer resources have already been assigned to this work within existing operating budgets.

Potential Alternative Wording

That Council:

1. *Holds a workshop to discuss options to improve road safety on the Mornington Peninsula as part of its review of the Towards Zero Road Safety Strategy and its associated action plans.*
2. *Invites all local politicians, emergency services and the Department of Transport and Planning to participate in the workshop*
3. *Invites community views regarding findings of the workshop via public exhibition of the draft Towards Zero Road Safety Strategy and its associated action plans*
4. *Highlights local road safety strategies and improved outcomes upon adoption of the revised Toward Zero Road Safety Strategy through the local media and letters to relevant State and Federal MP's.*

5.2 Notice of Motion 485 (Cr Gill) - Climate Change

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

That Council:

- 1. Urgently develops in-house, a new plan to ensure the continuation of locally focussed, practical and measurable climate resilience and mitigation projects on the Mornington Peninsula.*
- 2. Invites our community to contribute to the plan.*

Background

Not applicable.

<p><i>Addendum – Officer Comment Circulated – Friday, 16 May 2025</i></p>
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Officer Comment Issued by	Manager – Climate Change & Sustainability
Authorised by	Chief Executive Officer

OFFICER COMMENT

It is considered important to have a structured approach (a Plan) regarding Council meeting its legislative or non-legislative commitments or requirements, including a prioritisation framework to inform future itemised budget bids or grants. This would allow for transparency, accountability and implementation of projects or initiatives on a consistent basis, including known risks for mitigation.

Shire officers have commenced planning the development of an internal plan based on a recent review process that was underway for the previous Climate Emergency Plan (CEP). Some existing consultation and input from stakeholders had been undertaken. Clarity may be required as to what prior consultation could be used to inform a new plan or to what extent the community would be invited to contribute. This would also be subject to clarity regarding budgets and resourcing.

This would confirm Council's ongoing commitment to climate resilience as per the decision of Council on 22 April 2025.

Supports Council's resolution of 22 April 2025:

- 3. Reaffirms Council's commitment to climate resilience and continues to comply with the mandatory requirements of the Local Government Act 2020, Climate Change Act 2017 and Public Health & Wellbeing Act 2008.*
- 4. Requires future climate-related proposals that the CEP may have otherwise supported to be subject to an itemised budget or Council report, ensuring they are locally focused, practical, measurable, transparent and accountable.*

Legal Implications

This motion supports:

1. The requirements of the *Local Government Act 2020*, *Climate Change Act 2017* and *Public Health & Wellbeing Act 2008*.
2. The recommendations from the Climate Change Adaptation Internal Audit Report 2024, for the Audit and Risk Committee.

Financial and Resourcing Implications

Internal re-distribution and re-prioritisation of existing staff resources.

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

Nil