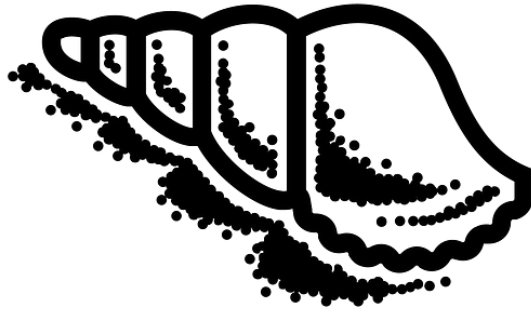




Mornington Peninsula Shire

COUNCIL MEETING

TUESDAY, 12 MAY 2026

6:30 PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

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 Mr Andrew Pomeroy Mr Davey Smith Ms Kelly Gillies	Chief Executive Officer Director – Communities Director – Planning and Liveability Director – Assets and Infrastructure Chief of Staff
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OBSERVERS

Prue Digby Rebecca McKenzie	Municipal Monitor Municipal Monitor
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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 – Acting Mayor, Cr Paul Pingiaro

1.1 Acknowledgement of Country

To be read by Cr Binyon

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 14 April 2026, be confirmed.

2.4 Councillor Briefing Sessions

Councillor Workshop Session – 7 April 2026

Councillor Briefing Sessions – 28 April 2026

RECOMMENDATION

That Council receives and notes the record of Councillor Workshop Session for 7 April and Councillor Briefing Sessions for 28 April 2026.

2.5 Petitions and Joint Letters

Koopalanda Playground Reserve

A petition of 243 signatures has been received in relation to renewal of the Koopalanda Playground Reserve. The petition is requesting that Mornington Peninsula Shire Council –

- Prioritise the renewal of the Koopalanda Playground Reserve in recognition of its long-standing value and importance to the quality of life enjoyed by the families who reside in and visit Red Hill South.
- Consult with local residents on its plans for the Koopalanda Playground Reserve as a matter of priority.

Immediate Comment

Council acknowledges receipt of the petition concerning the Koopalanda Playground Reserve and notes the views expressed by the petition organiser and signatories.

Council recognises the longstanding use of the Koopalanda Reserve by the Red Hill South community and its importance as a local open space. Council also has a responsibility to ensure that public land is managed safely and in accordance with relevant standards. The playground was closed following the identification of safety risks associated with surrounding trees and existing play equipment. This closure was undertaken as a precautionary measure while further assessments are completed.

Future planning for the site will include opportunities for community input through targeted local engagement and through broader consultation associated with Council's Play Space and Outdoor Exercise Equipment Strategy.

The outcomes of technical assessments and community feedback, including the matters raised in this petition will inform Council's future consideration of the Koopalanda Reserve.

Action Officer: Team Leader – Community Infrastructure and Open Space Planning

New Public Toilet and Recreational Vehicle (RV) Dump at Hastings Foreshore

A petition of 609 signatures has been received in relation to a new Public Toilet and RV Dump Point at Hastings Foreshore. The petition is requesting that Mornington Peninsula Shire Council –

2.5 (Cont.)

- Build a new public toilet adjacent to the carpark which will make the area multi-functional and attract more visitors and potential vents, benefiting the Hastings community and local businesses.
- Importantly, local recreational vehicle owners highlight the lack of a free, convenient RV dump point on the Westernport Peninsula. Existing options are 28–40 km away and/or time-restricted, discouraging longer visits. An on-site facility would support RV users and boat owners, as Hastings hosts the busiest trailer boat ramp in Victoria. This would encourage visitors to longer, boosting tourism and business. The Australian Caravan Association has committed to including the Hastings RV dump point in its national touring guide.

Immediate Comment

As part of the recommendations from the Hastings Coastal Marine Management Plan, Council is supporting the Rotary Club of Hastings Western Port (through the Community Capital program) to explore the feasibility and costs for the provision of a public toilet at the northern end of the coastal reserve and a RV dump station.

Request for Quotes Consultant briefs were developed and have been sent to three companies 2 weeks prior to Easter. As yet, there has been no response received.

Action Officer: Team Leader – Community Infrastructure and Open Space Planning

RECOMMENDATION

That Council receives and notes the Petitions:

- 1. Relating to renewal of the Koopalanda Playground Reserve.**
- 2. Requesting a new public toilet and RV dump point at Hastings Foreshore.**

2.6 Public Question Time

Questions from the public shall be dealt with at the 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 Williams	Lachy Chapman – Water and Coasts Coordinator
Audit and Risk Committee	Cr Ranken Cr Batty	Cr Stephens	Mark Schubert, Financial Officer
Australian Coastal Councils	Cr Patton	Cr Roper	Lachy Chapman – Water and Coasts Coordinator
Bass Park Trust	Cr Stephens	Cr Gill	Pam Vercoe, Manager –Governance and Risk
Climate Resilience Community Reference Group	Cr Gill	Cr Stephens	Chris Yorke, Energy and Carbon Management Officer
Disability Advisory Committee	Cr Binyon	Cr Williams	Monica Seal, Community Wellbeing and Inclusion Coordinator
Mornington Peninsula Friends of Lospalos	Cr Binyon	N/A	Chris Munro, Manager – Community Partnerships and Engagement

3.1 (Cont.)

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Greater South East Melbourne (GSEM)	Mayor	Deputy Mayor	Mark Stoermer, Chief Executive Officer
Health and Wellbeing Committee	Cr Williams	Cr Batty	Kate Hills, Manager – Community Wellbeing
Metropolitan Transport Forum	Cr Patton	Cr Roper	Peter Bourlotos, Traffic & Transport Coordinator
Mornington, Hastings and Southern Peninsula Liquor Accords	Cr Batty	N/A	Katherine Cooper, Team Leader – Business and Industry Support
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Stephens	Cr Patton	James Rose, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Roper Cr Pingiaro Cr Batty	N/A	Jenny Brown, Senior Cemeteries Officer
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Pam Vercoe, Manager –Governance and Risk
Peninsula Advisory Committee for Elders (PACE)	Cr Williams	Cr Roper	Helen Ridgeway, Positive Ageing Officer
South East Councils Climate Change Alliance (SECCCA)	Cr Pingiaro	Cr Marsh	Nicci Tsernjavski, Climate Change Partnerships Officer and Daniel Kabel, Climate Resilience Coordinator
Triple A Housing Committee	Cr Gill	Cr Patton	Petrina Dodds-Buckley, Housing Projects Lead
Victorian Local Governance Association (VLGA)	Cr Roper	Cr Stephens	Pam Vercoe, Manager –Governance and Risk

4 MANAGEMENT REPORTS

PLANNING & LIVEABILITY

4.1 P25/1239 – 1180 Mornington–Flinders Road, Main Ridge – Use and development of a host farm, solar panels and associated vegetation removal

Issued By	Manager – Statutory Planning
Authorised By	Director – Planning & Liveability
Document ID	A14047110
Briefing Note Number	BN2186 – 31 March 2026
Attachment(s)	1. Assessment Plans ⇒ 2. Host Farm Program ⇒ 3. Bushfire Managment Report ⇒ 4. Native Vegetation Report ⇒ 5. Planning Submission Prepared by Applicant ⇒ 6. Objection ⇒ 7. Letters of Support ⇒ 8. Officer Assessment Report ⇒

EXECUTIVE SUMMARY

The purpose of this report is to seek Council’s decision regarding Planning Permit Application P25/1239 for the use and development of a host farm, associated works and vegetation removal (the Application) at 1180 Mornington–Flinders Road which is known as ‘Green Olive Winery’.

The Proposal includes:

- The development of 4 single ‘villa’ buildings at the rear of the site with a maximum height of approximately 5.2 metres.
- The buildings are proposed to be used as a ‘host farm’. Guest activities are detailed in an Operational Plan (titled Green Olive Escape Host Farm Accommodation) and include:
 - Feeding of animals
 - Harvesting of produce (including tomato, figs, passionfruit, vegetable, pumpkin, grapes, lemon, limes and lavender)

4.1 (Cont.)

- Planting of crops
 - Olive processing
 - Chutney making
 - Cooking experiences
- A solar system area including 56 solar panels (approximately 247 square metres) is proposed to provide power to the buildings. This is proposed to be located to the north of two existing sheds (approximately 60 metres from the southern side boundary and approximately 130 metres from the western rear boundary).
 - The existing gravel access track is proposed to be extended by approximately 80 metres to provide access to the buildings.
 - The Proposal seeks the removal of 36 trees to create defensible space around the proposed buildings.

The Application has been called in by Councillor Gill for a decision by the Council.

The Proposal is considered acceptable having regard to the relevant provisions of the Mornington Peninsula Planning Scheme (the Planning Scheme) and the *Planning and Environment Act 1987 (the Act)*. The Proposal supports policy related to tourism and incorporates a built form that is responsive to the landscape and maintaining agriculture as the primary purpose of the land.

The Application was advertised and received one objection from Melbourne Water, which raised concerns about the potential impacts to the Main Creek which runs through the site such as erosion, altered flood behaviour, loss of habitat, a reduction in water quality and a reduction in species diversity.

It is recommended that Council supports the Application and resolves to issue a Notice of Decision to Grant a Planning Permit, subject to the conditions contained within this report.

RECOMMENDATION

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme (the Planning Scheme) and the Planning and *Environment Act 1987 (the Act)*, having considered all matters required under section 60 of the Act, hereby resolves that Planning Permit Application P25/1239 be supported and the following Notice of Decision to Grant a Permit is issued:

4.1 (Cont.)

PLANNING SCHEME CLAUSE	MATTER FOR WHICH THE PERMIT HAS BEEN GRANTED
Clause 35.04-1 (Green Wedge Zone (GWZ) 1)	Use the land for a section 2 use (host farm).
Clause 35.04-5 (GWZ1)	Construct a building or construct or carry out works for a section 2 use (host farm).
Clause 42.01-2 (Environmental Significance Overlay (ESO) 10)	Construct a building or construct or carry out works (host farm and solar panels). Remove, destroy or lop any vegetation, including dead vegetation.
Clause 42.01-2 (ESO17)	Construct a building or construct or carry out works (driveway). Remove, destroy or lop any vegetation, including dead vegetation.
Clause 42.01-2 (ESO28)	Construct a building or construct or carry out works (host farm and solar panels). Remove, destroy or lop any vegetation, including dead vegetation.
Clause 42.03-2 (Significant Landscape Overlay (SLO) 6)	Construct a building or construct or carry out works (host farm and solar panels). Remove, destroy or lop any vegetation, including dead vegetation.
Clause 44.01-2 (Erosion Management Overlay (EMO) 1)	Construct a building or construct or carry out works (host farm). Remove, destroy or lop any vegetation.
Clause 44.06-2 (Bushfire Management Overlay (BMO))	Construct a building or construct or carry out works associated with accommodation (host farm).
Clause 52.17-1 (Native vegetation)	Remove, destroy or lop native vegetation, including dead native vegetation.

4.1 (Cont.)**CONDITIONS****Amended Plans**

1. Before the use or developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the Application but modified to show:
 - a) Location of vegetation protection fence as required by condition 18.

Layout not Altered

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

Colours/Materials

3. The materials and colours of the exterior finish of the building must be in accordance with the endorsed plans unless with the further permission of the Responsible Authority.

Finishes

4. Prior to the initial occupation of the building external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.

Disturbed Surfaces

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

Wastewater

6. Works on the proposed development must not commence until a permit to install an onsite wastewater management system is approved by Council's Environmental Health Team.
7. All wastewater from the approved development must be contained on site in accordance with the Council's Wastewater Management Plan and then maintained to the satisfaction of the Responsible Authority.

4.1 (Cont.)**Use**

- 8. The Host Farm Program (Titled Green Olive Escape Host Farm Accommodation) endorsed under this permit must be implemented and maintained, as part of the use of the approved host farm, to the satisfaction of the Responsible Authority.**
- 9. The use of the land as a host farm may only operate if the agricultural activities on the land are carried out generally in accordance with those set out in the endorsed host farm program.**
- 10. The buildings (villas) must be removed from the land and host farm use ceased should the agricultural use referred to in the host farm program endorsed under this permit cease.**
- 11. The amenity of the area must not be detrimentally affected by the use or development, through the:**
 - Transport of materials, goods or commodities to or from the land.**
 - Appearance of any buildings, works or materials.**
 - Emission of noise, artificial light, vibration, smell, fumes, dust, waste water or other waste products.**
- 12. Nuisance dust must not be unreasonably discharged beyond the boundaries of the premises.**
- 13. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; Environment Protection Authority (EPA) Publication 1411, 2011) or as amended.**
- 14. Outdoor or external lighting including that of the buildings and car park areas must be suitably baffled to the satisfaction of the Responsible Authority to prevent any unreasonable effect on adjoining land.**
- 15. At all times, during occupation of the host farm, a representative of the property must be available for contact by guests of the host farm.**

Protection of Fauna

- 16. Prior to the removal of the vegetation, the site/tree(s) must be inspected for signs of habitation by fauna. If wildlife are present when removing vegetation, only a suitably qualified wildlife handler or zoologist can handle wildlife to ensure it is not harmed.**

4.1 (Cont.)**Vegetation Removal**

- 17. The extent of clearing of vegetation as shown on the endorsed plans must not be altered or modified without the consent of the Responsible Authority.**
- 18. All disturbed surfaces on the land must be revegetated and stabilised to the satisfaction of the Responsible Authority.**

Protection of Patches of Native Vegetation and Scattered Trees**19. Before works start**

- a. A native vegetation protection fence must be erected around all patches of native vegetation.**
- b. Scattered trees to be retained on site.**
- c. This fence must be erected around the patch of native vegetation at a:**
 - i. Minimum distance of two (2) metres from retained native vegetation**
 - ii. And/or at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of tree.**
- d. The fence must be constructed of star pickets/chain mesh/or similar; to the satisfaction of the Responsible Authority.**
- e. The fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.**
- f. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:**
 - i. Vehicular or pedestrian access**
 - ii. Trenching or soil excavation**
 - iii. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products**
 - iv. Entry and exit pits for underground services**

4.1 (Cont.)

- v. Any other actions or activities that may result in adverse impacts to retained native vegetation.**
- 20. All excavation within the Notional Root Zones (NRZ) of retained trees on the subject site (including excavation undertaken to install the irrigation/wastewater field) must:**
 - a. Be undertaken using minimally destructive methods (pneumatic, hydraulic, hand digging or similar).**
 - b. Include any tree roots which require pruning to be cut with a clean sharp cutting implement with a final cut to undamaged wood at an angle which minimises the size of the wound.**
 - c. Not include tree roots over 40 millimetres (mm) in diameter be cut unless under the direct supervision of a Level 5 qualified Arborist.**
 - d. Not include tree roots critical to maintaining tree health, structure or viability to be cut. These tree roots must be retained undamaged and alternative design and construction methods used.**
- 21. Any underground services must be installed outside the Notional Root Zone (NRZ) of any retained trees (unless shown on the approved plans) or installed by directional boring outside of the Structural Root Zone (SRZ); and at a minimum depth of 600mm; unless with the written permission of the Responsible Authority and by using non-destructive excavation techniques methods (pneumatic, hydraulic, hand digging or similar); under the direct supervision of a Level 5 Australian Qualifications Framework(AQF) Arborist; and in accordance with any requirements of the Responsible Authority.**
- 22. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.**
- 23. No trenching or soil excavation is to occur within the Notional Root Zone (NRZ) of retained trees during development unless shown on the endorsed plans, without the prior written consent of the Responsible Authority.**

Offset Requirement

- 24. To offset the removal of 0.176 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation by**

4.1 (Cont.)

the Department of Energy, Environment and Climate Action of Victoria (DEECA 2025) as specified below:

- **A general offset of 0.12 general habitat units:**
 - **Located within the Port Phillip and Westernport Catchment Management Authority (CMA) boundary or Mornington Peninsula Shire municipal district**
 - **With a minimum strategic biodiversity score of at least 0.432.**
- **The offset(s) secured must provide protection of at least 6 large trees.**

25. Before any native vegetation is removed evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:

- **An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site and/or**
- **Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.**

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action (DEECA).

26. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a Statutory Authority.

Bushfire Management Plan

27. Before the development starts, an amended Bushfire Management Plan (BMP) which is generally in accordance with BMP prepared by Planning For Fire Version 1 Dated 21 July 2025 must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire protection measures, unless otherwise agreed in writing by the Country Fire Authority (CFA) and the Responsible Authority:

4.1 (Cont.)

- a. Defendable Space – Show an area of defendable space for a distance of 39 around the proposed buildings/or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:**
 - i. Grass must be short cropped and maintained during the declared fire danger period.**
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.**
 - iii. Within 10 meters of a building, flammable objects must not be located close to the vulnerable parts of the building.**
 - iv. Plants greater than 10 centimetres in height must not be placed within 3 meters of a window or glass feature of the building.**
 - v. Shrubs must not be located under the canopy of trees.**
 - vi. Individual and clumps of shrubs must not exceed 5 square meters in area and must be separated by at least 5 meters.**
 - vii. Trees must not overhang or touch any elements of the building.**
 - viii. The canopy of trees must be separated by at least 5 meters.**
 - ix. There must be a clearance of at least 2 meters between the lowest tree branches and ground level.**

Bushfire Emergency Management Plan

- 28. Before the development is occupied or the use commences, a Bushfire Emergency Management Plan (BEMP) to the satisfaction of the Responsible Authority and CFA must be submitted to and endorsed by the Responsible Authority. The BEMP must clearly describe the proposed emergency management arrangements and should address the following matters:**

- a. Premises details**
 - i. Describe property and business details.**
 - ii. Identify the purpose of the BEMP stating that the plan outlines procedures for:**
 - Closure of premises on any day with a Fire Danger Rating of Catastrophic.**

4.1 (Cont.)

- **Evacuation – evacuation from the site to a designated safer off-site location).**
 - **Shelter-in-place – remaining on-site in a designated building.**
- b. Review of the BEMP**
 - i. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.**
 - ii. Include a Version Control Table.**
- c. Roles and Responsibilities**
 - i. Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.**
- d. Emergency contact details**
 - i. Outline organization/position/contact details for emergency services personnel**
- e. Bushfire monitoring procedures**
 - i. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.**
 - ii. Describe and show (include a map) the area to be monitored for potential bushfire activity.**
- f. Action Statements – trigger points for action**
 - i. Prior to the Fire Danger Period**
 - **Describe on-site training sessions and fire equipment checks.**
 - **Identify maintenance of bushfire protection measures such as vegetation management (including implementation of protection measures required by any endorsed Bushfire Management Plan).**
 - ii. Closure of premise during forecast Fire Danger Rating of Catastrophic.**

4.1 (Cont.)

- **Outline guest notification procedures and details of premises closure (including timing of closure).**

iii. Evacuation

- **Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.**
- **Details of the location/s of the offsite emergency assembly location.**
- **Transport arrangements for staff and guests including details such as:**
 - **Number of vehicles required**
 - **Name of company providing transportation**
 - **Contact phone number for transport company**
 - **Time required before transportation is likely to be available**
 - **Estimated travelling time to destination.**
- **Actions after the bushfire emergency event. Shelter-in-place.**
- **Show the location and describe the type of shelter-in-place.**
- **Triggers for commencing the shelter-in-place option.**
- **Procedures for emergency assembly in the shelter-in-place building.**

29. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Permit Expiry

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

- a. The development is not commenced within 3 years of the date of this permit.**

4.1 (Cont.)

- b. The development is not completed within 5 years of the date of this permit.
- c. The use does not commence with 6 years of the date of this permit.
- d. The use is discontinued for a period of 3 years.

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

Notes

1. All wildlife in Victoria is protected under the *Wildlife Act 1975* (Wildlife Act). Prior to removal of vegetation landholders are advised to determine whether a *Wildlife Act* authorisation is required. For further information please visit <https://www.vic.gov.au/wildlife-licences-and-permits>.
2. If wildlife is present when removing vegetation, only a suitably qualified wildlife handler or zoologist can handle wildlife to ensure it is not harmed. If displaced wildlife cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DEECA on 136 186 for further advice.
3. Endorsed copies of offset evidence should be sent to the DEECA Port Philip Region Planning and Approvals Team at customer.service@deeca.vic.gov.au.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Strategic Direction 1: Place

- Strategic Objective 1.1: Protected, resilient and enhanced natural environments.

Strategic Direction 2: People

- Strategic Objective 2.2: An engaged and connected community.

Strategic Direction 3: Prosperity

- Strategic Objective 3.1: A vibrant, innovative and thriving local economy.

4.1 (Cont.)**GOVERNANCE PRINCIPLES**

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

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

DISCUSSION**Purpose**

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

- The relevant background of the site
- The Proposal
- The key issues
- Submissions and Shire officer response
- The assessment against the relevant provisions of the *Planning and Environment Act 1987 (the Act)* and Mornington Peninsula Planning Scheme.

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

The key planning considerations are summarised in the below table:

4.1 (Cont.)

Proposal	The use and development of a host farm, associated works and vegetation removal.
Zoning and Overlays	Zone: Green Wedge Zone (GWZ) – Schedule 1 (GWZ1) Overlays: Bushfire Management Overlay (BMO) Erosion Management Overlay – Schedules 1 and Schedule 7 (EMO1 and EMO7) Environmental Significance Overlay – Schedules 10, 17, 28 (ESO10, ESO17 and ESO28) Significant Landscape Overlay – Schedules 1 and 6 (SLO1 and SLO6) Vegetation Protection Overlay – Schedule 2 (VPO2)
Permit Triggers	Clause 35.04-1 (GWZ1): A permit is required to use the land for a section 2 use (Host Farm). Clause 35.04-5 (GWZ1): A permit is required to construct a building or construct or carry out works for a section 2 use (host farm) and to undertake buildings and works within 100 metres of a waterway or designated flood plain. Clause 44.01-2 (EMO1): A permit is required to construct a building or construct or carry out works and remove, destroy or lop any vegetation. Clause 44.06-2 (BMO): A permit is required to construct a building or construct or carry out works associated with accommodation (host farm). Clause 42.01-2 (EMO10, EMO17 and EMO28): A permit is required to construct a building or construct or carry out works and remove, destroy or lop any vegetation, including dead vegetation. Clause 52.17 (Native vegetation): A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

4.1 (Cont.)

Advertising	The Application was notified by sending written notice to adjoining properties and erecting a sign on site for 14 days.
Submissions	One objection has been received to date from Melbourne Water. The Application was also accompanied by three (3) letters of support from 'Mornington Peninsula Regional Tourism', 'Visit Victoria' and 'Tourism Australia'.
Consultation	No Planning Application Conference (PAC) was held.
Key Issues	• Whether the use is appropriate. • Whether the development design is appropriate. • The impact of native vegetation removal. • Consideration of the matters raised in the objections.
Recommendation	Notice of Decision to Grant a Permit, subject to conditions.

Background

The property at 1180 Mornington-Flinders Road, Main Ridge is approximately 10.9 hectares farm with associated winery use known as Green Olive in Red Hill. The property is located on the west side of Mornington-Flinders Road and has a depth of 464 metres.

The site features a variety of agricultural land uses associated with a winery including an olive grove, vineyard, vegetable gardens, and grazing areas for sheep. The site also contains a single dwelling.

The site has a fall from the front boundary to Main Creek of approximately 35 metres before rising from Main Creek to the rear boundary by 16.5 metres.

The site contains predominately native and indigenous vegetation along property boundaries. Dense vegetation is present along the rear section of the site associated with the Main Creek.

Existing vehicle access is provided via a gravel crossover to Mornington-Flinders Road. This access point is proposed to be maintained.

4.1 (Cont.)



Figure 1: Aerial image Geographic Information System (GIS) showing subject site (in red), surrounding properties and the approximate location of the proposed host farm buildings.

Subject Land:

Approx location of proposed host farm buildings:

The site's immediate surrounds include:

North	1168 Mornington-Flinders Road
	Contains a single storey dwelling accessed from Mornington-Flinders Road and associated agricultural activity. The site has an area of approximately 0.9 hectares.
	1160 Mornington-Flinders Road
	Is a vacant lot associated with 1154 Mornington-Flinders Road and is associated with a beef agricultural use. The site has an area of approximately 3.12 hectares.
	181 William Road
	Contains a single storey dwelling and associated agricultural use. Access is provided via Willan Road. The site has an area of approximately 3.96 hectares.

4.1 (Cont.)

East	Mornington-Flinders Road Mornington-Flinders Road is a rural arterial road that is under the management of the Department of Transport. Existing access to this road is proposed to be retained.
South	1208 Mornington-Flinders Road Contains a winery known as “Red Hill Estate” accessed from Mornington-Flinders Road and associated vineyard agricultural use.
West	227 Main Creek Road Contains a single storey dwelling and associated agricultural use that is assessed from Main Creek Road. The site has an area of approximately 8.12 hectares. 1222 Mornington-Flinders Road Contains a single storey dwelling and associated agricultural use that is assessed from Mornington-Flinders Road. Directly adjoining the subject site is dense bushland. The site has an area of approximately 18.39 hectares.

Permit History

The subject site has a number of previous permits which have been acted on. This includes the following permits of relevance:

- Planning Permit P07/1355 which was issued on 26 June 2006 for ‘the construction of a storage shed and associated works in accordance with the endorsed plans’. This storage shed is located approximately 180 metres from the road frontage.
- Planning Permit P08/2678 was issued on 29 December 2008 for ‘the use of an existing shed for primary produce and manufacturing sales in accordance with the endorsed plans’. This use is associated with the shed approved under Planning Permit P07/1355. The permit enabled products produced on the site to sold from the shed.
- Planning Permit P09/0502 was issued on 27 April 2009 to ‘construct buildings and works to extend the existing shed and use of the new building for primary produce and manufacturing sales and associated works with the endorsed plans’. This expanded the operation approved under P07/1355. This use is

4.1 (Cont.)

operational on the site with a maximum number of patrons of 40. The use is permitted to operate 7 days a week between 8am and 6pm.

- Planning Permit P10/0113 was issued on 3 March 2010 for 'the development of additions and alterations to an existing shed and associated works in accordance with the endorsed plans'. These works expanded the shed approved under permits P07/1355 and P09/0502.
- Planning Permit P10/1883 was issued on 1 October 2010 for the 'use and development of a single storey dwelling and associated works in accordance with the endorsed plans'. This dwelling is located centrally to the northern boundary of the site. As part of this permit a Land Management Plan was endorsed indicating agricultural zones on the site and a conservation area to the rear section of the site associated with the Main Creek and associated vegetation.
- Planning Permit P16/0233 was issued on 24 March 2016 for 'the development of a carport and associated works in accordance with the endorsed plans'. This is associated with the dwelling and is present on the site.
- Planning Permit P22/2175 was issued on 3 February 2023 for 'the development of an outbuilding (machinery shed) and associated works in accordance with the endorsed plans'. This is present on the site and is associated with the existing agricultural use of the land.
- Planning Application P10/1883.01 was received by Council in 2025. This is an Amendment Application that seeks to alter the conservation zone required by the original dwelling permit to enable the proposed location of the host farm and plant an additional 5,392 plants in a new conservation area associated with the northern proportion Main Creek that is located on the subject site. This Application is currently under assessment by Council with a decision yet to be issued.

Proposal

The Proposal seeks the use and construction of a host farm accommodation and associated works and vegetation removal.

Development

- The Proposal includes the development of 4 'villa' buildings at the rear of the site.
- Each building contains a bedroom, bathroom, living/dining area, out living area and single carport.

4.1 (Cont.)

- The buildings are setback a minimum of 12 metres from the rear boundary, approximately 42 metres from the southern side boundary.
- Materials include rammed earth, standing seam cladding and metal roofing.
- The maximum height of the development is approximately 5.2 metres.
- Two irrigation areas each of 300 square metres (sqms) are proposed to the north of the proposed buildings.
- A solar system area including 56 solar panels (approximately 247 sqms) is proposed to provide power to the buildings. This is proposed to be located to the north of two existing sheds (approximately 60 metres from the southern side boundary and approximately 130 metres from the western rear boundary).
- The existing gravel access track is proposed to be extended by approximately 80 metres to provide access to the buildings.

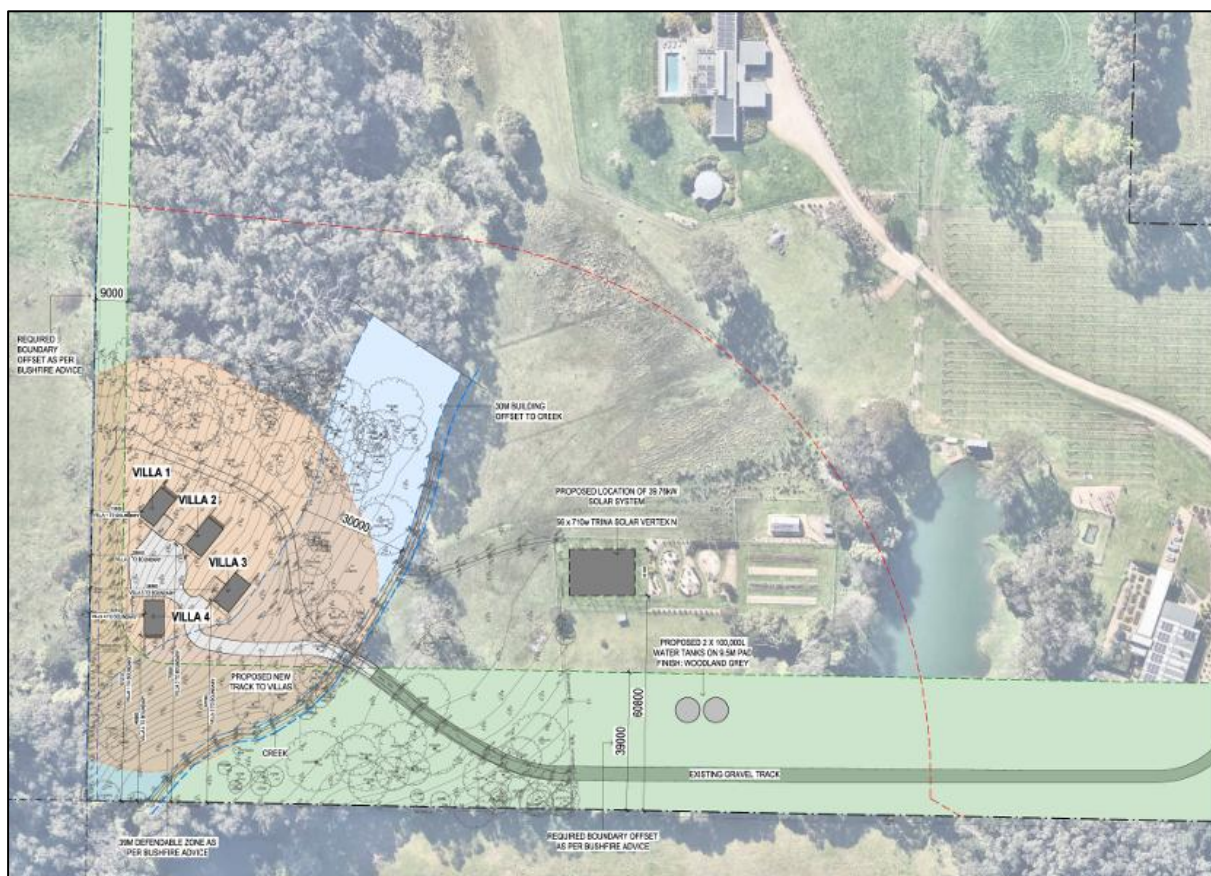


Figure 2: Site plan of proposed works

4.1 (Cont.)



Figure 3: Materials and perspectives of proposed works

Use

- The buildings are proposed to be used as a host farm. Guest activities are detailed in an Operational Plan (titled Green Olive Escape Host Farm Accommodation) and include:
 - Feeding of animals
 - Harvesting of produce (including tomato, figs, passionfruit, vegetable, pumpkin, grapes, lemon, limes, lavender etc.)
 - Planting of crops
 - Olive processing
 - Chutney making
 - Cooking experiences.

Vegetation Removal

- The Proposal seeks the removal of 36 trees to create defensible space around the proposed buildings. This includes:
 - 6 - Eucalyptus ovarta (Swamp Gum)

4.1 (Cont.)

- 17 - Eucalyptus obliqua (Messmate)
- 9 - Acacia melanoxylon (Blackwood)
- 1 - Acacia mearnsii (Black wattle)
- 2 - Melaleuca ericifolia (Swamp paperbark)
- 1 dead tree

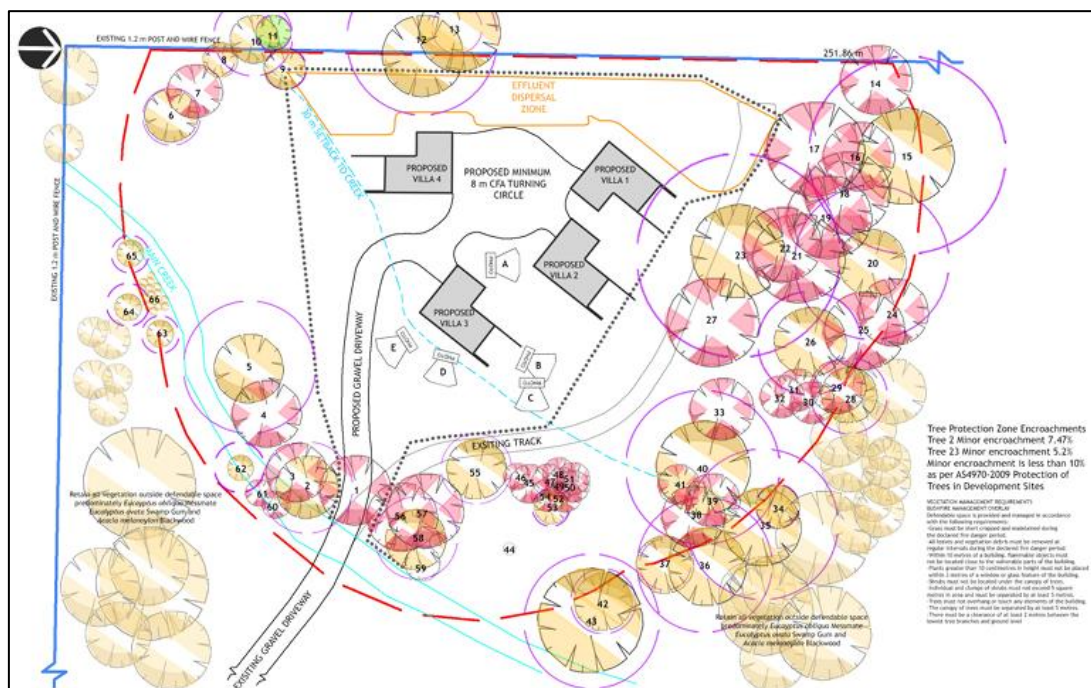


Figure 4: Proposed vegetation removal.

Please refer to the following for further details:

Attachment 1 – Assessment Plans

Attachment 2 – Host Farm Program

Attachment 3 – Bushfire Management Report

Attachment 4 – Native Vegetation Report

Attachment 5 – Planning Submission Prepared by Applicant

Attachment 6 – Objection

Attachment 7 – Letters of Support

Attachment 8 – Officer Assessment Report

4.1 (Cont.)**NOTIFICATION AND CONSULTATION****Notification**

The Application was notified by sending direct notice to adjoining properties and erecting a sign on the site for 14 days.

Submissions

Please refer to Attachment 6 – Objection.

To date, 1 objection has been received. This was received from Melbourne Water who raised concerns raised include the potential impacts to the Main Creek which runs through the site such as erosion, altered flood behaviour, loss of habitat, a reduction in water quality and a reduction in species diversity.

These concerns are addressed further below.

Melbourne Water received notice of the Application under section 52 of the *Planning and Environment Act 1987* due to the presence of the Main Creek but were not a referral authority for this Application.

It is also acknowledged that the Application was accompanied with 3 letters of support from 'Mornington Peninsula Regional Tourism', 'Visit Victoria' and 'Tourism Australia'.

Please refer to Attachment 7 – Letters of Support.

Referrals

Referral	Comments
CFA (external recommending authority)	No objection subject to conditions including the endorsement and implementation of a Bushfire Management Plan and a Bushfire Emergency Management Plan. These conditions have been included within the recommendation.
Environmental Health (internal)	A verbal discussion was had with Environmental Health who advise that wastewater is capable of being accommodated on the site. Conditions have been included in the recommendation for the approved development must be contained on site and that works do not commence until wastewater permit is obtained.

4.1 (Cont.)

Development Engineering (internal)	No objection, no conditions.
Senior Vegetation Officer (internal)	Raised concerns with the response regarding vegetation to the environmental controls of the site due to the extent of vegetation removal proposed. Despite this, conditions have been provided should Council support the Application. All these conditions have been included in the recommendation.

CONSIDERATION

Please refer to Attachment 8 – Officer Assessment Report for full details of assessment.

The following key issues are summarised below:

- Whether the use is appropriate.
- Whether the development design is appropriate.
- The impact of the native vegetation removal.
- Consideration of the matters raised in the objections.

Is the Use Appropriate?

The proposed 'host farm' use requires a planning permit under the GWZ1. A host farm is defined under Clause 73.03 (land use terms) of the Mornington Peninsula Planning Scheme as:

"An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes."

Host farms are commonly applied for within the Green Wedge Zone. *Blackney v Surf Coast SC and Ors* is a Victorian Civil and Administrative Tribunal (VCAT) decision that established that there are two key questions to consider when assessing if a use is classified as a host farm. This includes:

- Whether the land is a farm
- Whether guests will be provided with a farm experience.

4.1 (Cont.)

The Proposal satisfies both these questions. The land use is clearly associated with an existing farm with mixed agricultural activities currently operating on the site including vineyards associated with the winery, various crops including fruit, vegetables, lavender and sheep grazing. The Application has also been supported by an Operational Plan that details activities that guests would be able to undertake to ensure they are provided with a farm experience including:

- Feeding of animals
- Harvesting of produce (including tomato, figs, passionfruit, vegetable, pumpkin, grapes, lemon, limes, lavender etc.)
- Planting of crops
- Olive processing
- Chutney making
- Cooking experiences.

These experiences are varied and genuine to ensure that guests would be provided an appropriate farm experience rather than simply being present on a farm. Given this the Proposal is considered appropriately classified as a 'host farm'.

The purpose of the Green Wedge Zone (GWZ) includes:

- To provide for the use of land for agriculture
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources and
- To encourage use and development that is consistent with sustainable land management practices.

The Mornington Peninsula Planning Scheme more broadly seeks to protect agricultural land from permanent loss, and that productive agricultural land be able to continue to be used in that manner, without being adversely impacted by new uses or development. Policy also encourages tourism uses to take advantage of the existing assets of the GWZ, such as agriculture.

Council's Green Wedge Management Plan 2019 (GWMP) includes similar policy and provides a vision (in terms of character and function), objectives and actions for the sustainable use and development of the Green Wedge. It also sets out the

4.1 (Cont.)

key directions to achieve the vision. Of relevance to this Application the key directions include:

- Protecting habitat and biodiversity, landscape quality and agricultural capacity
- Protecting and supporting sustainable agriculture, agri-tourism and host farms.

The GWMP recognises the role that tourism (including agri-tourism) plays in the Green Wedge at a scale and form consistent with the character and function of the area. This includes small scale host farm uses.

The Proposal is not considered to result in any detrimental impacts to existing agricultural land or the ongoing farming on the subject site. This is due to the scale of the use being relatively low scale at only 4 buildings that are in a bushland area to the rear of the site that is not currently being used for agriculture. The location of the buildings is not considered significant agricultural land due to the slope of the site and presence of vegetation. This ensures the Proposal strikes an appropriate balance where the primary purpose of the land will be retained for traditional agricultural farming whilst providing for a secondary complementing use of a host farm.

The host farm supports the existing agricultural use of the land by enabling visitors on the site to participate and experience farming. These activities are detailed in the Operational Management Plan. The Operational Plan provides for a broad range of activities that visitors could be involved in which ensure a genuine farm experience is provided. This helps support the agricultural activities of the site whilst providing education to the broader community through providing a hands-on agricultural experience. Within the recommendation conditions have been included to ensure the activities of the Operational Management Plan are undertaken and that if the agricultural use on the site ceases, the host farm use must also cease with the associated buildings being removed. This ensures that buildings would only be permitted to be used as a host farm.

Should the buildings be used for any other purpose other than a host farm this would not be in accordance with the recommended permit and would become an enforcement matter. It is acknowledged that the layout of the proposed buildings does not include kitchens and could not easily be used as a dwelling. It is also acknowledged that multiple dwellings in the GWZ would be a prohibited land use.

The GWZ and associated policy also encourage tourism that take advantage of the existing assets of the GWZ, such as agriculture. The proposed host farm use will provide for significant tourism benefits as evidenced by letters of support submitted with the Application from 'Mornington Peninsula Regional Tourism', 'Visit

4.1 (Cont.)

Victoria' and 'Tourism Australia'. Within the letters of support, it is noted that the Proposal would support 3-4 full-time employment positions, support more diverse and immersive accommodation options through Agri-tourism and would have good economic benefits to associated businesses on the Peninsula. This supports tourism and economic outcomes that are supported by both the Green Wedge Zone (GWZ) and broader planning policy.

The Proposal does not impede the ability for neighbouring properties to undertake agricultural activities with sufficient setbacks provided to adjoining properties with a minimum setback of 13.8 metres from a shared boundary. It is also not expected that surrounding agricultural uses would have an unreasonable adverse amenity impact on host farm use. A host farm is a form of short stay accommodation where the level of amenity is not held to the same regard as a permanent where amenity impacts might be ongoing and could cause land conflicts. Within the recommendation, a variety of general amenity conditions have been included to further ensure the amenity of the area is not unreasonably impacted.

For these reasons it is considered that the use of the land for a host farm is justified.

Is the Development Design Appropriate?

A planning permit is required for the development of the host farm under the GWZ1, BMO, EMO1, ESO10, ESO17, ESO28 and SLO6. An assessment of the purpose, objectives, and decision guidelines of these overlays has been undertaken and the Proposal found reasonable.

The proposed host farm buildings are sited to the rear of the site on a steep section of land and within bushland. This location is not an area of the site that is currently used for agriculture and due to its features is not considered to have potential for significant agriculture to occur. The slope of the land and vegetation also ensure that there are no significant views of the buildings from adjoining properties or any surrounding road. The host farm buildings are also located in a clearer section of the bushland to limit the amount of established vegetation that is required to be removed.

The host farm buildings are constructed in materials and colours that will blend into the landscape, including rammed earth, Colourbond cladding (Jasper) and metal roofing (Jasper). The floor area of each building being 44 square metres with a maximum height of 5.2 metres is considered modest and will not distract from the landscape.

The works are in the EMO1. The Proposal includes limited earthworks with a maximum cut of 0.420 and a maximum fill of 1.120 metres. The Application was

4.1 (Cont.)

referred to Council's Development Engineers who were satisfied with the Proposal and did not raise any landslip susceptibility concerns.

The host farm cabin will require all waste and effluent to be treated onsite via an approved system. The Application was referred to Council's Environmental Health Department who were satisfied that wastewater can be contained on site. Conditions have been included within the recommendation to ensure the relevant permit is obtained from Environmental Health prior to the commencement of works and that wastewater is contained on site.

The host farm buildings are sited within a BMO and consideration is required to be given to fire risk. The Application was referred to the CFA who have not objected to the Proposal and provided conditions which have been included within the recommendation. In addition to the endorsement of a Bushfire Management Plan a condition is included within the recommendation for the preparation of a Bushfire Emergency Management Plan which will include procedures, evacuation measures and requirements for the use to not operate during Catastrophic Fire Danger days. This will ensure that the fire risk is appropriately managed.

Given the location is in a National Trust classified landscape, the National Trust was given notice of the Application. The National Trust did not object to the Proposal. The location of the host farm buildings is located on lower lying land than Mornington-Flinders Road ensuring they will not be visible from scenic roads or surrounding areas ensuring there are no significant visual impacts to the existing landscape.

A permit is also required for the proposed solar panels that are proposed to provide power to the host farm buildings under the GWZ1, ESO10, ESO28 and SLO6. This is proposed approximately 90 metres from the host farm buildings with an existing paddock and includes 56 solar panels. The impact of the solar panels to the Green Wedge are considered minimal. The location selected is not visible from outside of the site, is not currently used for any meaningful agricultural activity and the scale of the solar panels are of a size that ensures there is no significant loss of agricultural land. It is also acknowledged that had the solar panels been attached to the host farm buildings they would have been exempt from requiring a planning permit.

Overall, the proposed buildings and works are of a scale that is responsive to the Green Wedge Zone (GWZ) and existing landscape.

4.1 (Cont.)**The Impact of the Native Vegetation Removal**

To facilitate the proposed development 36 trees are proposed to be removed. This consists of:

- 6 – Eucalyptus ovata (Swamp Gum)
- 17 – Eucalyptus obliqua (Messmate)
- 9 – Acacia melanoxylon (Blackwood)
- 1 – Acacia mearnsii (Black wattle)
- 2 – Melaleuca ericifolia (Swamp paperbark)
- 1 dead tree

A permit is required for vegetation removal under Clause 52.17 (Native vegetation), ESO10, ESO17, ESO28, SLO6 and EMO1.

Under Clause 52.17 (Native Vegetation) 0.176 Hectares of native vegetation including 6 large trees are sought to be removed. Clause 52.17 seeks a hierarchy to avoid, minimise and offset for vegetation removal. Whilst it is considered the site presents opportunities for complete avoidance it is acknowledged that the siting of the buildings to the rear of the site has been selected to ensure guest can experience staying in bushland. The buildings are proposed in a clear section of the rear bushland however due to the site being in a BMO, vegetation is required to be removed to create defensible space. The Applicant also explored other areas of the site as alternate locations for the host farm buildings but deemed them unsuitable due to the potential for removing productive agricultural land and impacting the amenity of neighbouring properties. Given this, the Application has demonstrated a level of minimisation.

The Applicant has submitted a Native Vegetation Report that provides an offsite offset of 0.12 general habitat units. Conditions have been included within the recommendation to ensure these offsets are secured. This will ensure that the loss of native vegetation will be appropriately offset.

The extent of vegetation is not considered to result in any significant erosion issues despite being in the EMO1. The Application was referred to Council's Development Engineers who did not raise any concerns with erosion susceptibility. It is also acknowledged that significant vegetation is proposed to be retained within the EMO1 and a condition has been included in the recommendation to stabilise any disturbed surfaces which will further assist in limiting landslip risks.

4.1 (Cont.)

It is not considered that the vegetation will result in any significant visual disruptions to the landscape. Most of this vegetation is in a gully of the site and is not visible from the surrounding area and therefore does not provide significant offsite visual benefits. The Proposal also continues to maintain substantial vegetation on site which ensures it contributes positively to the natural environment.

The Environmental Significance Overlays seeks to recognise the Upland Basalt Slopes (ESO10), streamlines including the Main Creek that runs through the rear of the site (ESO17) and the Mornington Peninsula Bushland (ESO28). It is recognised that the vegetation removal does not fully respond to these controls through the extent of loss of vegetation removal proposed which is naturally occurring/remnant vegetation which is indigenous to the Ecological Vegetation Classes (EVC) occurring on the land.

Despite this, it is acknowledged that the Planning Scheme includes a range of competing policies and a balanced decision needs to be made in the context of the scheme as a whole to reach a balanced decision. In this instance, whilst it is considered that the Proposal does not completely align with the environmental controls that affect the site, the Proposal remains an acceptable outcome with the Proposal aligning with policy encouraging tourism, protecting productive agricultural land and satisfying bushfire risks which represents an acceptable outcome.

The owners of the land have also sought to ensure that in the long term any vegetation loss would be adequately replaced. This is being considered as part of a separate Planning Amendment Application P10/1883.01 that seeks to alter an existing conservation area on the site to plant an additional 5,392 plants, including 183 trees on the site.

Consideration of Objection

The Application received one objection from Melbourne Water. It is noted that Melbourne Water are not a referral authority to this Planning Application however did receive notice of the Application given the presence of the Main Creek which runs through the rear of the site and is managed by Melbourne Water.

Concerns raised relate to the potential impacts to the Main Creek such as erosion, altered flood behaviour, loss of habitat, a reduction in water quality and a reduction in species diversity.

The ESO17 is a planning control that affects the site and relates to 'streamlines' and includes a variety of objectives related to maintaining quality of streams, preventing erosion, protecting biodiversity and ensuring development is

4.1 (Cont.)

compatible with streamlines. This control recognises the Main Creek and as illustrated in the below image.

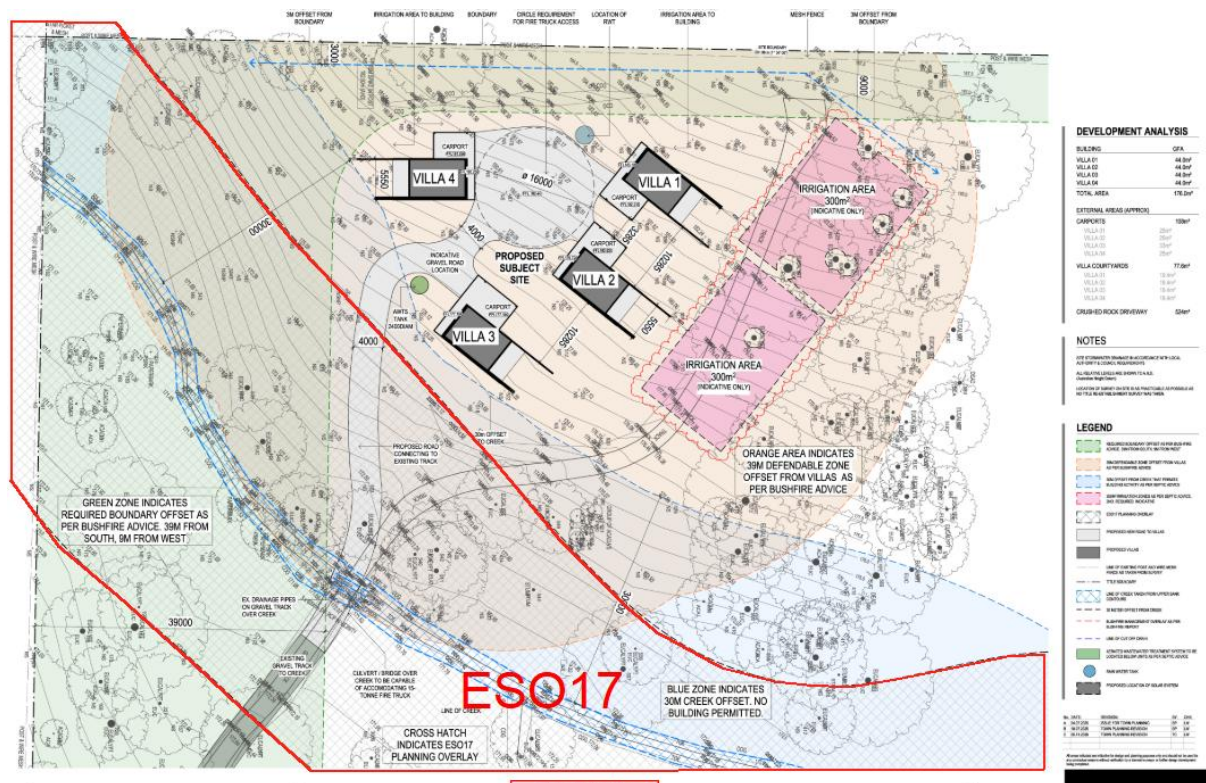


Figure 5: ESO17 location in relation to development.

As indicated by the above image, the host farm buildings are proposed to be located outside of the ESO17 and a minimum of 30 metres from the Main Creek. The wastewater and associated irrigation areas are proposed to the north of the buildings to avoid impacts to the Creek. These buildings are sufficiently setback from the creek to limit any adverse impacts to this environment.

Works associated with the gravel access track extension and the removal of 8 trees are proposed to be removed within the ESO17 and proximity to the creek environment. It is acknowledged that this tree removal may have short term impacts to the Main Creek. Given the short-term impact and that the Proposal aligns with policy for tourism, avoiding productive agricultural land and satisfying bushfire requirements the Proposal is considered to represent an acceptable outcome.

Options for Consideration

Option 1 (recommended) – approve the Application as per the Shire officer recommendation. If Council takes this option, the Application will proceed to a Notice of Decision to Grant a Permit and the objector will have 28 days to appeal Council's decision to the VCAT. If no appeal is made, the permit will be granted.

4.1 (Cont.)

Option 2 (not recommended) – Council could refuse the Application. This option has the potential to result in an appeal of Council’s decision to the VCAT by the Planning Permit Applicant.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

If Council refuses to grant the permit, the Applicant will have section 77 reviews rights to the VCAT.

If Council decides to grant a permit, the Applicant will have section 80 (conditions) review rights to the VCAT.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Should the Application be appealed to the VCAT by the Applicant or objectors, Council would be required to defend its decision, and this would have financial and resource implications.

OFFICER DIRECT OR INDIRECT INTEREST

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

CONCLUSION

The proposed use of a host farm and associated buildings and works are considered acceptable having regard to all the relevant provisions of the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*. It is therefore recommended that a notice of decision to grant a permit be issued.

4.2 P25/1362 – 209 Sandy Road Fingal – Telecommunications Facility

Issued By	Manager – Statutory Planning
Authorised By	Director – Planning & Liveability
Document ID	A14028767
Briefing Note Number	BN2190 – 31 March 2026
Attachment(s)	1. Proposed Assessed Plans ⇒ 2. Planning Report (from Applicant) ⇒ 3. Electromagnetic Energy (EME) Report ⇒ 4. State Government Funding Letter ⇒ 5. State Government Funding Email ⇒ 6. Submissions (confidential) ⇒ 7. Response to Community Submissions (prepared by Applicant) ⇒ 8. Officer Assessment Report ⇒ 9. Kindergarten Montages #1 ⇒ 10. Kindergarten Montages #2 ⇒

EXECUTIVE SUMMARY

The purpose of this report is to seek a decision from Council regarding Planning Application P25/1362 for the proposed development of a telecommunications facility at 209 Sandy Road, Fingal (the Application). The Application has been called in by Cr Gill for a decision by Council.

The Application intends to provide for an upgrade of telecommunications services within the local area of St Andrews Beach and Fingal. The Applicant states that the proposed telecommunications facility has been funded by Telstra and the Victorian Government through the Connecting Victoria Program. The proposed development of the site provides essential telecommunications (4G and 5G) infrastructure to Fingal and St Andrews Beach which will specifically improve coverage. The chosen location is the most suitable, with co-location on other existing infrastructure not being feasible.

The Application proposes the development of a Telecommunications facility, including:

- Monopole (Pale Eucalypt) reaching a maximum height of 26.3 metres (m) above natural ground level with triangular headframe accommodating Telstra 4G and 5G antennas.

4.2 (Cont.)

- Security fencing 2.4m high with double access gates (total facility area: 10m by 10m).
- Associated equipment at ground level.
- The installation of underground power and fibre routes approximately 200m in length utilising a shared trench bored at a depth of 1m.
- Use of existing access arrangements.
- Minimal excavation is proposed.

On 4 November 2022 Amendment VC226 was approved by the Minister for Planning which changed the Victoria Planning Provisions (VPP) and all planning schemes in Victoria to simplify controls and facilitate the delivery of telecommunications infrastructure. Under these changes, Clause 52.19 (Telecommunications Facility) of the Mornington Peninsula Planning Scheme (the Planning Scheme) states that an application under any provision of the Planning Scheme is exempt from public notice and third-party appeal rights to the Victorian Civil and Administrative Tribunal (VCAT), unless certain criteria apply. The Application meets the criteria for exemption from public notice and from appeal to the VCAT. The project is also funded by the State of Victoria which also provides an exemption from notice and appeal rights subject to Clause 52.19-3.

Notwithstanding that public notice did not occur, Council has received correspondence from three nearby residents outlining concerns regarding the Proposal. While these submissions are not formal objections, the matters raised have been considered as part of the assessment of amenity and relevant decision guidelines under section 60 of the *Planning and Environment Act 1987* (the Act) and Clause 52.19. The majority of these concerns relate to location, effects of Electromagnetic Energy (EME), incomplete information, visual impact, Aboriginal Cultural Heritage and the impact on amenity, landscape values, property values and the existing firebreak.

Council must decide whether the Proposal is acceptable having regard to the relevant provisions of the Planning Scheme.

The Proposal is considered to meet the community's needs, while protecting the amenity of the surrounding area as far as practicable through adequate setbacks and siting from nearby dwellings to minimise its visual impact. The Proposal is considered acceptable having regard to the relevant provisions of the Planning Scheme and the Act. It is recommended that Council supports the Application and resolves to issue a Planning Permit, subject to the conditions contained within this report.

4.2 (Cont.)

RECOMMENDATION

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme (the Planning Scheme) and the *Planning and Environment Act 1987 (the Act)*, having considered all matters required under section 60 of the Act, hereby resolves that Planning Permit Application P25/1362 be supported and the following issued:

Grant a Permit with the following permissions and conditions:

PLANNING SCHEME CLAUSE	MATTER FOR WHICH THE PERMIT HAS BEEN GRANTED
Clause 35.04 (Green Wedge Zone (GWZ)4)	Construct a building that is 100 metres from a dwelling or small second dwelling not in the same ownership.
Clause 42.01-2 (Environmental Significance Overlay (ESO) 15 and ESO23)	Construct a building or construct or carry out works.
Clause 52.19-1 (Telecommunications facility)	Construct a building or construct or carry out works for a telecommunications facility.

Approved Development Not Altered

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

Amenity

2. The development must be carried out so that the amenity of the area is not detrimentally affected, through the:
 - A. Transport of materials, goods or commodities to or from the land.
 - B. Inappropriate storage of any works or construction materials.
 - C. Hours of construction activity and/or repair and maintenance activities.

4.2 (Cont.)

- D. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.**

External Lighting

- 3. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.**

Telecommunications Facility

- 4. If the telecommunications facility hereby approved is or becomes redundant, all infrastructure associated with the telecommunication facility must be removed and the area reinstated to the satisfaction of the Responsible Authority. All works to comply with this condition must be completed within three (3) months of the facility ceasing to operate and must be at the expense of the permit holder.**

Expiry

- 5. This permit will expire if one of the following circumstances applies:**
 - A. The development is not started within 3 years of the issue date of this permit.**
 - B. The development is not completed within 5 years of the issue date of this permit.**

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

Part B

That Council resolves that Attachment 6 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it relates to people's personal information.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.1: Protected, resilient and enhanced natural environments.

4.2 (Cont.)

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

People: A safe, accessible, inclusive and engaged community that fosters our diverse culture, supporting health and wellbeing and a connected and compassionate society for all.

Strategic Objective 2.1: A safe, accessible, inclusive and healthy community.

People: A safe, accessible, inclusive and engaged community that fosters our diverse culture, supporting health and wellbeing and a connected and compassionate society for all.

Strategic Objective 2.2: An engaged and connected community.

Prosperity: Enabling balanced growth through innovation, empowering community groups and volunteers, and fostering a resilient, thriving and vibrant local economy.

Strategic Objective 3.1: A vibrant, innovative and thriving local economy.

GOVERNANCE PRINCIPLES

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

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

4.2 (Cont.)**RELEVANT COUNCIL DECISIONS AND POLICIES****DISCUSSION****Purpose**

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

- The relevant background of the site.
- The Proposal.
- The key issues.
- Submissions and Shire officer response.
- The assessment against the relevant provisions of *the Act* and the Planning Scheme.

For a detailed assessment of the all the relevant matters please see Attachment 8 – Officer Assessment Report.

Background

The key planning considerations are summarised in the below table:

Proposal	Development of a telecommunications facility.
Zone and Overlays	Zone: • General Residential Zone Schedule 1 (GRZ1) • Green Wedge Zone Schedule 4 (GWZ4) • Planning Overlays: • Bushfire Management Overlay • Design and Development Overlay Schedule 4 (DDO4) • Erosion Management Overlay Schedule 7 (EMO7) • Environmental Significance Overlay Schedule 15 (ESO15) • Environmental Significance Overlay Schedule 15 (ESO22)

4.2 (Cont.)

	• Environmental Significance Overlay Schedule 23 (ESO23) • Environmental Significance Overlay Schedule 28 (ESO28) • Significant Landscape Overlay Schedule 2 (SLO2) • Vegetation Protection Overlay Schedule 1 (VPO1) • Vegetation Protection Overlay Schedule 1 (VPO2)
Permit Triggers	• Clause 35.04 (GWZ4) – A planning permit is required to construct a building that is 100m from a dwelling or small second dwelling not in the same ownership • Clause 42.01-2 (ESO15 and ESO23) – A planning permit is required to construct a building or construct or carry out works. • Clause 52.19-1 (Telecommunications facility) – A planning permit is required to construct a building or construct or carry out works for a Telecommunications facility. Note: A planning permit is not required for the use of a Telecommunications facility as it is exempt as per Clause 62.01.
Restrictions on Title	• Section 173 Agreement AE992091B 4/4/2007. This restriction relates to the golf course. The proposal will not breach this restriction. • Section 173 Agreement AV622626H 12/5/2022. This restriction relates to native vegetation removal and offset requirements. No vegetation is being removed or impinged upon and therefore the Proposal does not breach this agreement.
Advertising	The application is exempt from advertising as per Clause 52.19-3.
Submissions	Three objections (3) have been received to the planning permit application and two petitions.

4.2 (Cont.)

Consultation	No consultation from Council has occurred.
Key Issues of Consideration	• The design, siting construction and operation of the telecommunications facility. • The effect of the telecommunications facility on adjacent land. • Impacts on existing and future green wedge land uses. • Impacts on the environment. • Impacts on the landscape.
Recommendation	A planning permit be granted, subject to conditions.

Subject Site and Surrounds

The subject land is located south of Sandy Road and west of Truemans Road in Fingal and is occupied by the St Andrews Beach Country Club Golf Course which includes a golf course, club house and associated accommodation. It is an irregular shaped land parcel of approximately 130.92 hectares and is part of a larger landholding of three lots approximately 164.81 hectares in size. The land is legally described as Lot 2 on Plan of Subdivision 424418Y, VOLUME 10470 FOLIO 254.

The subject land has largely been cleared of vegetation. Stands of low-rise vegetation are predominantly located in proximity to the property boundaries, and along the west boundary. Surrounding land to the south and west is zoned General Residential (GRZ1) and land to the north and east is zoned Green Wedge (GWZ4).

4.2 (Cont.)



Figure 1: Aerial image (Geographic Information System (GIS)) showing subject site (in red), surrounding properties and the approximate location of the proposed Telecommunications facility.

Subject Land: ■

Approx location of proposed Telecommunications facility: ✕



Figure 2: Enlarged Aerial image (GIS) showing subject site (in red), adjoining property to the west (99 Bass Meadows Boulevard St Andrews Beach – St Andrews Beach Recreation Hall) and the approximate location of the proposed Telecommunications facility.

Subject Land: ■

Approx location of proposed Telecommunications facility: ✕

4.2 (Cont.)

Adjoining Land	
North:	265 Sandy Road (Semi rural dwelling on large land holding)
South:	Existing dwellings that front Bass Meadows Boulevard (14 dwellings adjacent to the south boundary with setbacks of 120m to 330m to the site)
East:	Part of the larger land holding accommodating the St Andrews Golf Club and approximately 10 dwellings beyond which is Truemans Road
West:	99 Bass Meadows Boulevard (St Andrews Beach Recreation Club)

Proposal

The Application proposes the development of a Telecommunications facility, including:

- Monopole (Pale Eucalypt) reaching a maximum height of 26.3m above natural ground level with triangular headframe accommodating Telstra 4G and 5G antennas.
- Security fencing 2.4m high with double access gates (total facility area: 10m by 10m).
- Associated equipment at ground level.
- The installation of underground power and fibre routes approx. 200m in length utilising a shared trench bored at a depth on 1m.
- Use of existing access arrangements.

The facility is proposed to be located in the north western portion of the site at 209 Sandy Road Fingal and is setback:

- 10m from the western boundary (99 Bass Meadows Boulevard).
- Approximately 90m to a residential interface to the south which fronts Bass Meadows Boulevard.
- Approximately 230m to the north boundary (265 Sandy Road Fingal).

Attachment 4 – State Government Funding Letter

The proposed telecommunications facility is co-funded by Telstra and the Victorian Government through the Connecting Victoria Program. Telstra have been awarded funding to deploy this site within the parameters of this project. The

4.2 (Cont.)

Applicant states that the proposed development of the site represents the provision of essential telecommunications (4G and 5G) infrastructure to Fingal and St Andrews Beach which will specifically improve coverage and capacity, that the proposed location was the most suitable, and that collocation on other existing infrastructure is not viable.

No vegetation is proposed to be removed.

Please refer to the following for further details:

Attachment 1 – Proposed Assessed Plans

Attachment 2 – Planning Report (from Applicant)

Attachment 3 – Electromagnetic Energy (EME) Report

Attachment 4 – State Government Funding letter

Attachment 5 – State Government Funding Email

Attachment 6 – Submissions (confidential)

Attachment 7 – Response to Community Submissions (prepared by Applicant)

Attachment 8 – Officer Assessment Report

Attachment 9 – Kindergarten Montages #1

Attachment 10 – Kindergarten Montages #2

NOTIFICATION AND CONSULTATION**Notification**

Pursuant to Clause 52.19-3:

An application under any provision of this Planning Scheme to construct a building or construct or carry out works for a telecommunications facility is exempt from the notice requirements of section 52 (1) (a), (b) and (d), the decision requirements of section 64 (1), (2) and (3) and the review rights of section 82 (1) of the Act. This exemption does not apply to:

- *An application under a Significant Landscape Overlay, a Heritage Overlay, or Neighbourhood Character Overlay.*
- *An application under a public land zone if the Responsible Authority is not the public land manager.*
- *An application for any of the following:*

4.2 (Cont.)

- *A telecommunications dish.*
- *A telecommunications facility on a building within 100 metres of a residential zone.*
- *A telecommunications facility on a building within 100 metres of a dwelling not on the same land or land in contiguous ownership.*
- *A telecommunications tower in a residential zone.*
- *A telecommunications tower within 100 metres of a residential zone.*
- *A telecommunications tower within 100 metres of a dwelling not on the same land or land in contiguous ownership."*

An application under any provision of this planning scheme to use or develop land for a telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the telecommunications facility is funded, or partly funded, by the Commonwealth through the Mobile Black Spot Program or the State of Victoria.

Correspondence has been provided by the Applicant confirming that the State Government is providing funding to Telstra under the state funded mobile program.

The Application is exempt from public notice and appeal rights as none of the above scenarios apply.

Submissions

Please refer to Attachment 6 – Submissions (confidential)

Notwithstanding the exemption from advertising, Council has received correspondence from three nearby residents outlining concerns regarding the Proposal. The matters raised have been considered as part of the assessment of amenity and relevant decision guidelines under section 60 of *the Act* and Clause 52.19. The majority of these concerns relate to poor siting, negative health impacts, detrimental to Aboriginal Cultural Heritage, visual impact, incomplete documentation, impact on amenity and landscape value, property values and the existing fire break. Code compliance was also an issue raised.

Referrals

No referrals were undertaken or required.

4.2 (Cont.)**CONSIDERATION**

Please refer to Attachment 8 – Officer Assessment Report for full details of assessment.

The following key issues are summarised below:

- The design, siting, construction and operation of the telecommunications facility.
- The effect of the telecommunications facility on adjacent land.
- Impacts on existing and future green wedge land uses.
- Impacts on the environment.
- Impacts on the landscape.

The Design, Siting, Construction and Operation of the Telecommunications Facility.

The use of land for a telecommunications facility and the development of an equipment shelter is exempt from the requirement for a planning permit under Clauses 62.01 and 62.02 of the Planning Scheme, respectively. Therefore, the Proposal must be assessed against Clause 52.19 – Telecommunications facility with regard to the suitability of the development itself and Clause 42.01 – Environmental Significance Overlay relevant to the suitability of the telecommunications facility on the environment and landscapes. Both the design and location of the facility have been selected by the proponent based on the ability to serve and the needs for the surrounding area.

Clause 19.03-4S – Telecommunications – seeks to facilitate the orderly development, extension and maintenance of telecommunication infrastructure. The Proposal seeks to provide a new facility at a suitable location within an area in need of improved infrastructure to provide fast, affordable and reliable telecommunications services. The design outcome achieves an acceptable balance between continuing improvement of telecommunications without unreasonable adverse impacts on the environment and landscape.

Clause 52.19 – Telecommunications facility – seeks to ensure infrastructure and services are provided in an efficient and cost-effective manner, encourage an effective State-wide telecommunications network, and encourage the provision of telecommunications facilities with minimal or acceptable impact on the amenity of the area.

The Applicant examined existing facilities in the surrounding area, including other carriers- for the potential to co locate the Proposal on an existing telecommunications facility or existing building/structure. The technical viability of

4.2 (Cont.)

potential sites was also assessed using computer modelling tools and experienced radio engineers to predict the coverage that may be expected from these sites.

Given there is already an existing Telstra facility within 1.9 kilometres (km) to the east of the site (adequate separation between Telstra's sites ensures that the Telstra network operates at an optimum level) and the next closest site (an Indara Monopole located 2.48km to the northwest) did not meet the radio frequency objectives and coverage requirements, it was concluded co-location was not an option and that a new structure was required.

Alternative locations within the golf course itself were then explored by the Applicant but the selected position was the most optimal as it would meet coverage objectives, ensure access and power requirements could be met whilst also balancing environmental, visual and cultural heritage matters. This preferred site had adequate existing access conditions, landowner approval and proximity to power and fibre connections. The project area has been sited to not overlap with the Registered Aboriginal Heritage Places (to the east). It was also sited as far to the east as practical from the existing Telstra tower that performs the same function. Please see figure 3 below which conveys the site selection criteria parameters that have been utilised by the Applicant.

Given the lack of existing telecommunications infrastructure and coverage needs in the immediate area the proposed location is acceptable. The new facility is well-placed to allow for new and improved telecommunications coverage and services to the immediate and wider area.

The Proposal provides a design outcome that achieves an acceptable balance in contributing improved mobile services without unreasonable adverse impacts on the environment, consistent with the strategies of Clause 19.03-4S.

4.2 (Cont.)

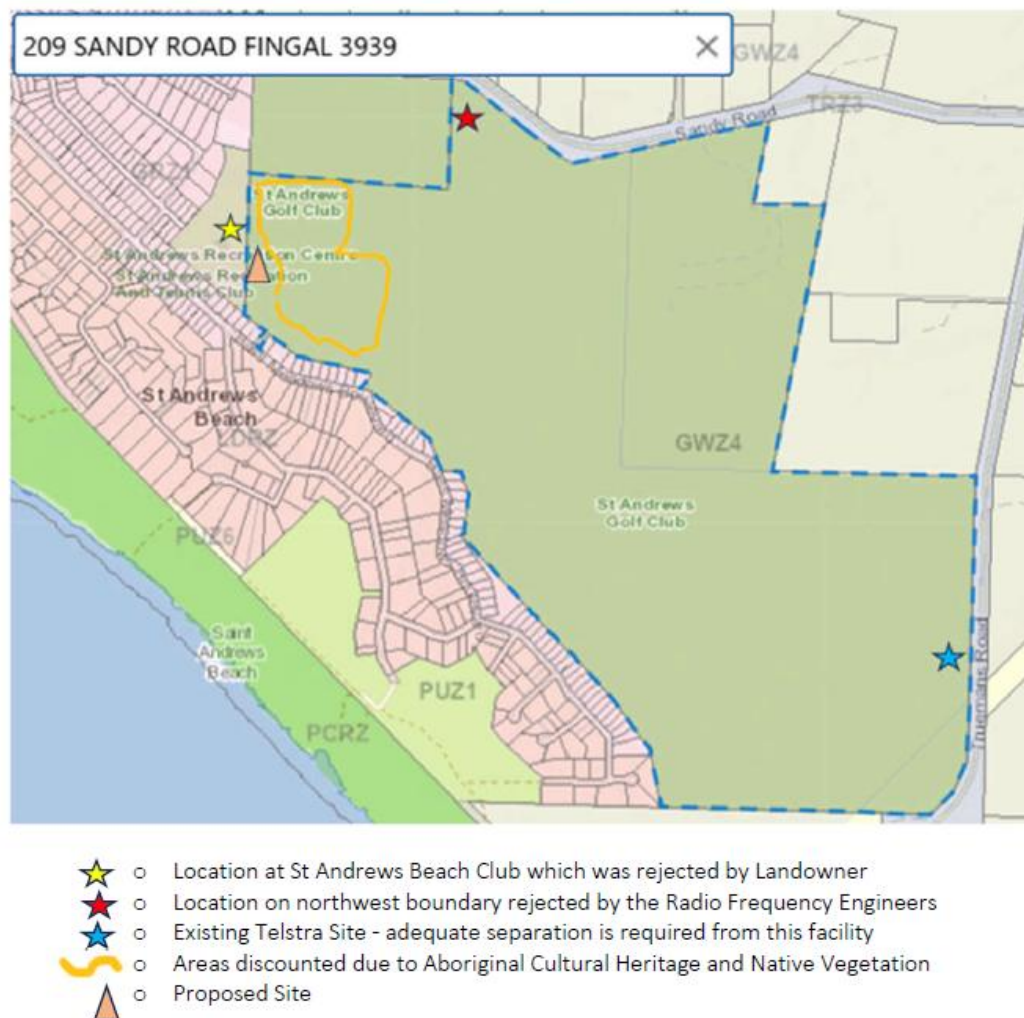


Figure 3: Site selection parameters

The monopole is proposed at 26.3m high which is deemed to be modest in height compared to other existing monopoles. Current telecommunications towers generally range from between 25m to 50m in height. The monopole colour will be coloured Pale Eucalypt which will be muted in appearance and ensures it is not finished in a highly reflective material that will adversely impact the landscape character of the area, relevant to the protection of landscape values objective in the ESO15. This will assist in minimising the visual impacts of the structure when viewed from the surrounding area. The proposed design is considered acceptable having regard to the relevant provisions of the planning scheme.

The Effect of the Telecommunications Facility on Adjacent Land.

The Proposal is not considered to have an unreasonable impact on adjacent land.

At a height of 26.3m, the monopole is considered relatively modest in the context of comparable telecommunications infrastructure on the Peninsula. The facility will be visible from surrounding properties, including nearby dwellings and the

4.2 (Cont.)

adjacent kindergarten; however, it is setback at a distance that appropriately mitigates direct visual and amenity impacts.

Vegetation on and around the site will assist in screening the lower third of the structure, particularly from the kindergarten. While the upper portion will extend above the tree canopy, this visual outcome, from varying viewpoints, is consistent with other vertical elements in the locality, including power poles and larger buildings and is not deemed to be visually oppressive. See Photo montages provided by the Applicant that illustrate this.

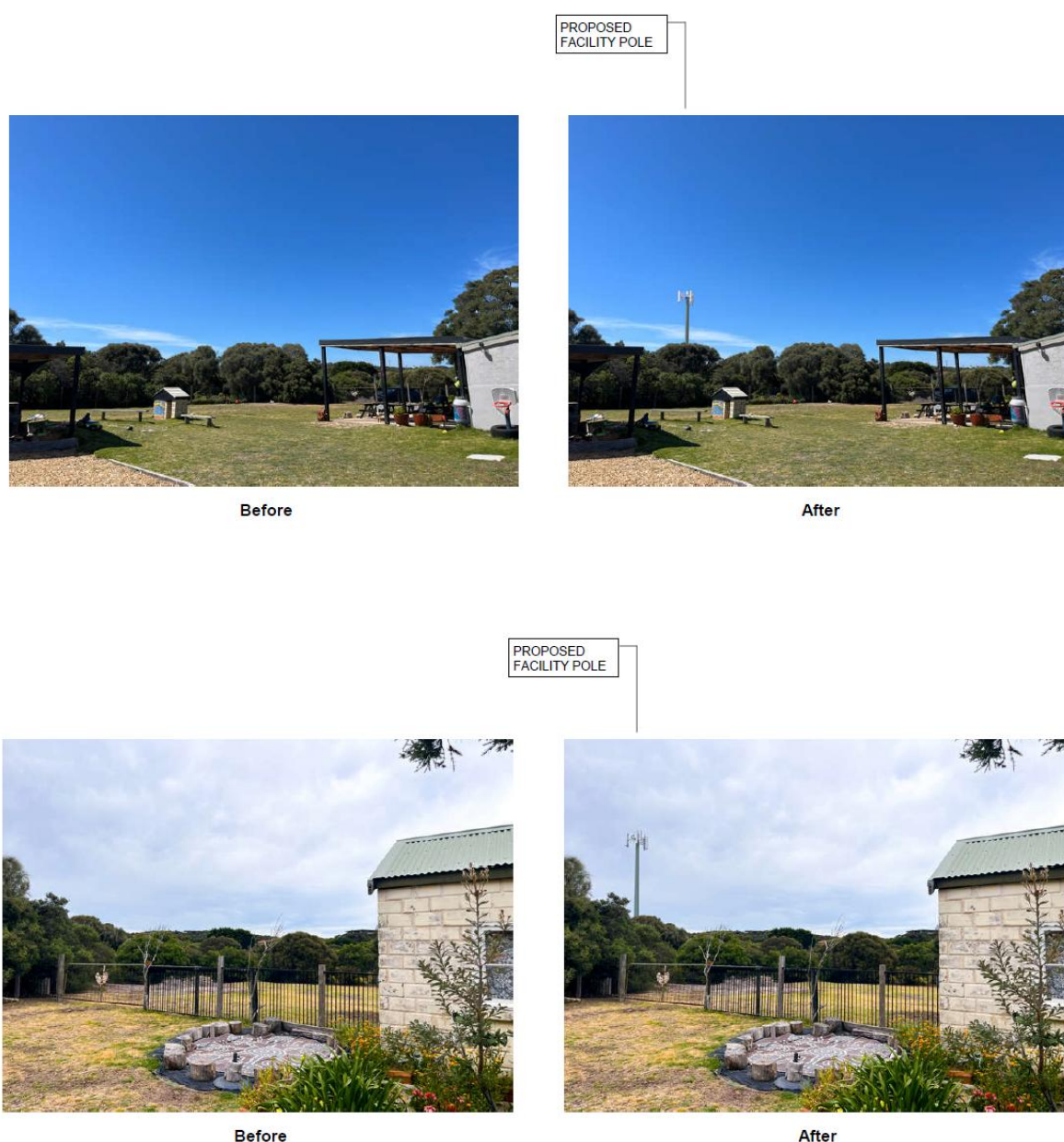


Figure 4: Photomontages of the monopole in relation to the St Andrews Beach Recreation Club and Kindergarten.

The facility is located approximately 90m from the nearest dwelling, which is considered an adequate buffer. There is also vegetation on the subject site and

4.2 (Cont.)

adjoining properties that act as buffers to the Proposal and help reduce its visual presence within the broader landscape.

The Proposal will include utilising the existing fire track on the subject site. Cut and fill associated with the proposed works will be minimal and will not adversely impact the site or surrounds.

The Proposal is consistent with Clause 02.03-2 – Environmental and landscape values, in that it has been located where the structure will not have an unreasonable detrimental impact on any significant landscape, heritage or neighbourhood character.

It should be noted that the inherent operational requirements of telecommunications infrastructure necessitate a degree of visual prominence within the landscape.

With respect to health impacts, a telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with the *Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Standard for Limiting Exposure to Radiofrequency Fields – 100KHz to 300GHz (RPS S-1)*. The Applicant will be bound to follow the relevant Radiation Protection Standards under a separate regulatory regime.

Refer to Attachment 3- Electromagnetic Energy (EME) Report

The Proposal is considered acceptable having regard to the relevant provisions of the planning scheme as they relate to consideration of the effect of the Proposal on adjacent land.

Impacts on Existing and Future Green Wedge Land Uses.

The proposed facility is designed and located to ensure that it will not detrimentally impact future or potential green wedge, agricultural or vegetation management land uses of the subject site or surrounding areas.

The proposed location, towards the north-western corner of the site, is near the corner of the property. The area of the proposed compound is 100 square metres. The Proposal, by virtue of its location and size (on a land parcel of approximately 130 hectares), respects the green wedge area by ensuring that the vast balance of the subject site is retained as per its current state (either vacant spaces or vegetation spaces). The access track is permeable and reversible; it can be reinstated and/or revegetated with respect to future green wedge land uses.

The proposed facility location and size are such that there will be no impacts on any adjoining or off-site agricultural land uses, as well as any opportunities for

4.2 (Cont.)

future agricultural land uses, thus aligning with Clause 11.01-1R Green Wedges – Metropolitan Melbourne.

Impacts on the Environment.

The proposed facility will not unreasonably impact the environmental values of the site or wider area. No vegetation removal is proposed. Only minor ground works are required to install the monopole and equipment shelter footings and fence posts. Fibre and electrical cable routes will be bored to depth of 1m and will not increase the risk of erosion, consistent with the objectives of ESO23. There will be no unreasonable biodiversity impacts of the proposed facility.

There are no nearby significant natural features that will be impacted on by the Proposal. As such, the proposed facility is acceptable in relation to the Environmental Significance Overlays (ESO15 and 23) and the relevant environmental Planning Scheme provisions, including the environmental-related strategy of Clause 19.03-4S – Telecommunications which is to ensure a balance between the provision of telecommunications facilities and the need to protect the environment from adverse impacts arising from such infrastructure.

No vegetation removal is required, nor will the Proposal have any unreasonable impact on the environment and biodiversity of the site or wider area. The subject site is also not within a significant landscape overlay.

Impacts on the Landscape.

The Proposal includes a monopole and antennae that reach a maximum height of 26.3m. The Proposal also includes a security fence around the compound and equipment at ground level. The below section of the report contains photomontages to help demonstrate the visual impacts of the application. The locations of and the photomontages are shown below.

4.2 (Cont.)

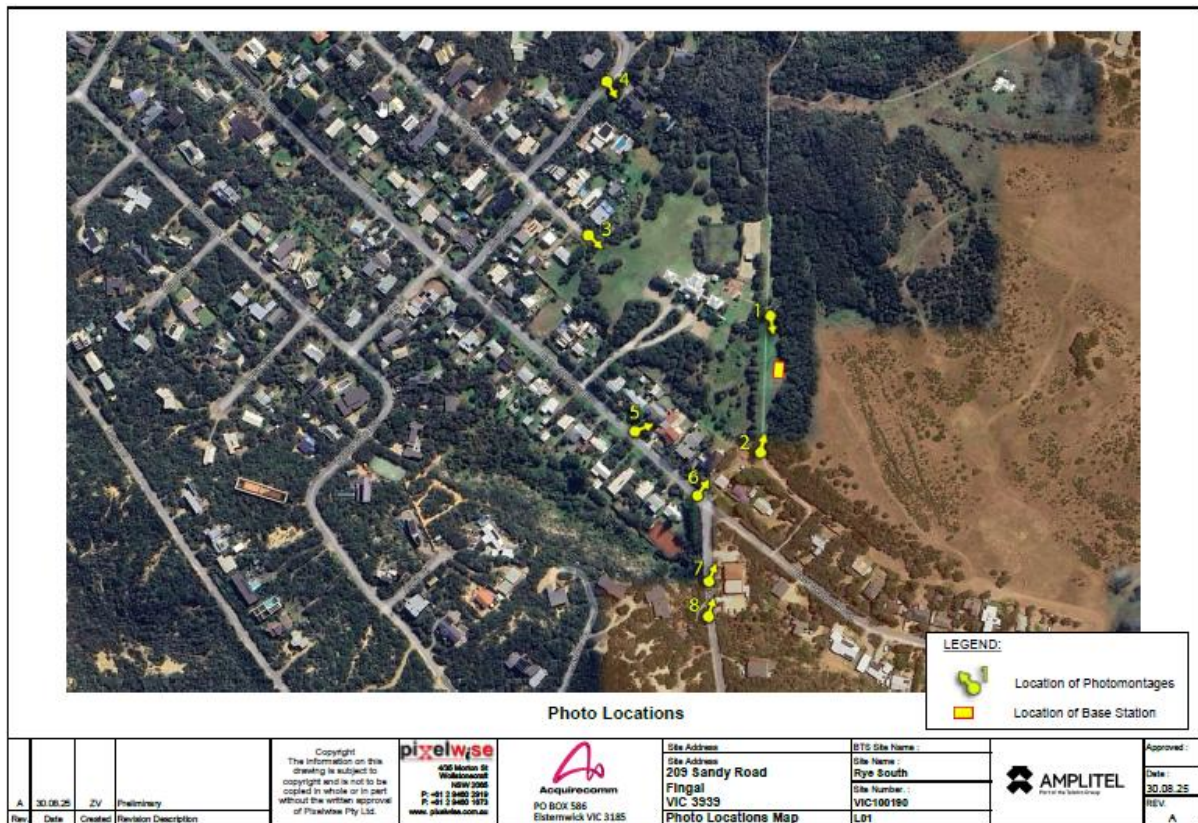


Figure 5: Location of photomontages and other photos in the surrounding area.



Figure 6: Photomontage Location 1.

4.2 (Cont.)

PROPOSED
FACILITY POLE




Before
After

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Rev	Date	Created	Revision Description								
				Drawing title Photomontage View 2							
				Drawing No. : M02							
				Checker : 							
				REV. A							

Figure 7: Photomontage Location 2.

PROPOSED
FACILITY POLE




Before
After

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Rev	Date	Created	Revision Description								
				Drawing title Photomontage View 3							
				Drawing No. : M03							
				Checker : 							
				REV. A							

Figure 8: Photomontage Location 3.

4.2 (Cont.)

PROPOSED FACILITY POLE



Before



After

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Rev.	Date	Created	Revision Description				Drawing title: Photomontage View 4	Drawing No.: M04	Checker:	REV. A

Figure 9: Photomontage Location 4.

PROPOSED FACILITY POLE



Before



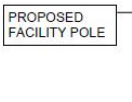
After

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Rev.	Date	Created	Revision Description				Drawing title: Photomontage View 5	Drawing No.: M05	Checker:	REV. A

Figure 10: Photomontage Location 5.

4.2 (Cont.)



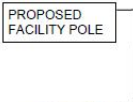



Before
After

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Rev	Date	Created	Revision Description				Drawing title: Photomontage View 6	Drawing No.: M06	Checker:	REV: A

Figure 11: Photomontage Location 6.






Before
After

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Rev	Date	Created	Revision Description				Drawing title: Photomontage View 7	Drawing No.: M07	Checker:	REV: A

Figure 12: Photomontage Location 7.

4.2 (Cont.)



Figure 13: Photomontage Location 8.

Telecommunications facilities by their nature include a high monopole structure and therefore are going to be visible. It is an inevitable consequence of providing mobile communications that towers are required to be high and located reasonably prominently to provide efficient network coverage.

While the monopole and headframe will be visible, the extent to which they will be visible will vary depending on the location of the viewing point. This is not a location with specific vistas, viewing points, or lookouts. The proposed facility has appropriate regard to the scenic values of the roads within the area, including along the nearest main roads—Bass Meadows Boulevard and to the north – Sandy Road. Whilst the telecommunications facility will contain a maximum height of 26.3m, any fleeting views of the structure from the public realm along roadways will be at least partially obscured by existing vegetation and existing structures such as power poles and dwellings.

On balance and as can be seen from the above photo montages, the level of visual impacts on the immediate area and nearby dwellings is acceptable, especially when considering the overall wider area and the importance of the increased telecommunications coverage for the community.

4.2 (Cont.)**Other Matters**Whether the Recommendation Should Include Conditions Related to Electromagnetic Energy

The VCAT has previously considered the issue of electromagnetic energy on many occasions as it relates to planning considerations under the Planning Scheme. In summary, it has been established that the ARPANSA and Australian Communications and Media Authority (ACMA) are the responsible agencies for setting and enforcing the relevant safety standards for EME emissions from telecommunications facilities.

Whilst Clause 52.19 of the Planning Scheme formerly invoked compliance with the *Telecommunications Facilities Code of Practice* (2004 Code), which makes reference to ARPANSA requirements, Planning Scheme amendment VC266 removed reference to the 2004 Code. As such, there is no proper basis for the inclusion of any requirements or conditions related to ARPANSA in a planning permit. ARPANSA-related conditions are not recommended to be included in any decision. This position has been affirmed in the VCAT decision *Amplitel Pty Ltd v Ballarat CC* [2024] VCAT 282:

Now that clause 52.19 does not refer to the 2004 Code, and the Council could not take me to anything else in the scheme that might warrant the inclusion of ARPANSA requirements, there appears to be no planning basis to include conditions that refer to ARPANSA requirements.

Given there is no planning scheme basis for the inclusion of the ARPANSA condition, and it must be otherwise complied with anyway, I find that this condition should not be included on the permit.

Options for Consideration

Option 1 (recommended) – approve the Application as per the Shire officer recommendation. If Council takes this option, the Application will proceed to a planning permit as the ability for objectors to appeal a decision to the VCAT has been removed pursuant to Clause 52.19-3. The Proposal is considered to satisfy the relevant planning scheme provisions.

Option 2 (not recommended) – Council could refuse the Application. This option has the potential to result in an appeal of Council's decision to the VCAT by the Planning Permit Applicant.

ENGAGEMENT

It is noted that although notice and review of the application was not required as it was exempt (Clause 52.19-4 of the Mornington Peninsula Planning Scheme) the

4.2 (Cont.)

Applicant did informally notify interested and affected parties, and surrounding properties of the Proposal. This consultation period was from 20 November 2025 to 5 December 2025.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

If Council refuses to grant the permit, the Applicant will have section 77 reviews rights to the VCAT.

Recent telecommunications facility applications which have been exempt from public notice and review by objectors at the VCAT include P22/2486 at 211 Sandy Point Road, Somers and P23/0563 at 2855 Frankston-Flinders Road, Balnarring. Both applications were refused by Council but subsequently overturned and permits issued by way of appeal by the respective applicants to the VCAT in August 2025.

It is further noted that P25/0418 at 36 Foam Road was recommended for approval by Shire officers but overturned by Council (Refused) and is now the subject of a section 77 appeal (Applicant review) at the VCAT. This Application was similar to that of the proposed being located within proximity of a golf course and adequately setback from nearby semi-rural dwellings. Shire officer reasoning as to why this Proposal should have been approved is similar to that of the subject Proposal.

If Council decides to grant a permit, the Applicant will have section 80 (conditions) review rights to the VCAT.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

If Council refuses to grant the permit, Council may incur planning and legal costs to defend the decision against an appeal from the Applicant as discussed above.

If Council grants a permit, Council may incur planning and legal costs to defend any conditions.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.2 (Cont.)**CONCLUSION**

The proposed development of a telecommunications facility is considered acceptable, subject to the recommended conditions, having regard to the relevant provisions of the Planning Scheme and the *Act*. Therefore, it is recommended that Council issue a Planning Permit in accordance with the recommendation.

4.3 Mornington Peninsula Planning Scheme Review 2026 – Draft Report for Consultation

Issued By	Manager – Strategic Planning, Transport & Environment
Authorised By	Director – Planning & Liveability
Document ID	A14047253
Briefing Note Number	BN2183 – 31 March 2026
Attachment(s)	1. Planning Scheme Review 2026 – Volume 1 – Key findings and recommendations report (draft) ⇒ 2. Planning Scheme Review 2026 Implementation Plan (draft) ⇒ 3. Planning Scheme Review 2026 – Volume 2 – Background report (draft) ⇒ 4. Audit of 2023 Planning Scheme Review Priority Implementation Plan ⇒ 5. Planning Scheme Amendments since 2023 ⇒ 6. Compliance with the Planning Scheme Reviews Advisory Note (DTP, March 2026) ⇒ 7. List of completed amendments and projects ⇒

EXECUTIVE SUMMARY

This report presents the draft Mornington Peninsula Planning Scheme (Planning Scheme) Review No.6 2026 (draft Review) and recommends that Council seek community feedback on the draft over a six-week period from mid-May to late-June 2026.

Council is required to undertake regular reviews of its Planning Scheme as per the *Planning and Environment Act 1987* (the P&E Act). The review must assess the overall performance of the Planning Scheme in achieving State and local planning objectives for Victoria and the Mornington Peninsula Shire (the Shire). Council must submit the review to the Minister for Planning by 31 October 2026.

The draft Review includes an audit of the previous 2023 Review, confirming that Council continues to deliver a significant body of strategic planning work. The audit shows that:

- 42% of the 55 recommendations from the 2023 Review are completed, underway, or substantially progressed.
- Most completed items have been implemented through planning scheme amendments or major strategic projects.

4.3 (Cont.)

- Ongoing work continues across housing, neighbourhood character, heritage, environment, industrial land, commercial land and infrastructure planning.

As well as capturing incomplete actions from the 2023 Review, the draft Review report identifies recommendations to address a range of factors driving change on the Peninsula. It includes an Implementation Plan with 50 recommendations, including 14 new actions, ranked according to priority, providing Council with a program of future strategic work, including advocacy initiatives.

The draft Review highlights the rapid and extensive program of State Government reforms to the Victorian planning system which is fundamentally reshaping policy direction and statutory implementation. These reforms substantially impact Council's capacity to manage neighbourhood character, environmental risks, local infrastructure needs, and community involvement in planning outcomes.

The draft Review recommends that Council prioritises strategic work and advocacy efforts to implement appropriate controls for environmental risks which are yet to be fully captured within the Planning Scheme. These include flooding, sea level rise, erosion and landslide susceptibility, contaminated land and landfill gas buffers, high-pressure pipeline and extractive industry buffers, and acid sulphate soils.

RECOMMENDATION

That Council endorses the draft Mornington Peninsula Planning Scheme Review No.6, 2026 Report (as at Attachments 1 to 6) for community consultation over a 6-week period starting in mid-May 2026.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.1: Protected, resilient and enhanced natural environments.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

GOVERNANCE PRINCIPLES

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

4.3 (Cont.)

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

RELEVANT COUNCIL DECISIONS AND POLICIES

- 30 April 2024 – Council resolved to adopt the 2023 Mornington Peninsula Planning Scheme Review No. 5 and forward it to the Minister for Planning.

DISCUSSION

The purpose of this report is to present the draft Mornington Peninsula Planning Scheme Review No.6, 2026 report and seek endorsement to undertake community consultation on the draft before it is finalised for Council adoption later this year.

Background

As per section 12B of the *Planning & Environment Act 1987* (P&E Act), Council must formally review the Mornington Peninsula Planning Scheme (Planning Scheme) every four years. The purpose of the review is to assess the overall performance of the Planning Scheme in achieving State and local planning objectives for Victoria and the Mornington Peninsula Shire (the Shire).

Council must submit the review to the Minister for Planning (the Minister) no later than one year after the date it is required to adopt its new Council Plan (after general elections) as per section 90 of the *Local Government Act 2020*. This means the next review must be submitted to the Minister by no later than 31 October 2026, unless the Minister grants Council an extension upon request.

Shire officers have commenced the latest review in accordance with the relevant requirements and guidance material provided by the Department of Transport and Planning (DTP), including their recently released Planning Scheme Reviews Advisory Note dated March 2026 (Advisory Note). This current review will cover a shorter two-year period, given the previous review was completed at the end of 2023 and adopted by Council in April 2024.

The following attached documents comprise the draft Review report:

- Attachment 1: Planning Scheme Review 2026 – Volume 1 – Key findings and recommendations report (draft)

4.3 (Cont.)

- Attachment 2: Planning Scheme Review 2026 Implementation Plan(draft)
- Attachment 3: Planning Scheme Review 2026 – Volume 2 – Background report (draft)
- Attachment 4: Audit of 2023 Planning Scheme Review Priority Implementation Plan
- Attachment 5: Planning Scheme Amendments since 2023
- Attachment 6: Compliance with the Planning Scheme Reviews Advisory Note (DTP, March 2026)

Progress on Actions from the Previous 2023 Planning Scheme Review

The 2026 Review includes a progress audit of all recommendations identified in Council's previous Mornington Peninsula Planning Scheme Review No. 5 2023 report (2023 Review). The 2023 Review was adopted by Council on 30 April 2024 and concluded that:

- Council had undertaken a significant program of strategic work, resulting in strategic directions for a range of matters including housing, neighbourhood and township character, heritage preservation, activity centres, industrial land use, infrastructure, parking precinct plans, environmentally sustainable development, and environmental protection and management.
- The Planning Scheme generally remained strategically robust and operationally sound, given the significant volume of Planning Scheme Amendments (PSAs) that had been completed during the review period, including the consolidation and translation of local policy provisions into the new Planning Policy Framework (PPF).
- Council needed to continue to monitor, engage and advocate to other levels of Government to influence decision making outside the scope of local content within the Planning Scheme.

A progress audit of the 2023 Review Implementation Plan (included in Attachment 5) has confirmed that 42% of the Review's 55 recommendations (excluding ongoing actions) have either been completed, substantially progressed or are underway, demonstrating that Council has progressed a significant amount of strategic work since the end of 2023.

Most of the completed recommendations were actioned by seven PSAs being prepared and approved. Three other PSAs have been substantially progressed, while three other completed recommendations involved the progression of

4.3 (Cont.)

specific strategic projects. A list of these amendments and projects is provided in Attachment 7.

Draft 2026 Review Report

In addition to the audit of the 2023 Review actions, the draft Review has been informed by consultation with internal Shire teams and targeted external stakeholders (public agencies and frequent users of the Planning Scheme).

The draft Review (Attachments 1-6) canvasses a range of factors which are driving change on land use and development on the Peninsula, before identifying recommended actions for Council to undertake to improve the Planning Scheme in response to these factors. The key drivers of change include:

- Significant and ongoing State Government reforms (including but not limited to housing supply, residential development codes, protections of agricultural land and revision of the *P&E Act*)
- Population and housing growth
- Environmental risks
- Climate change
- Economic development
- Biodiversity conservation
- Natural resource management
- Environmental and landscape values
- Built environment and heritage
- Infrastructure
- Transport.

The draft Review is supported by an Implementation Plan (included in Attachment 2), comprising 50 recommendations, including 14 new recommendations since the previous 2023 review. Of these recommendations, 24 are already underway, five are ongoing, and 21 are yet to commence. The recommendations in the Implementation Plan have been ranked according to their priority. These priorities inform the Strategic Planning Team's business plan and any associated future budget and/or labour bids. In summary:

- High priority recommendations are those that should start within the next one-two years (if not already underway). Of the recommendations ranked

4.3 (Cont.)

high priority, 23 are already underway, three are ongoing and three are not yet started.

- Medium priority recommendations are those that should start within the next three-four years. Of those, one is ongoing and four are not yet started.
- Low priority recommendations are those that should start in the next five+ years. Of these, one is ongoing and 14 are not yet started.

Importantly, the draft Review includes detailed analysis of the two most significant planning matters shaping the Shire's future strategic work – State Government reforms and environmental risks, as outlined below.

In terms of process, the draft Review is consistent with the matters set out in the DTPs Advisory Note as documented in Attachment 6.

State Government Reforms

Over the past two and a half years, the State Government has implemented a large and rapid suite of reforms that have significantly reshaped the operation of Victoria's planning system. The changes represent a substantial shift in how planning proposals, amendments, appeals and enforcement activities are carried out, creating a more risk based, streamlined and centrally aligned planning framework with major implications for councils, The Victorian Civil and Administrative Tribunal (VCAT), applicants and the broader community.

The reforms aim to streamline assessments, accelerate housing delivery, and support economic development. Their scale and speed, together with further foreshadowed changes to the Victoria Planning Provisions (VPPs), are expected to heavily impact Council's Statutory and Strategic planning departments. Key policy drivers for the reforms include Victoria's Housing Statement, the Plan for Victoria, and the Economic Growth Statement.

A number of significant VPP Amendments have been introduced during the 2026 Review period including:

- VC267 and VC282: Introduced the Townhouse and Low Rise Code and the Single Dwelling Code respectively – creating streamlined, code based residential assessment pathways.
- VC280: Implemented the Great Design Fast Track, an optional accelerated assessment pathway for 2-8 storey townhouses and apartments.
- VC283: Introduced Housing targets, giving statutory effect to the Plan for Victoria and embedding municipal housing targets.

4.3 (Cont.)

- VC288: Expanded the streamlined VicSmart pathway to include two lot subdivisions and dual dwellings.
- VC289: Introduced canopy tree protections and established new state-wide requirements.
- VC amendments which expanded the State Government's Development Facilitation Program to fast-track development approvals, bypassing Council decision-making.

Collectively, these reforms are intended to reduce planning approval timeframes and boost housing supply, however councils have raised concerns about impacts on neighbourhood character, environmental risk management, Environmentally Sustainable Design (ESD) standards implementation, and reduced community involvement in the planning assessment process.

Mornington Peninsula's official housing target is 24,000 net new dwellings by 2051, introduced via Amendment VC283. The State's Housing Capacity Assessment Platform (HCAP) identifies a notional shortfall of 1,700 dwellings after applying accessibility-based discounts. Shire officers disagree with this finding, noting the Shire's own detailed Housing Capacity Analysis identified capacity for about 25,000 dwellings within 15 years, exceeding State targets. Shire officers are therefore advocating for DTP to refine HCAP inputs, particularly regarding known projects and environmental constraints, to more accurately reflect local capacity conditions.

In addition to VPP changes, the State Government has enacted two major pieces of legislation that fundamentally reshape planning in Victoria – the *Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025* and the *Planning Amendment (Better Decisions Made Faster) Act 2026*.

These new acts introduce structural changes that support faster assessment of planning permits and PSAs.

The *Planning Amendment (Better Decisions Made Faster) Act 2026* reforms, which will operate from October 2027, are particularly significant and include:

- Three new planning permit assessment streams and three pathways for PSAs.
- Mandatory affordable housing contribution mechanisms.
- Greater flexibility around covenants.
- Limits on third-party appeal rights, restricting them to directly notified persons.

4.3 (Cont.)

- Stronger enforcement powers and closer integration of State and regional plans in decision making.

These reforms significantly increase the need for councils to adjust systems, processes and resourcing to comply with new statutory obligations. The rapid and extensive reform agenda has also placed substantial operational pressures on councils, including the Shire, to adapt to a dramatically reshaped planning system.

Environmental Risks

The State Government's recent reforms to the VPPs (particularly VC267 mentioned above) have removed Councils' ability to consider known environmental risks and constraints in residential development applications assessed under Clause 54 and 55 (i.e. "ResCode") of the Planning Scheme, unless the risks are formally identified through a planning control – such as an overlay. This stance has been reinforced by multiple VCAT decisions, which confirm that if an overlay is not applied, the Responsible Authority (Council) cannot consider issues related to that hazard.

Previously, the Shire, like many other councils across Victoria, relied on broader State and Local Planning Policy, PPF decision guidelines, Clause 65, and section 60 of the *P&E Act* to consider risks not yet captured in the Planning Scheme. Under the new system, this is no longer allowed for ResCode applications, creating significant concerns regarding development safety and risk mitigation.

Although the Peninsula already has overlays for environmental hazards such as coastal and inland erosion, land subject to inundation, bushfire, and interim controls for landslide susceptibility, several known environmental risks remain unmapped in the Planning Scheme. These include:

- Flooding (beyond currently mapped areas)
- Sea level rise and coastal erosion along Port Phillip Bay
- Contaminated land
- Landfill gas risk buffers
- High-pressure pipeline buffers
- Extractive industry buffers
- Acid sulphate soils
- Permanent landslide susceptibility controls (pending updated technical studies).

4.3 (Cont.)

Ensuring these risks are translated into statutory planning controls is a critical short-term priority. Without the appropriate overlays, Council cannot consider or manage these hazards in planning decisions, which affects both public safety and the Peninsula's true net developable land capacity and ability to accommodate urban growth, including housing and industrial development.

The draft Review recommends further investigations to define the scope of unmapped environmental risks and calls for sustained advocacy to the State Government, particularly where risk data is already held by the State Government or relevant public agencies. Key recommendations include:

- Advocating for State-led amendments on sea level rise, flooding, major high-pressure pipeline buffers, extractive industry buffers, and acid sulphate soils (as the State holds this data).
- Continuing to support Melbourne Water and the State Government in delivering updated flood-prone land controls using new and updated catchment modelling.
- Prioritising funding to complete the staged review of Erosion Management Overlays (EMOs), including progressing:
 - Amendment C314morn to update existing mapping for Erosion Management Overlay – Schedule 7 (High landslide susceptibility areas) as a high priority.
 - A Shire-wide landslide susceptibility study and implementation of permanent EMOs via a PSA.
- Applying the Environmental Audit Overlay (EAO) to all current and former Council-owned landfill sites via a PSA and applying the EAO to privately owned contaminated sites across the Peninsula, with Environmental Protection Authority (EPA) support.
- Prepare a PSA to implement the Buffer Area Overlay (BAO) for landfill gas risk issues, pending completion of final site audits and testing, and the findings and recommendations of specialist advice about the appropriateness of using the BAO, in consultation with DTP and the EPA.

The above recommendations are included in the 2026 Implementation Plan at Attachment 2.

4.3 (Cont.)**Options for Consideration**Option 1 – Endorse the draft Review Report and Undertake 6 weeks of Community Consultation.

This option is recommended so that Council can obtain community feedback on the draft 2026 Review report and its recommendations, before being finalised and presented to Council for adoption later this year.

Option 2 – Do not Undertake Community Consultation, Adopt the draft Review Report as Final and Submit the Report to the Minister.

This option is not recommended because it would mean that the community and key stakeholders would not have an opportunity to provide important feedback to help shape the final Review report.

ENGAGEMENT

Although the *P&E Act* does not prescribe any formal consultation process for the review of a planning scheme, Shire officers recommend that the draft Report be released for community comment over a 6-week period from mid-May to late June. This consultation period will consist of the following:

- A dedicated Shire website with further information and FAQs.
- A letter to key community and resident groups, referral authorities, government agencies, local planning consultants and other key stakeholder groups.
- Notices in local newspapers.
- Hard copies of the 2026 Review report and 'Have Your Say' forms at the customer service centres of all Shire offices.
- Availability of Strategic Planner officers to take calls or respond to emails enquiries during the consultation period.

A summary of any feedback received during the consultation period will be presented at a future Council meeting, accompanied by a final version of the report to be recommended for adoption.

COMMUNICATIONS PLAN

A Communications Plan (the Plan) has been prepared for the recommended community consultation. The Plan includes the above engagement activities which will keep the community informed and allow feedback to be provided for Shire officers to consider before finalising the report.

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

In accordance with section 12B of the *P&E Act*, Council is required to formally review the Planning Scheme every four years. The 2026 Review is due to be submitted to the Minister by 31 October 2026.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Climate change and sustainability are two of several key drivers of change on the Peninsula which are discussed in the draft Review. The draft Review report confirms that meaningful progress has been made to address climate change impacts in the Planning Scheme, including the approval of Amendment C241morn (Balcombe Estuary Reserve environmental controls) and Amendment C271morn (implementation of the Western Port Coastal Villages and Surrounding Settlements Strategy).

The draft Review report also includes recommendations to address sustainability issues, including a review of environmental overlays including the Environmental Significance Overlay (ESO), Significant Landscape Overlay (SLO) and Vegetation Protection Overlay (VPO). Additionally, it recommends advocating for the Ministerial authorisation of Amendment C246morn (Local ESD Provisions), reforms to bushfire planning policy and mapping, state wide flood related planning provisions based on Melbourne Water modelling and sea level rise data.

FINANCIAL CONSIDERATIONS

The draft Review has been prepared by Shire officers. Costs will be incurred to undertake community consultation, including fees to include notices in local newspapers and the sending of physical notification letters. These costs have been factored into existing Council budgets.

Completion of strategic planning projects and PSAs currently underway (as identified in the 2026 Review) will occur using existing committed Council budgets.

Any additional resources or funding required to undertake new strategic planning work identified in the final version of the 2026 Review (including strategic projects and PSAs) will be considered as part of Council's future annual budget process, as required.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.4 Green Wedge Management Plan – Progress Report and Proposed Green Wedge Councils Planning Alliance

Issued By	Manager – Strategic Planning, Transport and Environment
Authorised By	Director – Planning & Liveability
Document ID	A13962911
Briefing Note Number	BN2182 – 31 March 2026
Attachment(s)	1. Mornington Peninsula Green Wedge Management Plan – Progress Report – May 2026 ⇒ 2. Letter to the Minister for Planning – Green Wedge Action Plan – 9 July 2024 ⇒ 3. Proposed Green Wedge Councils Planning Alliance – draft Terms of Reference ⇒

EXECUTIVE SUMMARY

This report provides a progress update on the implementation of actions in Council's Green Wedge Management Plan (GWMP) (adopted in 2019). This inaugural plan aims to ensure that the Mornington Peninsula Green Wedge retains a rural character and function, with priority given to protecting biodiversity and landscape quality, while providing support for sustainable agriculture and informal recreation and opportunities for appropriate tourism and leisure-based activities.

The GWMP includes 142 actions addressing a range of matters. Since 2019, significant work is either underway or has been completed to implement about 26% of these actions. Some actions (about 6%) remain outstanding, subject to funding and staff resourcing. Most actions (about 62%) are ongoing, including advocacy efforts and standard business practices carried out by various Shire teams. Another 6% of actions are considered no longer required due to recent planning reforms or other Council strategies now in place.

It is recommended that the Progress Report be published on Council's website for community transparency, and that yearly progress reports be prepared in future to help inform annual Council budget processes to deliver outstanding action items.

It is also recommended that Council seeks to initiate a "Green Wedge Councils Planning Alliance" with all other green wedge councils across Melbourne for joint advocacy and information sharing and invites these councils to co-sign a letter to

4.4 (Cont.)

the Minister for Planning urging prompt implementation of reforms outlined in the State Government's 'Planning for Melbourne's Green Wedges and Agricultural Land Action Plan 2024' in consultation with all 17 green wedge councils.

RECOMMENDATION**That Council:**

- 1. Receives, notes and publishes the progress report for the Green Wedge Management Plan (2019) (as contained in Attachment 1) on Council's website.**
- 2. Resolves to receive yearly progress reports about the plan in future so any outstanding action items can be considered for funding and/or resourcing as part of Council's annual budget process.**
- 3. Invites all green wedge councils in Melbourne to join a new advocacy group ("Green Wedge Councils Planning Alliance") for joint advocacy and information sharing based on the draft Terms of Reference (as contained in Attachment 3).**
- 4. Invites all green wedge councils to co-sign a joint letter to the Minister for Planning, urging prompt implementation of the actions outlined in the State Government's Planning for Melbourne's Green Wedges and Agricultural Land Action Plan 2024 in consultation with all 17 green wedge councils.**
- 5. Endorses Shire officers to explore the establishment of an informal officer-level group for information sharing and identification of joint advocacy opportunities with other green wedge councils if there is not enough support for a Council led advocacy group.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.1: Protected, resilient and enhanced natural environments.

Prosperity: Enabling balanced growth through innovation, empowering community groups and volunteers, and fostering a resilient, thriving and vibrant local economy.

Strategic Objective 3.1: A vibrant, innovative and thriving local economy.

4.4 (Cont.)

GOVERNANCE PRINCIPLES

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

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

- 1 April 2019 – Council adopted the [Green Wedge Management Plan \(GWMP\)](#).
14 June 2011 – Council adopted an interim policy relating to Rural Dwellings (including caretaker's dwelling and bed and breakfast accommodation) in the Green Wedge Zone and the Special Use Zone.

DISCUSSION

Purpose

The purpose of this report is to present a progress report about implementation of actions outlined in Council's adopted GWMP and identify options and recommendations to initiate a new "Green Wedge Councils Planning Alliance" for advocacy and information sharing purposes.

Background

Green Wedge Planning Controls and the Green Wedge Management Plan

The Mornington Peninsula Green Wedge ('the Green Wedge') accounts for about 70% of the Shire's land mass and is recognised as an area of special significance to both the local community and the wider population of Melbourne. It forms part of metropolitan Melbourne's network of green wedges which are non-urban areas outside the Urban Growth Boundary (UGB) that support a wide range of land uses, including productive agriculture, conservation, tourism, recreation, and resource extraction.

Planning controls for the Green Wedge were first introduced in the mid-1970s and have enjoyed strong community support for more than 40 years. These controls have emphasised the need to prevent urban sprawl and to maintain landscape and environmental values, which in turn support informal recreation and agricultural land use, as well as opportunities for appropriate tourism-based development.

4.4 (Cont.)

Green wedge land is declared and protected through the planning system, including:

- Part 3AA of the *Planning and Environment Act 1987* (P&E Act) which sets out the framework for declaring green wedge land, preparing and reviewing green wedge management plans and maintaining Melbourne's UGB.
- Clause 11.01-1R (Green wedges) of the planning scheme, which sets the strategic policy to protect Melbourne's green wedges from inappropriate development while supporting a range of productive and non-urban uses.
- Green Wedge Zones and Rural Conservation Zones in the planning scheme, which guide land use and development in green wedges.
- Clause 51.02 (Metropolitan green wedge land: core planning provisions) of the planning scheme, which limits uses and subdivision to maintain the rural and open character and ensure non-urban values are protected.

Under Part 3AA of the *P&E Act*, Councils with green wedge land are required to prepare a Green Wedge Management Plan that sets out a long-term vision, strategies and actions to protect, enhance and manage their green wedge land.

The [Ministerial Direction on the Preparation and Content of Green Wedge Management Plans](#) requires Councils to:

- Identify the non-urban values and uses of green wedge land, including agriculture, extractives and other productive uses.
- Develop strategies for protecting, enhancing and promoting these values and uses.
- Consult with Traditional Owners, the community and other key stakeholders.

Council adopted its GWMP on 1 April 2019. The objectives of the GWMP aim to ensure that the Green Wedge retains a rural character and function, with priority given to protecting biodiversity and landscape quality, while providing support for sustainable agriculture and informal recreation and opportunities for appropriate tourism and leisure-based activities. Dwellings in the Green Wedge will only be approved in conjunction with the substantial and sustainable use of the land for agricultural or conservation-based purposes, having regard to the capability of the site and the surrounding land use pattern.

At the time of adopting the GWMP, it was noted that the plan does not 'solve' all the planning issues that affect the Green Wedge, and equally, many of the actions outlined in the plan either identify the need for further investigation and policy development and/or are dependent on the support of other agencies, particularly the State Government.

4.4 (Cont.)**Structure of the Green Wedge Management Plan**

Council's GWMP identifies clear objectives and strategies supported by implementation actions (both statutory and non-statutory) to ensure that the overall vision of the plan is realised. The objective and strategies are categorised into the following seven sections, noting the plan contains an extensive array of implementation actions, totalling 142 individual actions.

Section	Objectives	No. of Actions
Subdivision, rural dwellings and the role of townships in the green wedge	Support the key purposes and retain the rural character of the Green Wedge.	19
	Support and reinforce the role and character of the Green Wedge townships.	3
Conservation and biodiversity	Build a strong knowledge base and improve knowledge sharing.	6
	Lead and demonstrate best-practice biodiversity planning and management.	17
	Engage with the community to foster biodiversity stewardship.	3
	Encourage biodiversity conservation on private land.	11
	Strengthen planning policies and controls to better protect biodiversity values on the Peninsula.	7
	Improve Stream Condition and Water Quality in the Green Wedge.	5
	Support an integrated approach to the management of bushfire risk.	3
Agriculture, agribusiness and agritourism	Ensure Planning Scheme provisions support sustainable agricultural land use in the Green Wedge.	9
	Support sustainable agricultural land use in the Green Wedge through a range of further initiatives and programs.	14

4.4 (Cont.)

Section	Objectives	No. of Actions
Tourism and leisure-based use and development	Ensure that tourism and leisure-based use and development play a complementary role to the primary values of the rural Peninsula.	14
	Provide greater clarity in relation to the definition of tourism and leisure-based uses and the appropriate assessment criteria.	4
Landscape, recreation and heritage	Protect the landscape quality and rural character of the Green Wedge.	6
	Maintain the long-term recreational value of the Green Wedge.	3
	Identify, protect and enhance Green Wedge heritage assets.	3
Infrastructure planning, design and management	Ensure infrastructure and facilities of all kinds are planned, designed, constructed and managed having regard to the needs of the community and the special character of the area.	8
Implementation and review		7
TOTAL		142

Green Wedge Management Plan Progress Report

As with all adopted plans and strategies, Council should monitor implementation of the GWMP and review the plan to ensure it remains relevant and effective. Attachment 1 to this report contains a progress report on implementation of each of the 142 actions outlined in the plan. For each action, the progress report notes:

- The lead agency responsible for implementing the action (i.e. relevant Shire team/s and/or external agencies).
- Status of the action (Complete, Partially Completed, Underway, Not Commenced, No Longer Required or Ongoing) and associated comments explaining this status.
- Whether and why the action should be retained, reviewed or is no longer required in a future revision of the GWMP. In this regard, it is noted that the

4.4 (Cont.)

GWMP is scheduled to be revised and updated in 2029/2030. This timing is recommended because many of the key actions outlined in the GWMP are likely to be implemented by the State Government's Planning for Melbourne's Green Wedges and Agricultural Land Action Plan (2024) ('Action Plan').

Overall, there has been significant progress in completing actions, while many remain ongoing as they form part of 'business as usual' work programs for various business units within the Shire. In total:

- 29 actions (about 20%) are completed
- 2 actions (about 2%) are partially complete
- 6 actions (about 4%) are underway
- 9 actions (about 6%) are not commenced
- 8 actions (about 6%) are no longer required
- 88 actions (about 62%) are ongoing.

Examples of completed actions include:

- Preparation of a character study, design policies and guidelines for Green Wedge townships which also have regard to potential climate change impacts (Action 1.22). This action was completed through adoption of the Western Port Coastal Villages and Surrounding Settlements Strategy and associated Planning Scheme Amendment C271morn approved in January 2025.
- Completion of the Biodiversity Conservation Plan (Action 2.7) which was adopted by Council on 13 August 2019.
- Sharing available biodiversity information with the community (Action 2.1 and 2.26) with publication of the Shire's Biodiversity Maps Online, Our Natural Environment and Biodiversity and Local Native Plants Guide tool.
- Reviewing the Shire's Land Sustainability Rebate (Action 2.33) which was completed in 2021 and now functions as the Conservation Land Rate Incentive Program, and introduction of the Trust for Nature Rate Incentive Program (Action 2.35 and 2.36).
- Introduction of the Mornington Peninsula Produce (MPP) program to 'certify' produce (Action 3.8).

Of those actions which are yet to be commenced, some relate to work that is yet to be allocated funding or resourcing (such as a comprehensive review of

4.4 (Cont.)

Significant Landscape Overlays and Vegetation Protection Overlays covering the Green Wedge, and a review of the Shire's Equestrian Strategy), recognising that other Council initiatives have been prioritised over the years for various reasons. Moving forward, Shire officers recommend that a progress report on the GWMP be prepared yearly to inform future budget bids as part of the annual Council budget process.

Several actions that are considered no longer required relate to proposed changes in planning policy that have since been addressed as part of the translation of the former Municipal Strategic Statement (MSS) and local policies into the new Planning Policy Framework (PPF) via Planning Scheme Amendment C279morn in 2021, or those that are anticipated to be addressed as part of changes to Victoria Planning Provisions (VPPs) through implementation of the State Government's Action Plan.

Major Developments since Adoption of the Green Wedge Management Plan

Recognising that the GWMP was adopted in 2019, below is an overview of some of the key changes that have occurred over the past seven years which have influenced implementation of actions in the plan. These include adoption of new Council policies and strategies, incorporation of ongoing actions as 'business as usual' for relevant Shire business units and new and pending State Government reforms affecting Green Wedge land. Each of these are addressed in turn below.

Adoption of new Council Policies and Strategies

In 2019, the adopted GWMP foreshadowed the preparation of specific strategies, and many of these have been finalised and adopted in the intervening years or are nearing completion. For example, strategies that have since been prepared and adopted by Council include:

- Biodiversity Conservation Plan (adopted 13 August 2019)
- Achievements in Biodiversity Conservation – Progress Report Year 3 (2022–2023) and Year 4 (2023–2024)
- Food Economy and Agroecology Strategy 2022–2028 (adopted 20 December 2022)
- Urban Forest Strategy 2024–2034 (adopted 2024)
- Sports Capacity Plan. Volume 1 (Sports Fields) (adopted 2019).

Strategies nearing completion for consideration by Council in 2026 include:

- Sports Capacity Plan. Volume 2 (Indoor Sports) and Volume 3 (Other Sports) are currently in development with Council adoption being sought in 2026

4.4 (Cont.)

- Open Space Strategy. The draft Strategy was placed on public exhibition in August 2025 with Council adoption being sought in 2026
- Open Space Contributions Report. The draft Strategy was placed on public exhibition in August 2025 with Council adoption being sought in 2026
- Integrated Transport Strategy
- Our Coasts, Our Future Coastal Strategy.

Each of these strategies contain reportable actions relevant to their objectives – many of which overlap with the GWMP. For this reason, it will no longer be necessary to duplicate these actions in a future revision of the GWMP.

Incorporation of Ongoing Actions as 'Business as Usual' for Relevant Business Units

Many actions in the GWMP are now 'business as usual' work practices for individual business units. Accordingly, these actions are considered ongoing, subject to the relevant units' resourcing. Examples of these actions are outlined below:

Action / Business as usual	Unit/s
Processing, approval and monitoring of Land Management Plans	Statutory Planning
Internal referral advice for Land Management Plans	Business and Industry Support
Information for owners about the objectives of the Green Wedge	Statutory Planning Business and Industry Support
Advice for replacement dwellings in the Green Wedge	Statutory Planning – pre-application advisory service
Implementation of farm rate	Revenue Management
Industry support mechanisms in the Food Economy and Agroecology Strategy	Business and Industry Support
Support the Agroecology Taskforce	Business and Industry Support
Surveys and research to inform biodiversity management, including advocacy for improved State databases and mapping.	Natural Systems

4.4 (Cont.)

Action / Business as usual	Unit/s
Liaison with state and regional catchment level agencies for monitoring programs	Natural Systems
Program of landowner education and initiatives such as Trust for Nature, Land for Wildlife, Mornington Peninsula Landcare projects, and stream frontage protection program.	Natural Systems
Program for eradication of feral animals and invasive weed species.	Natural Systems

State Government Reforms Affecting Green Wedge Land

In 2021, Council made a submission to the State Government's Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper ('P4GWAL'). The options proposed in the consultation paper addressed four key aspects of land use and development in Melbourne's green wedge and peri-urban areas located within 100 kilometres of Melbourne. The options highlighted the need to:

- Strengthen legislative and policy frameworks to provide clear strategic direction
- Support agricultural land use by strengthening rural zones and overlays
- Support more consistent and coherent land use decision-making
- Promote design and development in green wedges that is responsive to the surrounding landscape.

Councils' submission supported these principles and referred to many of the associated actions in Council's adopted GWMP.

The State Government subsequently released the P4GWAL Action Plan in 2024. The Action Plan includes 20 actions grouped under the following six themes:

- Protecting Melbourne's food bowl – new protections to help farmlands close to Melbourne remain productive and resilient
- Planning for future farming – clearer guidelines and advice to Councils on planning future farming activities
- Securing the right to farm – new measures to prevent land-use conflict and incompatible green wedge land use and development

4.4 (Cont.)

- Establishing stronger protections – improved guidance and directions for Councils in land use strategy and land management
- Adopting smarter land use – review and update planning decision guidelines and planning application requirements to support appropriate land use and development
- Setting tighter controls – strengthening planning controls in green wedges and prohibiting and restricting discretionary uses.

Council responded to the Action Plan by writing to the Minister for Planning (the Minister) providing general in-principle support for most (i.e. 12 actions), subject to the release of details regarding the statutory implementation of the actions within the VPPs, while noting eight actions require refinement and careful detailed consideration before implementation (see Attachment 2).

Council's support for the Action Plan was predicated on the fact that it generally aligns with and will in fact implement several key actions of Council's own adopted GWMP, as well as its Food Economy and Agroecology Strategy. Examples include, introducing mandatory built form controls for discretionary uses, better decision guidelines and application requirements for discretionary uses, and stricter conditions for exhibition centres, group accommodation, hotels, and host farm accommodation, provisions to prevent further fragmentation of land, and better planning policy to emphasise the non-urban values, purpose and character of green wedges.

Separately, Council also made a submission to the Victorian Parliament's Securing the Victorian Food Supply Inquiry in 2024, based on Council's adopted GWMP and Food Economy and Agroecology Strategy. The State Government's response to the findings of the Inquiry was that its Action Plan will address most, if not all of the recommendations in the Inquiry report.

Council continues to advocate for stronger planning protections in the Green Wedge and is awaiting the release of various actions from the Action Plan to assess how effectively they will be implemented in the VPPs. Until the Action Plan is fully implemented, these issues will remain as key advocacy positions in the GWMP.

Future Revision of the Green Wedge Management Plan

As previously noted, the GWMP is scheduled to be revised and updated in 2029/2030, with the progress report in Attachment 1 identifying which of the 142 actions should be carried forward into the revised plan, and which are unlikely to be required, pending implementation of the State Government's Action Plan.

4.4 (Cont.)

In addition to updating actions, Shire officers recommend a comprehensive review and refinement of the document to improve its overall readability and accessibility, noting that the current GWMP runs to 150 pages, including appendices, alongside the 142 defined actions. In this regard, the updated plan should:

- Be a concise format with more consolidated and targeted actions
- Comprise actions that have a clearer timeline and specified outcome / performance measure
- Avoid duplication of actions across other Council adopted strategies
- Provide a clear list of key advocacy topics.

Consideration should also be given to a dynamic webpage-based format for greater transparency and accessibility for the community.

Investigating a Planning Forum for Green Wedge Municipalities

Recognising that implementation of many actions within the GWMP requires ongoing advocacy to the State Government, Council may consider the merits of initiating a “Green Wedge Councils Planning Alliance”. The purpose of this alliance would essentially be to:

1. Raise, share and discuss planning issues affecting Green Wedges, including issues affecting Councils administering planning schemes in these areas (covering both statutory and strategic planning issues)
2. Identify and work together on any joint advocacy opportunities, particularly regarding implementation of the State Government’s [“Planning for Melbourne’s Green Wedges and Agricultural Land Action Plan 2024”](#)

It is noted that a similar concept was first raised in Action 7.3 of Council’s GWMP:

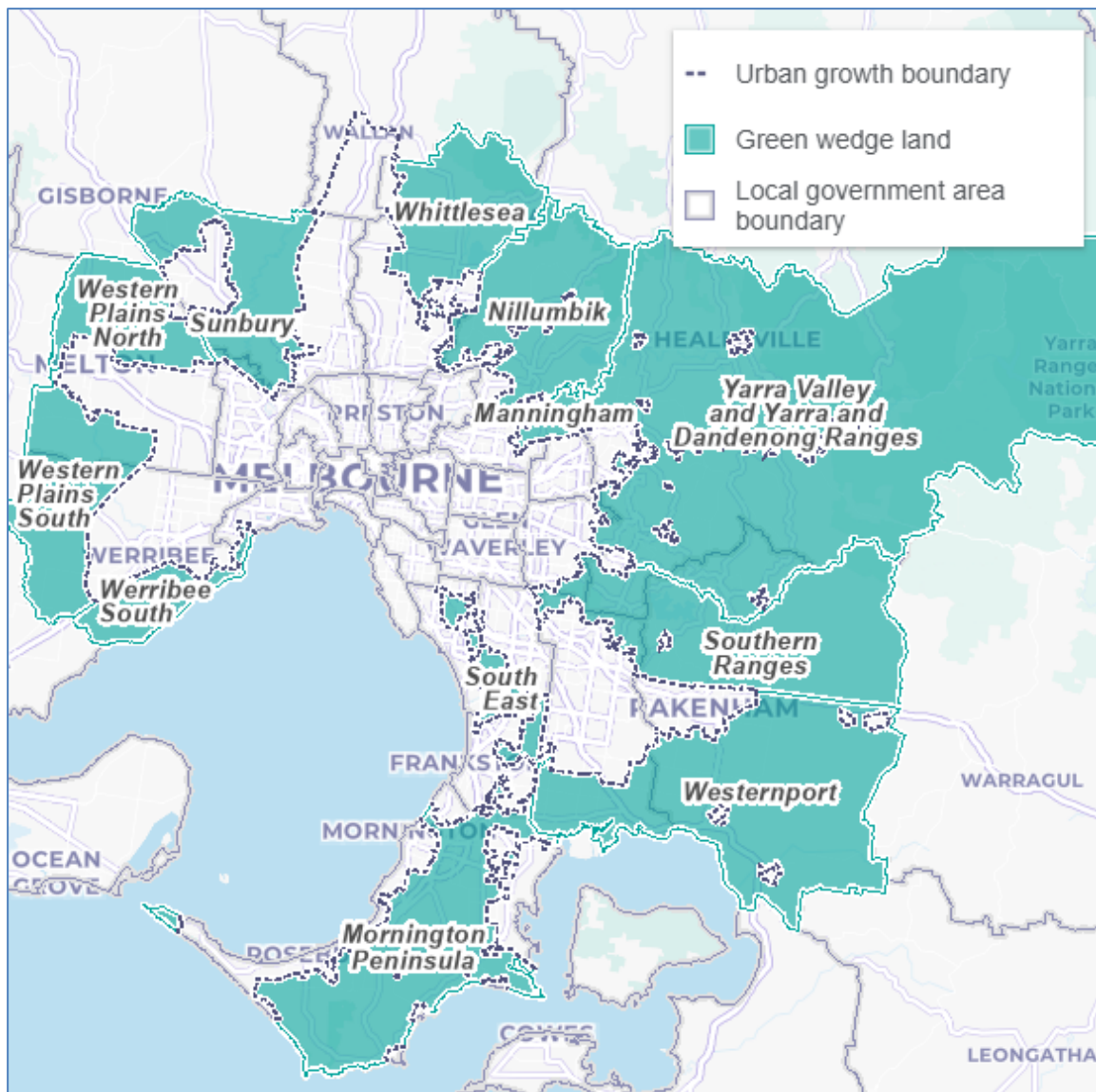
Advocate to the Department of Energy, Environment, Land, Water and Planning (DELWP) to establish an annual forum with other green wedge Councils, and with other land management agencies to bring a focus to green wedge issues and to explore best practice, joint projects and opportunities for funding.

Council raised the concept as part of its submission to P4GWAL in 2021, however, the State Government has declined to establish such a group, instead relying on engagement carried out as part of preparing both the P4GWAL position paper and final 2024 Action Plan.

Shire officers consider that the alliance group could still be established independently of the State Government, comprising membership from the

4.4 (Cont.)

17 Councils across the 12 green wedge areas as shown in Map 1. Apart from Mornington Peninsula, the 16 other Councils with green wedge land are: Brimbank, Cardinia, Casey, Frankston, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maroondah, Melton, Nillumbik, Whittlesea, Wyndham, and Yarra Ranges.



Map 1: Melbourne's green wedges (shaded in green)

Shire officers recommend that the alliance group be:

- Relatively informal, with no overall decision-making powers, incorporated governance structures, or funding arrangements (i.e. not like groups set up under the Municipal Association of Victoria (MAV) like the Council Alliance for a Sustainable Built Environment (CASBE) or the Association of Bayside Municipalities (ABM)). This approach limits the administrative, cost and resource burden on participating Councils.

4.4 (Cont.)

- Comprised of both Councillor and Shire officer representatives from each Green Wedge council.
- Focused solely on planning issues, recognising that many inter-council groups that have been established in the past, or continue today, are generally region-based and tend to address all manner of issues beyond planning, meaning focus on planning issues could be diminished.
- Meet annually, or more frequently up to three times a year, depending on need to respond to reforms as they are implemented.
- Hosting and administrative duties to be shared and rotated across the alliance group.

Attachment 3 to this report contains a draft Terms of Reference (ToR) for the group, prepared by Shire officers, which outlines the alliance's intended purpose, membership, and procedural matters.

It is noted that Shire officers have informally approached the MAV to gauge whether it might be interested in establishing and/or facilitating such an alliance on behalf of interested Councils. However, the MAV has advised that it is currently unable to provide this level of support or coordination, recognising its extensive advocacy efforts currently underway in other areas (such as housing-related reforms and implementation of the *Planning Amendment (Better Decisions Made Faster) Act 2026*). However, MAV officers have indicated that they would be willing to attend any meetings of the alliance as a participant.

While the benefits of establishing an alliance include creating a collective voice to respond to planning reforms and the efficiency of information sharing about common interests, Shire officers also acknowledge that potential challenges in forming the group may include:

- Each green wedge has different opportunities and constraints, and advocacy approaches would need to accommodate all issues.
- Each green wedge Council may differ politically about key objectives such as tourism, development and conservation.
- The commencement of the group may be premature pending anticipated reforms in the State Government's Action Plan 2024. Until these actions are released, potentially through 2026 and beyond, each Council's advocacy position probably remains the same.
- The participating councils may not have enough resources (Councillor and Shire officer time commitments) to dedicate to this group, given the recent swathe of major planning reforms affecting all municipalities (e.g.,

4.4 (Cont.)

codification of residential standards, review of the *P&E Act*, housing targets, planning scheme reviews, etc).

- Some green wedge councils may already be part of other inter-council groups which they consider already serve the intended purpose of the alliance (at least partly) and therefore see no utility in dedicating more resources to another group.

Given the above potential risks, Shire officers have made an informal approach to planning officers of all the green wedge councils to gauge possible interest in the alliance and obtain feedback about options or ideas for the purpose and possible Terms of Reference (ToR) for the group. Shire officers also sought feedback about whether other inter-council groups already serve the intended function of the new alliance without the need to create a new group.

To date, seven responses have been received from Brimbank, Frankston, Kingston, Manningham, Nillumbik, Whittlesea and Wyndham Councils. From a Shire officer perspective only, three of these Councils provided in-principle support for the proposed alliance (Frankston, Manningham and Nillumbik), whereas the other four prefer to use existing networks (such as the [Outer Melbourne Councils](#) group which Mornington Peninsula Shire is not currently a part of) and cite resourcing pressures if a new group was formed.

One respondent suggested that if the MAV cannot facilitate an alliance group for interested councils, then an informal Shire officer-level group could be a viable alternative. Such a group would allow planning officers to meet as required to discuss any mutual issues about implementation of actions within the State Government's Action Plan. Any advocacy issues that arise as part of this group that are of a significant and mutual interest to all green wedge councils could then be referred to the MAV as part of its broader advocacy and representative role on behalf of local government.

The respondent further noted that, as the broader issue and commitment to strengthening the protection of green wedge values and agricultural land has been largely resolved by the State Government's Action Plan, and that the new Plan for Victoria affirms the current UGB set by Parliament to mark the long-term limit of Melbourne's urban development, a formal alliance is unlikely to add significant value to the next phase of implementing the Action Plan.

Shire officers note that, if other councils are unwilling to form part of the proposed alliance (or if there are insufficient numbers to establish a viable group), an alternative option for Council would be to seek a dedicated forum for discussing green wedge planning issues to be established as part of the Greater South East Melbourne (GSEM) group of councils. GSEM advocates for jobs, infrastructure, investment, liveability, sustainability and wellbeing for the southeast region. The

4.4 (Cont.)

member councils are the shires of Cardinia and Mornington Peninsula, and the cities of Casey, Frankston, Greater Dandenong, Kingston, Knox and Monash. It would, however, be useful to have Nillumbik and Yarra Ranges part of any green wedge forum.

Given the above, it is recommended that the idea of a Council alliance be raised with relevant green wedge councils, and if there is insufficient interest, explore the establishment of an informal Shire officer-level group. It is also recommended that Council invite all other green wedge councils to co-sign a joint letter to the Minister for Planning urging prompt implementation of the actions in the State Government's Action Plan in consultation with all 17 green wedge councils across Melbourne. This action could be implemented regardless of whether the councils also agree to form an alliance group, providing strength in advocacy for all affected councils.

Options for Consideration

The options for Council in relation to the GWMP progress report are:

- Option A (Recommended): Receive, note and publish the GWMP progress report contained in Attachment 1 on Council's website, and resolve to receive yearly progress reports about the plan in future to help inform the annual Council budget process.
- Option B (Not recommended): Do nothing.

Option A is recommended because it provides community transparency about Council's progress in implementing the GWMP and ensures any outstanding action items can be considered for funding and/or resourcing as part of Council's annual budget process.

The options for Council in relation to advocacy are:

- Option A (Recommended):
 - Invite all green wedge councils to join a new advocacy group ("Green Wedge Councils Planning Alliance") based on the draft ToR.
 - Invite all green wedge councils to co-sign a joint letter to the Minister for Planning urging prompt implementation of the actions in the State Government's Action Plan in consultation with all 17 councils.
 - If there is not enough support for a Council led advocacy group, explore the establishment of an informal officer-level group.

4.4 (Cont.)

- Option B (Not recommended): Seek a dedicated forum for discussing green wedge planning issues to be established as part of the GSEM group of councils.
- Option C (Not recommended): Do nothing.

Option A is recommended as it provides an effective approach for joint advocacy and information sharing with all green wedge councils to help push for much-needed planning reforms to better protect green wedges.

Option B is likely to be less effective due to GSEM's broader portfolio and the fact that some green wedge councils with similar issues to the Mornington Peninsula Shire would not be part of this group.

Option C would be a missed opportunity to continuing delivering on Council's key advocacy priorities for the green wedge.

ENGAGEMENT

No community engagement has been undertaken to prepare the progress report. However, as noted below, the progress report will be published on Council's website to maintain public transparency.

COMMUNICATIONS PLAN

The GWMP – Progress Report contained in Attachment 1 will be published on Council's website.

LEGAL AND REGULATORY FRAMEWORK

The GWMP – Progress Report has been prepared having regard to the provisions of the *P&E Act* where applicable, noting that it is not a statutory requirement under the *P&E Act* to prepare this progress report.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Climate change and sustainability considerations are embedded in the general objectives of the GWMP, and in particular actions for biodiversity conservation.

FINANCIAL CONSIDERATIONS

The GWMP Progress Report has been prepared by Shire officers.

Completion of strategic planning projects and ongoing advocacy currently underway will occur using existing committed Council budgets. Any additional resources or funding required to undertake future actions will be considered as part of Council's future annual budget process, as required.

4.4 (Cont.)**OFFICER DIRECT OR INDIRECT INTEREST**

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

4.5 Response to NOM 505 – Joint Statutory and Strategic Ward Planning Meetings

Issued By	Manager – Statutory Planning
Authorised By	Director – Planning & Liveability
Document ID	A13963011
Briefing Note Number	BN2189 – 31 March 2026
Attachment(s)	Nil

EXECUTIVE SUMMARY

At the Council meeting of 5 November 2025, Council resolved for management to bring a report to consider the restoration of Joint Statutory and Strategic Ward Planning Meetings.

This report outlines the considerations for Council in relation to the restoration of scheduled ward meetings. The key considerations are noted as the application of good governance principles, effective engagement, cost and resource implications and benchmarking with other Councils.

This report highlights that the reinstatement of ward meetings for statutory and strategic planning matters requires careful consideration, particularly given the associated financial, governance and reputational risks. Increasing the frequency and informality of Councillor-staff interactions would elevate the risk of noncompliance with relevant policies and recreate conditions identified by Independent Broad-based Anti-corruption Commission (IBAC) as high risk. Importantly, such meetings should not be reinstated on a discretionary or 'nice to have' basis, but only where they address a clearly defined gap in Council engagement.

Current engagement approaches implemented since late 2024 have proven effective, transparent, and consistent with sector practice. Benchmarking indicates that structured, whole of Council briefings are the preferred model, supporting transparency and reducing the risk of undue influence. In addition, the significant resourcing and opportunity costs associated with ward meetings are unlikely to deliver a commensurate benefit to planning outcomes for the community.

The below analysis identifies the re-instatement of ward meetings for statutory and strategic planning matters is not recommended.

4.5 (Cont.)**RECOMMENDATION**

That Council does not reinstate ward meetings for Statutory and Strategic Planning Matters.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

GOVERNANCE PRINCIPLES

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

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

- Staff and Councillor Interaction Policy
- Planning Matters Policy.

DISCUSSION

This report has been requested as per Notice of Motion 505 of Council Meeting 5 November 2025. The report will outline:

- Background of Ward Councillor meetings
- Operation Sandon and good governance principles

4.5 (Cont.)

- Approaches of other Victorian municipalities
- Cost implications of regular ward meetings
- Engagement alternatives.

Background

Prior to the 2024 Council Elections, regular scheduled meetings occurred between Shire officers and Ward Councillors. The frequency of the meetings ranged from 4 to 6 weeks. The agenda was prepared prior to the meeting to ensure appropriate Shire officer representation and preparation prior to the meeting.

In 2024 the election ward structure for Mornington Peninsula changed from 6 wards (3 of which that were multiple Councillor wards) to 11 wards each represented by an individual Councillor.

In response to the changed ward structure, management decided to explore alternative approaches to Council engagement and subsequently scheduled individual ward meetings were discontinued.

Operation Sandon and Good Governance

The IBAC investigated corrupt councillor conduct at the City of Casey, in an operation known as Operation Sandon. In their findings, IBAC released 34 recommendations to address corruption risks in the planning system, to promote transparency in decision making and strengthen Council governance.

The following commentary of IBAC is considered relevant to the consideration of undertaking ward meetings for planning matters:

- Planning decisions and other matters that require a decision of an elected public officer or public officials are vulnerable to improper influence
- Conflict of interest provisions must be strong enough to deter Councillors from influencing others or decisions
- Ensure clear Councillor codes of conduct to prevent improper conduct
- Protect against implicit forms of improper influence
- Ensure integrity of the council decision-making processes.

Operation Sandon makes it clear that many of the corruption risks at the City of Casey arose from Councillors having too much informal, unstructured and poorly supervised contact with community members, lobbyists and people with vested interests. This significant governance risk exists in Ward Councillor meetings, where the following issues occurred:

4.5 (Cont.)

1. The meetings were not minuted or recorded to ensure transparency of discussions
2. Source of agenda topics were not disclosed and subsequently there was potential for conflicts of interest and inappropriate sharing of information
3. Lack of attendance by Governance and/or Senior Management staff to ensure appropriate staff and Councillor interactions and prevent any undue influence of officers
4. An imbalance of information being shared between Councillors.

The Planning Matters Policy (PMP) was adopted on 5 November 2025. The PMP seeks to set clear governance principles and guidelines on what interactions are acceptable between Councillors, applicants, submitters (objectors) and staff when dealing with both Strategic and Statutory Planning Matters. It complements existing Council adopted policies such as the Councillor Code of Conduct, Governance Rules, Councillor and Staff Interaction Policy and Lobbying Policy (which does not deal with interactions with permit applicants).

Approaches of Other Victorian Municipalities

For this Notice of Motion, it was considered appropriate to engage with other Victorian local governments to benchmark and understand their approaches to Councillor engagement on planning matters. Shire officers sent a proforma email to as many local governments as possible. We received a total of 47 responses, which provided valuable benchmarking data. Below is a summary of the responses:

- Planning matters most commonly undertaken as part of scheduled Council briefings or Committee meetings which include all Councillors (44 of 47 responses or 93.6%)
- Only 3 of 47 responses arrange separate ward councillor meetings. For example:
 - City of Boroondara – upon request of Ward Councillor and limited to applications that have received more than 6 objections.
 - Bass Coast Shire – only 3 wards for this municipality and a total of 30 minutes is assigned to a monthly ward meeting.
 - City of Manningham – opt in approach to Ward Councillor meetings.

Many responses made reference to improving governance around planning matters in response to Operation Sandon. The engagement of the whole of Council on planning matters is identified as an effective way to prevent undue

4.5 (Cont.)

influence and to transparently discuss planning matters in meetings with established protocols and code of conduct.

Cost Implications of Regular Ward Meetings

Any future Ward planning meetings require the involvement of a range of Shire officers, including:

- Councillor Support
- Director – Planning and Liveability
- Executive Support Officer
- Business Support Officer x 2
- Manager – Strategic Planning
- Manager – Statutory Planning
- Team Leader – between 2 and 5.

Table 1 outlines the administrative steps required to facilitate a ward meeting. The below estimates are based on Shire officer experiences involved in ward meetings that occurred before the 2024 election.

Table 1 – Administration Behind Ward Meetings

Task	Officers involved	Time (minutes) per role
1. Scheduling of meeting	Councillor Support	10 minutes (mins)
	Director – Planning and Liveability	5 mins
	Executive Support Officer	5 mins
	Business Support Officer x 2	5 mins
	Manager – Strategic Planning	5 mins
	Manager – Statutory Planning	5 mins
	Team Leader – between 2 and 5	5 mins each (up to 25 mins)
		Total = 45-60 minutes

4.5 (Cont.)

2. Agenda setting	Councillor Support; Director – Planning and Liveability Executive Support Officer Manager – Strategic Planning Business Support Officer x 2 Manager – Statutory Planning Team Leader – between 2 and 5	20 mins 20 mins 20 mins 20 mins 20 mins each 20 mins 20 mins each Total = 180 – 220 minutes
3. Meeting research preparation	Director – Planning and Liveability Executive Support Officer Manager – Strategic Planning Business Support Officer x 2 Manager – Statutory Planning Team Leader – between 2 and 5	20 mins 20 mins 40 mins 40 mins each 40 mins 40 mins each (between 80 and 200 minutes as a collective) Total = 280-400 minutes
4. Meeting	Director – Planning and Liveability Manager – Strategic Planning Manager – Statutory Planning Team Leader – between 2 and 5	60 mins 60 mins 60 mins 60 mins each (between 120 mins and 300 mins as a collective) Total = 300-480 minutes

4.5 (Cont.)

5. Follow up items	Manager – Strategic Planning	20 mins
	Manager – Statutory Planning	20 mins
	Team Leader – between 2 and 5	20 mins.
		Total = 80-140 minutes

The above time frames are average estimates; some meetings will be more complex and require additional time and resources; others with less complicated/briefer agendas may need less time and resource allocation.

Based on these averages, a single ward meeting is estimated to require approximately 15 hours of collective Shire officers' time. Taking a middle banding of the Shire officers involved, the cost ranges between \$1150 and \$1690 per ward meeting.

Table 2 below provides a summary of the cost implications of ward meetings under different scenarios.

Table 2 – Costing of Ward Meetings

	Time	Cost
Each ward meeting	885 mins / 14.75 hrs	\$1150
Undertaking 11 ward meetings	9735 mins / 162.25 hrs	\$12650
Undertaking 11 ward meetings quarterly for a year	38940 mins / 649 hrs	\$50600

The above is only a partial picture based on financial costs. There is also a significant opportunity cost where Shire officers involved in ward meetings have their time diverted away from other essential tasks. For example – this time could be applied to reviewing other planning applications, preparing planning scheme amendments or investing time into process improvements. Having less time spent in these areas can create a less efficient planning service, which ultimately impacts on the customers and the community.

Councillor Engagement

Both Statutory and Strategic Planning continue to engage with Councillors on planning matters. Since 2024, Shire officers have engaged with Councillors in the following ways:

1. Regular Planning Updates as part of scheduled Council briefings

4.5 (Cont.)

2. Posts on Councillor SharePoint to inform them of significant applications, planning scheme amendments and legislation changes
3. Intent to determine recommendations now sent weekly to the whole of Council
4. Managers or Director of Planning and Liveability are available to meet upon request in accordance with Planning Matters Policy and Councillors and Staff Interactions Policy.

Additionally, there is opportunity to further engage and provide updates on planning matters (e.g. regular newsletters or bulletins to whole of Council).

The above engagement methods have been an effective way to communicate planning matters to the Councillors. It has ensured equitable access to information for all Councillors, a focus on significant planning applications, an emphasis on strategic thinking, and transparency in decision making.

Options for Consideration

Option 1 (preferred)– no reinstatement of Ward Meetings for Planning Matters as outlined in the discussion above.

Option 2 – re-instatement of ward meetings. This option is not preferred due to governance, financial and governance risks. In the event Ward meetings are reinstated there must be revised approach to what occurred before 2024 Local Government elections to curb such risks. For example;

1. Less frequent ward meetings and explore combined ward meetings to reduce administration and financial implications
2. Source of agenda topics to be declared and agenda topics to be fixed in advance of meeting
3. Attendance requirements to accord with Planning Matters Policy
4. Minutes of meeting to be recorded.

ENGAGEMENT

Engagement with other Victorian local governments occurred to gain a further understanding of approaches in the sector. A total of 47 responses were received to provide valuable benchmarking data.

COMMUNICATIONS PLAN

Not applicable.

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

- *Local Government Act 2020*
- Local Government (Governance and Integrity) Regulations 2020
- Local Government (Governance and Integrity) Regulations 2024
- Councillor Code of Conduct
- Employee Code of Conduct
- *Occupational Health and Safety Act 2004*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*
- *Fair Work Act 2009.*

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

As per above, Ward meetings have direct and indirect cost implications. Each ward meeting was estimated to require 15 hours of collective Shire officers time. Taking a middle banding of the officers involved in ward meetings the net cost per meeting could range between \$1150 and \$1690 per ward meeting.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.6 Port Development Strategy 2055 – Council Submission

Issued By	Manager – Strategic Planning, Transport & Environment
Authorised By	Director – Planning & Liveability
Document ID	A14047900
Briefing Note Number	Not applicable
Attachment(s)	1. Shire Officers Submission to the Port Development Strategy 2055 ↗

EXECUTIVE SUMMARY

The purpose of this report is to present and seek retrospective endorsement of the submission to the Port of Hastings Corporation on the draft Port Development Strategy 2055 (Attachment 1).

The Port of Hastings Corporation released its draft Port Development Strategy (PDS) 2055 on 10 March 2026 for public feedback by 31 March 2026.

Mornington Peninsula Shire (Shire) officers submitted the submission on 30 March 2026. Due to the short turnaround time, there was not an opportunity to seek endorsement of the submission by Council prior to submission. Therefore, retrospective endorsement is being sought.

The submission seeks a balanced, evidence-based PDS that provides certainty on surplus land port-related land, delivers freight-ready transport infrastructure, protects environmental values, supports renewable energy development responsibly, and ensures the community benefits from port-related growth.

RECOMMENDATION

That Council endorses the submission to the Port of Hastings Corporation on the draft Port Development Strategy 2055 as per Attachment 1.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.1: Protected, resilient and enhanced natural environments.

4.6 (Cont.)

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

GOVERNANCE PRINCIPLES

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

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

RELEVANT COUNCIL DECISIONS AND POLICIES

The Shire Advocacy Strategy outlines why and how the Shire advocates on behalf of the community.

Shire advocacy priorities for 2025–2026, including the Port of Hastings surplus land as a Tier 1 advocacy priority, were adopted at the Council Meeting of 23 September 2025.

The submission to the draft PDS is consistent with the following adopted Council strategies:

- Industrial Areas Strategy (2018)
- Industrial Land Use and Infrastructure Assessment and Rezoning Strategy (2020)
- Food Economy and Agroecology Strategy 2022–2028 (2022)
- Economic Development and Tourism Strategy – A Thriving Peninsula 2033 (2024).

4.6 (Cont.)**DISCUSSION****Purpose**

The purpose of this report is to present and seek retrospective endorsement of the submission to the Port of Hastings Corporation on the draft Port Development Strategy 2055 (Attachment 1).

Background

The draft PDS outlines a 30-year framework to guide the Port of Hastings' (the Port) development in achieving its vision of being an essential and sustainable part of Victoria's economy and energy transition, and a valued contributor to the local community. Five key strategies underpin the Port of Hastings 2055 vision:

- Supporting the renewable energy transition through offshore wind
- Enabling opportunities across the renewable energy supply chain
- Growing and diversifying the Port's trade mix
- Recognising the value of the Western Port environment
- Protecting the potential of our Port to serve Victoria's future freight needs

On 23 March 2026, Shire officers met with representatives of the Port of Hastings Corporation who provided an overview of the draft PDS and welcomed detailed feedback from the Shire.

Shire officers submitted the submission to the Port of Hastings Corporation (Attachment 1) by the due date of 31 March 2026. Due to the short turnaround time, there was not an opportunity to seek endorsement of the submission by Council prior to submission. Therefore, retrospective endorsement is being sought.

The submission focuses on identifying areas of Special Use Zone 1 (SUZ1) (Port-related uses) land that the PDS should clearly designate as surplus to Port needs as well as preferred future land uses for these areas (including industrial, agricultural, housing and conservation) while maintaining appropriate buffering requirements from Port activities. Notably, the draft PDS fails to provide clarity on this matter unlike the current 2018 PDS. The submission calls for the PDS to demonstrate how the release of substantial areas of SUZ1 land will be prioritised, in accordance with the Economic Growth Statement for Victoria (2024) and Victoria's 10-year Plan to Unlock Industrial Land (2025). The submission includes land use plans to identify preferred areas of SUZ1 land that should be released and a preferred mix of land uses for each area.

4.6 (Cont.)

The submission also addresses:

- Road and freight network improvements required to support future Port related development and the release of surplus land for alternative uses, noting that integrated planning and investment in port, road and rail infrastructure improvements are crucial to achieving the vision of the PDS.
- The need to recognise the environmental significance of Western Port Bay, Western Port Environs and sustainability and environmental management.
- How the Victorian Renewable Energy Terminal (VRET) project is recognised.
- A range of other matters such as recognition of the Mornington Peninsula Localised Planning Statement (LPS), major hazard facility buffers, major pipeline buffers, public acquisition overlays, and the proposed disposal of HMAS Cerberus Defence land.

The Port of Hastings Corporation anticipates releasing the final Port Development Strategy in mid-2026.

Options for Consideration

The submission to the Port of Hastings Corporation has already been submitted for consideration, as a Shire officer response. If Council does not endorse the submission, it may limit the influence of the submission.

ENGAGEMENT

No community engagement has been undertaken in developing the submission.

COMMUNICATIONS PLAN

If adopted, Shire officers will notify the Port of Hastings Corporation, and the submission will be made available to the community on Council's website.

Letters will be sent to the Minister for Planning and the Minister for Ports and Freight advising them of Council's endorsement of the submission and seeking their support of the recommendations.

LEGAL AND REGULATORY FRAMEWORK

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Mornington Peninsula Planning Scheme.

Planning and Environment Act 1987.

Port Management Act 1995.

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

The submission addresses the need for the PDS to recognise the environmental significance of Western Port Bay, Western Port Environs and sustainability and environmental management. The submission highlights that the Bay, Port and surrounds face increased risks from climate change including coastal sea-level rise and coastal erosion. Accordingly, the submission seeks that the PDS uses the most up to date data on climate change risks when planning development of the Port and surrounding land uses.

The submission raises the appropriate management and legislative requirements of the Western Port Ramsar Site, as a recognised Matter of National Environmental Significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

FINANCIAL CONSIDERATIONS

There are no budget implications to endorsing the submission.

OFFICER DIRECT OR INDIRECT INTEREST

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

COMMUNITIES

4.7 Progress Report on the Economic Development and Tourism Strategy, and the Food Economy and Agroecology Strategy

Issued By	Manager – Economic and Cultural Development
Authorised By	Director – Communities
Document ID	A14025584
Briefing Note Number	BN2191 – 31 March 2026
Attachment(s)	1. Economic development, agroecology and tourism update – February 2026 ↗

EXECUTIVE SUMMARY

The attached report provides a summary of progress made on the Economic Development and Tourism Strategy (EDTS), the Food Economy and Agroecology Strategy (FEAS) and Destination Management Plan (DMP). These three strategic pieces of work together encompass much of the work that Council delivers to support local economic outcomes.

The report has been compiled with updates across the three strategies to give a broader view of the work delivered across teams and alongside the community.

The EDTS is delivered across four key pillars:

- Industry Development
- Small Business
- Local Workforce
- Prosperous Places.

The FEAS is delivered across the pillars of:

- Impact through collaboration
- Securing markets and sales
- Land use and regeneration
- Skills and capacity

4.7 (Cont.)

- Infrastructure for a circular economy.

Overall, 42 actions included in these strategies are on track or completed, six require monitoring, and four are off track. The report provides details on the progress of each action.

The report document will be shared with the community to promote the work Council is doing to support a thriving local economy. The report will be released publicly to update our community and provide insights into the work being delivered through our Council Plan pillar of 'Our Prosperity'.

RECOMMENDATION

That Council notes the progress report for the Economic Development and Tourism Strategy, the Food Economy and Agroecology Strategy and the Destination Management Plan.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Prosperity: Enabling balanced growth through innovation, empowering community groups and volunteers, and fostering a resilient, thriving and vibrant local economy.

Strategic Objective 3.1: A vibrant, innovative and thriving local economy.

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 and C 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.

RELEVANT COUNCIL DECISIONS AND POLICIES**DISCUSSION****Purpose**

To provide Council and the community with a progress update for the Economic Development and Tourism Strategy (EDTS), the Food Economy and Agroecology

4.7 (Cont.)

Strategy (FEAS) and the Destination Management Plan (DMP). Part of the reporting schedule in the strategies is to regularly report back to Council. Shire officers have prepared the progress report for the three strategies together to give a collective overview of the work delivered to date.

Background

The Mornington Peninsula Shire Council Plan 2025–2029 aims to create a vibrant, innovative and thriving economy. To do this Council is delivering the following:

- Economic Development and Tourism Strategy

The 'Economic Development and Tourism Strategy – A Thriving Peninsula 2033' is a blueprint to support the vibrancy, diversity and sustainability of business, industry and the communities of the Mornington Peninsula. Adopted in May 2024, this is the first progress report that has been delivered.

- Food Economy and Agroecology Strategy 2022–2028 – Demonstrating Council's commitment to fostering a thriving local food economy and building resilience to climate change through sustainable farming practices, enhancing biodiversity and adopting circular economy principles. The strategy is now in year three and this is the second progress report that has been delivered.
- Destination Management Plan – Council resolved to join the Mornington Peninsula Visitor Economy Partnership (VEP) and noted the Destination Management Plan (DMP) on 17 June 2025. The DMP provides a five-year strategic framework for a collaborative approach to the development of the region's visitor economy. Whilst not an adopted Council strategy, the DMP details the strategic work that the VEP partners – one of which is Council work to deliver for the visitor economy. For streamlining of reporting, the DMP has been included in this progress update.

Options for Consideration

Preferred option: to note the 'Economic Development, Agroecology and Tourism Update – February 2026' Report

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

The community will be informed of this report via media releases, website, newsletter articles and social media posts. Targeted communications for the

4.7 (Cont.)

business community will also be undertaken via connections with local industry groups, chambers of commerce and industry associations.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The strategies include targets to build business sustainability skillsets and climate change resilience. For example, industry development programs such as Best Bites focus on improving water, energy and waste aspects while Farming Our Way focuses on regenerative agricultural practises.

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.

4.8 Emil Madsen Western Pavilion – Updated Project Direction

Issued By	Manager – Community Spaces & Recreation
Authorised By	Director – Communities
Document ID	A14048495
Briefing Note Number	BN2163 – 27 January 2026
Attachment(s)	1. Tennant Clubs Support (confidential) ➡ 2. Design Options 2 & 3 ➡ 3. Table of Facility Components ➡

EXECUTIVE SUMMARY

At its meeting on 17 February 2026, Council endorsed progression of an expanded pavilion redevelopment Option 3 for the Emil Madsen Western Pavilion, reflecting strong advocacy from tenant clubs and a desire to increase change room capacity and associated facilities.

Following that decision, Shire officers have undertaken further investigations of cost planning and collaborated closely with tenant clubs on confirmation of funding. However, there continues to be a significant funding gap required to deliver the project.

As a result of this reassessment and collaborating closely with the clubs to move the project forward, it is now recommended that Council proceed with the design based on Option 2. In addition, the existing detailed design contract (CN 2864 – Emil Madsen Western Pavilion) with the appointed architectural firm and subconsultants will require a Council approved contract over expenditure to cover the additional costs associated with progressing detailed design and delivering a larger pavilion than originally scoped.

Council endorsement is sought to proceed on this basis and to authorise Shire officers to progress the detailed design phase and work collaboratively with tenant clubs through a value management process to refine the project scope within the approved funding envelope.

RECOMMENDATION

That Council:

1. **Notes that the redevelopment Option 3 previously endorsed for the Emil Madsen Western Pavilion has a significant funding shortfall to deliver the project.**

4.8 (Cont.)

2. **Endorses Shire officers to progress a design based on Option 2 as the design for the Emil Madsen Western Pavilion Redevelopment.**
3. **Notes the confirmed financial contribution from tenant clubs toward the redevelopment of the Emil Madsen Western Pavilion.**
4. **Authorises Shire officers to work collaboratively with tenant clubs to apply a value management approach and refine the project deliverables, ensuring the delivery meets:**
 - A. **Councils adopted standards and state sporting association guideline requirements, aligns with accessibility, gender-equity and sport-specific compliance requirements**
 - B. **Remains within Council's previously adopted Council Contribution funded position of \$6.6million and external confirmed funding contributions.**
5. **Approves a Contract Over Expenditure of \$174,200 plus \$17,420 GST to finalise CN2864 being the contract for the detailed design of Emil Madsen Western Pavilion.**
6. **That this contract over expenditure for the completion of the detailed design will be managed within Council's current grant agreement, ensuring a net zero impact on the 2025–2026 financial year Capital Works budget.**
7. **A further report will be presented following the completion of the detailed design and tendering process outlining the preferred tenderer, final costings, delivery timelines and tender options for Council's consideration.**

Part B

That Council resolves that Attachment 1 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the Local Government Act 2020 as it contains personal information.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

4.8 (Cont.)**GOVERNANCE PRINCIPLES**

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

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

RELEVANT COUNCIL DECISIONS AND POLICIES

At the 17 February Council Meeting 2026 Council meeting, Council resolved:

That Council progress detailed design as per Option 3, which is supported by all user groups, community associations and the community as a whole.

That no additional Council funding is committed to in addition to previous decisions.

In addition to previous decision regarding Federal funding, Council resolved at its meeting on 22 July 2025, in part:

That Council commits funding of \$6.6 million towards delivery of the Western Pavilion across Council's 2026–27 and 2027–28 Financial Year budgets, should the Federal Government grant variation be approved.

The project aligns with:

- Council Plan 2025–2029
- Sports Capacity Plan – Volume 1
- Emil Madsen Reserve Master Plan (2020)
- Gender Equality Strategy
- Asset Management Policy
- Climate Emergency Response
- Recreation and Open Space Strategy.

DISCUSSION**Purpose**

4.8 (Cont.)

- Update Council on the status of the Emil Madsen Western Pavilion Redevelopment.
- Explain why the previously endorsed option has a significant funding gap to deliver the project.
- Recommend a revised design option endorsed by the tenant clubs.
- Authorise Shire officers to apply a formal value management approach during detailed design to ensure the final scope remains within the adopted funding envelope while maintaining compliance and service outcomes.

Background

Emil Madsen Reserve is one of the Mornington Peninsula's most heavily utilised sporting precincts, supporting football, cricket, netball and community activity. Council-commissioned studies and the Emil Madsen Reserve Master Plan (2020) identified longstanding deficiencies in pavilion provision, including accessibility, gender-equity, capacity, and functionality issues.

Council's adopted Sports Capacity Plan – Volume 1: Sports Fields (2019) establishes facility development standards to:

- Ensure equitable and consistent provision of sporting facilities across the Shire.
- Align facility size and functionality with participation levels and competition standards.
- Avoid unnecessary over-development and long-term financial burden on Council.

In July 2025, Council resolved to receive a further report to consider changes to the Western Pavilion design. On 17 February 2026, Council considered three options and resolved to progress a larger redevelopment concept (Option 3) that exceeded Council's baseline facility standards (Option 1), reflecting strong advocacy from reserve user groups.

The Federal Government committed \$15 million to Stage 1 of the Emil Madsen Reserve Master Plan. This funding was secured through a federal grant agreement with Council in 2024 and included following defined scope:

- Construction of the Eastern (Soccer) Pavilion
- Reserve-wide services upgrades (power, water and sewer)
- Construction of new cricket training nets

4.8 (Cont.)

- Detailed design only of the Western Pavilion.

The funding agreement requires compliance with accessibility and gender-equity standards, delivery within a defined timeframe, milestone reporting, and confirmation that final scope remains deliverable and aligned with the intent of the original funding application.

OPTIONS FOR CONSIDERATION

Three options for Council's initial consideration were as follows:

Option 1.

Original concept design, in accordance with Council's endorsed facility standards (Sports Capacity Plan, Volume 1- Sports Fields, 2019), and as previously endorsed by Emil Madsen Reserve user groups (two Australian Football League (AFL) sized change rooms and two netball sized changerooms).

Option 2. (Recommended Option)

Amend the concept design to expand the netball change rooms and amenities to AFL size (4x AFL sized change rooms), and expand and redesign the social space, kitchen and servery.

Option 3 (Current adopted Council Position)

Amend the design to add additional AFL change rooms and amenities (4x AFL sized change rooms and two netball sized changerooms), and further expand and redesign the social space, kitchen and servery.

The below table sets out the facilities (and sizes) to be provided in each of the three options. It also includes the endorsed facility standards as detailed in Council's Sports Capacity Plan, Volume 1- Sports Fields, 2019 (Sports Capacity Plan) for comparison.

Facility Components

Refer to Attachment 3 for detailed information on the facility components for each option.

Updated Feasibility of Options

Following the February 2026 Council decision, Shire officers have undertaken an updated quantity surveying and cost planning in response to the escalating fuel and associated materials costs.

This work identified several critical constraints that materially change the deliverability of the previously endorsed option, including:

- Escalation of construction costs beyond the adopted funding envelope.

4.8 (Cont.)

- Following the confirmation of external funding from clubs, there continues to be a significant funding gap required to deliver the project.
- Further Grant Funding risks.

As a result of this reassessment and working closely with the clubs to move the project forward, it is now recommended that Council proceed with the design based on Option 2. Shire officers have now reassessed the project against:

- Council's adopted funding position
- Federal Government grant obligations and delivery time limits.

Value Management Approach

Given the funding constraints and to ensure facility compliance requirements Shire officers recommend adopting a structured value management approach as the project progresses to final detailed design.

As a result, with endorsement of tenant clubs a design based on Option 2 has been identified as the most feasible pathway along with working with the clubs on value management-based approach that:

- Avoids excessive construction risk.
- Can be delivered within the adopted position of Councils contribution.
- Seeks to consider options if the Federal Government funding contribution is retained.

Value management is a recognised project methodology that focuses on achieving the best functional, operational and community outcomes for a project within a defined budget, by:

- Identifying essential versus desirable elements
- Testing cost, function, risk and long-term operating impacts
- Transparently evaluating scope trade-offs
- Ensuring spending is aligned with Council priorities and community benefit.

For the Emil Madsen Western Pavilion redevelopment, this approach will be applied to:

- Ensuring Councils adopted standards and state sporting association guideline requirements, Aligns with accessibility, gender-equity and sport-specific compliance requirements.

4.8 (Cont.)

- Assess opportunities to rationalise or stage non-essential elements including social space size, lobby space, meeting room space, lifts, covered viewing areas and decks, fixture and fittings and landscaping.
- Identify cost efficiencies in construction methodology, materials and layout.
- Protect long-term asset durability and future operating costs.

The value management process is proposed to be undertaken collaboratively with tenant clubs and relevant technical consultants to ensure agreed priorities are reflected in the final design, while maintaining alignment with Council's adopted funding position.

COMMUNITY CONSULTATION

Council and Shire officers have engaged with tenant clubs throughout the planning process. Clubs have consistently expressed a desire to see the project progress and have indicated a willingness to work with Council to refine scope in response to budget and deliverability constraints.

The tenant clubs remain committed to the best possible project outcomes and given the current position have confirmed their support to proceed with the project based on design Option 2 (See Attachment 1 – Tenant Clubs Support).

It is noted that further engagement will occur throughout the project.

FINANCIAL IMPLICATIONS**Emil Madsen Reserve – Western Pavilion**

The table below shows the current cost associated with Options 1, 2 and 3 reflecting the Consumer Price Index (CPI) and fuel costs increase.

Option	Cost Plan Sept 25	Cost Plan April 26	Grant Underspend
Option 1	\$10.60 million	\$11.48 million*	\$5 million#
Option 2	\$12.36 million	\$14.02 million*	\$5 million#
Option 3	\$13.51 million	\$15.19 million*	\$5 million#

*Total cost (Quantity Surveyor (QS) report April 26) is excluding car park, netball courts and landscaping \$2.77 million.

There may be some additional unconfirmed contingency savings of up to \$500,000

4.8 (Cont.)**Design Contract Variation**

The original contract (CN 2864 – Emil Madsen Western Pavilion) for detailed design was based on Option 1, with an estimated cost of \$8.727 million (which is based on the total construction cost only using Quantity Surveyors Estimate Revision C). Progression to Option 2 – \$10.994 million or Option 3– \$11.964 million represents a substantial increase in project scope, scale, and complexity.

In addition, the scope was expanded to include detailed design of the netball courts and car park. This component was accommodated as a variation within the existing contract and funded from the contract contingency. It is proposed that these elements be included in the construction tender as optional components, to be awarded subject to favourable tender outcomes and available funding.

The progression to Option 2 or Option 3, however, necessitates further design development, coordination, and project management effort by the appointed architect and subconsultants beyond what can be reasonably absorbed within the remaining contingency. Further to this, the tight timeframes associated with the grant funding agreement does not provide enough time to re tender the detailed design.

As a result, a further contract over expenditure is required to CN2864 to accommodate the increased level of service, extended timeframe, and higher costs associated with delivering an expanded design for either Option 2 or 3.

The contract over expenditure for the completion of the detailed design will be managed within Council's current grant agreement, ensuring a net zero impact on the 2025–2026 financial year Capital Works budget

The table below shows the design contract costs associated with option 2 and 3. See Attachment 2 – Design Options 2 and 3.

Contract	Contract Total Option 2	Contract Total Option 3
CN2864 Original Contract Value	\$426,000	\$426,000
Contract Over Expenditure Option 2	\$174,200	
Contract Over Expenditure Option 3		\$180,180
Revised Contract Value CN2864 *	\$600,200	\$606,180

4.8 (Cont.)

Proceeding with Option 2 results in a contract over expenditure of \$174,200 plus \$17,420 GST under CN2864.

Proceeding with Option 3 results in a contract over expenditure of \$180,180 plus \$18,018 GST under CN2864.

TIMELINES

As part of the Federal Government's Priority Community Infrastructure Program grant, all activities are required to be completed within their agreed milestone dates see below:

- Cricket Nets – Completed
- Eastern Pavilion Construction – 1 December 2026
- Early Works Package – 3 August 2026
- Western Pavilion Detailed Design – 3 August 2026

Council has an obligation to financially acquit the project by 1 December 2026 as the program ends.

Should the variation to the program end date be granted, the Western Pavilion could be constructed by August 2028 and these timelines adjusted with the federal government.

RISK CONSIDERATIONS

Key project risks include:

- Loss of Federal funding if a viable variation option is not agreed to by the Federal government. Cost escalation due to ongoing delay or uncontrolled scope
- Cost escalation due to ongoing delay or uncontrolled scope.
- Reputational risk if the project does not advance following multiple Council decisions.
- Construction risk within an active, constrained sporting precinct.
- Contingency funding due to the cost of fuel on materials and construction costs.

The value management process will be critical to ensuring the final scope:

- Remains within the confirmed funding envelope.

4.8 (Cont.)

- Appropriately incorporates the contribution from tenant clubs.
- Addresses cost pressures without compromising critical compliance requirements.

Outcomes from the value management process will be reflected in the final detailed design and reported back to Council prior to procurement.

Outcomes from the value management process will be reflected in the final detailed design and reported back to Council prior to procurement.

Planning Permit Requirement

The project may require a planning permit, depending on the final scope, cost, location and applicable planning controls. If a permit is required, it will be triggered by a bushfire management overlay and a construction cost that exceeds \$10 million. The planning permit process would take between 2-4 months and would need to be factored into the timing for delivery and any current or potential external funding arrangements.

Under Clause 52.31 of the Victoria Planning Provisions, Council-delivered projects are exempt from the requirement to obtain a planning permit only where the estimated cost does not exceed \$10 million. As the Emil Madsen Pavilion redevelopment is expected to exceed this threshold, the exemption cannot be relied upon, and the proposal will need to be assessed under the applicable zone and overlays planning controls.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

CONFLICTS OF INTEREST

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

CONCLUSION

4.8 (Cont.)

Further investigations have confirmed that the previously adopted option for the Emil Madsen Western Pavilion continues to have a significant funding gap required to deliver the project.

Following reassessment against Council's adopted funding position, confirmed external funding, Federal Government grant requirements and consultation with the tenant clubs, a design option based on Option 2 represents the most feasible, compliant and deliverable pathway within the funding envelope.

Applying a formal value management approach will enable transparent prioritisation of scope, optimisation of project outcomes and management of cost risk within the approved funding envelope. Endorsing this approach provides Council with a responsible and achievable pathway to progress the Emil Madsen Western Pavilion redevelopment toward delivery.

OFFICE OF THE CEO

4.9 Australia Day Local Awards Selection Panel Terms of Reference and Expression of Interest

Issued By	Manager-Governance and Risk
Authorised By	Chief Executive Officer
Document ID	A14038767
Briefing Note Number	BN2188 – 31 March 2026
Attachment(s)	1. Draft Australia Day Local Awards Selection Panel – Terms of Reference ⇒ 2. Current – Australia Day Local Awards Selection Panel – Terms of Reference ⇒ 3. Council Meeting Minutes – 9 September 2024 (confidential) ⇒

EXECUTIVE SUMMARY

The purpose of this report is to present to Council the draft Australia Day Local Awards Selection Panel Terms of Reference (Attachment 1) and to seek Council endorsement to commence the Expression of Interest process to appoint community representatives to the Australia Day Local Awards Selection Panel (the Selection Panel).

RECOMMENDATION

That Council:

1. **Adopts the draft Australia Day Local Awards Selection Panel Terms of Reference (Attachment 1).**
2. **Endorses seeking Expression of Interest applications for community representatives for the Australia Day Local Awards Selection Panel for a period of four weeks from 13 May 2026.**

Part B

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

4.9 (Cont.)**COUNCIL PLAN**

This aligns with the Council Plan 2025–2029, in particular:

Prosperity: Enabling balanced growth through innovation, empowering community groups and volunteers, and fostering a resilient, thriving and vibrant local economy.

Strategic Objective 3.2: Valued partnerships and empowered community groups and volunteers.

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 I which are:

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

RELEVANT COUNCIL DECISIONS AND POLICIES

- Current 'Australia Day Local Awards Selection Panel- Terms of Reference' – Adopted by Council on 17 June 2025 (Attachment 2)
- Council Meeting Minuts – 9 September 2024 (Confidential Attachment 3)

DISCUSSION**Purpose**

The purpose of this report is to present to Council the draft Australia Day Local Awards Selection Panel Terms of Reference (draft TOR) and to seek Council endorsement to commence the Expression of Interest process to appoint community representatives to the Selection Panel.

Background

Every year the Mornington Peninsula Shire Council recognises the achievements of its residents by hosting an awards ceremony on Australia Day each year which celebrates the achievements of those who have been nominated by members of the community for their outstanding efforts.

The Selection Panel is responsible for assessing Australia Day Local Award nominations and recommending award recipients to Council. Following the completion of the 2026 Australia Day Local Awards process, several opportunities to strengthen and clarify the current Terms of Reference (Attachment 2) were identified. The proposed updates aim to enhance governance, improve

4.9 (Cont.)

transparency, and ensure the process remains efficient and aligned with Council requirements.

Proposed updates to the draft TOR include:

Introduce a Cap on Additional Discretionary Award Categories

- To maintain the integrity and prestige of the Awards Program the draft TOR includes an update which applies a limit to the number of additional discretionary categories to a maximum of three per year.

Adjust the Timing of the Main Deliberation Meeting to Align with the Annual Council Meeting Schedule

- The draft TOR has been updated to specify that the main deliberation meeting will occur in November or December, aligned to the Council Meeting schedule for that year.

Strengthen Transparency by Clarifying Timeframes for Notifying Nominees

- To ensure consistency and improve the nominee experience, the draft TOR includes transparency clause clarifying when both winning and non-winning nominees will be notified.
- Earlier and clearly defined notification points will support transparency, manage expectations and improve stakeholder relationships.

Expression of Interest

Following the cessation of six Selection Panel member appointments effective 27 January 2026, in accordance with the Council resolution of 9 September 2024, it is now necessary to refresh the membership of the Selection Panel. The Selection Panel plays a key role in supporting Council's decision-making processes and is comprised of both Councillor and community representation.

The Selection Panel comprises of:

- The Mayor and/or Deputy Mayor or Councillor delegate
- Manager – Governance & Risk or delegate
- Eight community representatives appointed by Council.

To ensure continuity and effective governance, we are seeking Council endorsement to commence an Expression of Interest (EOI) process to appoint new community representatives to the Selection Panel.

4.9 (Cont.)**Options for Consideration**

Not applicable.

ENGAGEMENT

If endorsed by Council, the EOI will be made available and promoted via the Shire's website, social media channels, and local newspapers to ensure broad community reach for a period of four weeks.

COMMUNICATIONS PLAN

Upon Council's adoption of the revised Terms of Reference:

- Current Selection Panel Members will be notified directly.
- Updates will be made to nomination materials and the Shire website.
- A promotion campaign will commence from July through to October to encourage community participation in the Australia Day Local Awards.

Upon Council's adoption to commence the EOI process:

- The EOI will be promoted through a coordinated approach utilising the Shire's website, social media channels, and local newspapers to maximise community awareness and participation.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.10 Instrument of Delegation – Council to Members of Council Staff

Issued By	Manager – Governance and Risk
Authorised By	Chief Executive Officer
Document ID	A14047247
Briefing Note Number	Nil
Attachment(s)	1. S6 Instrument of Delegation – Council to Council Staff ➡

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopt the updated Instrument of Delegation from Council to Council officer following the January 2026 update and a comprehensive, independent legal review undertaken by Maddocks Lawyers.

Council engaged Maddocks to conduct a detailed assessment of its existing delegations, providing expert legal oversight to ensure the Instrument remains robust, compliant and fit-for-purpose. This review involved a thorough examination of relevant legislation, governance requirements and Council's operational structure.

RECOMMENDATION

That in the exercise of the powers conferred by section 11 of the *Local Government Act 2020* and the other legislation referred to in the attached Instrument of Delegation, Mornington Peninsula Shire Council resolves:

- 1. That Council adopts the Instrument of Delegation from Council to Council Officers dated 12 May 2026 as shown in Attachment 1.**
- 2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument (Attachment 1).**
- 3. The Council to Council Officer Instrument of Delegation as shown in Attachment 1 comes into force immediately upon this resolution being made and is to be signed by the Chief Executive Officer (CEO).**
- 4. On the coming into force of the Instrument, the previous s6 Council to Council Officer dated 16 December 2025 is revoked.**

4.10 (Cont.)

- 5. The duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

GOVERNANCE PRINCIPLES

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

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

The current (S6) Council to Council Officer Instrument of Delegation was adopted by Council on 16 December 2025 following updates to our organisation structure.

DISCUSSION**Purpose**

The purpose of this report is to seek endorsement from Council for the attached Council to Council Officer Instruments of Delegation.

Background

This update to the Instrument of Delegation from Council to Council officers was supported by a comprehensive and independent legal review undertaken by Maddocks Lawyers. Council engaged Maddocks to provide expert legal oversight

4.10 (Cont.)

and assurance that its delegations framework remains compliant, effective, and aligned with current legislative and organisational requirements.

This review involved a detailed assessment of the existing Instrument against relevant legislation, as well as consideration of Council's operational structure and contemporary local government practices. It also sought to ensure that delegations are appropriately allocated to enable decisions to be made at the correct level, improving efficiency while maintaining appropriate governance controls.

Delegation of powers is critical to the efficient and effective operation of Council. Without clear delegations, Council would be unable to manage its workload or deliver services in a timely manner. Regular legal review of delegation instruments, as recommended by Maddocks Lawyers, is an important component of good governance, ensuring ongoing compliance, responsiveness to legislative change and alignment with organisational needs.

The recent organisational review resulted in a number of changes to functions and reporting lines. These changes have been incorporated into the updated Instrument to ensure that responsibilities and decision-making authority align appropriately with current roles and organisational structure.

Options for Consideration

Council adopts the updated Instrument of Delegation which is based on the latest Maddocks bi-annual review, a comprehensive legal review of all Council delegations and updates made in response to the organisational review changes.

ENGAGEMENT

Engagement with relevant managers has been undertaken to ensure the appropriate delegation of positions, supporting clear accountability and effective operational delivery.

COMMUNICATIONS PLAN

Once approved, the public register of delegations required under section 11 (8) of *the Act* will be updated on the Shire website and the Instrument of Delegation will be made available to Shire officers.

LEGAL AND REGULATORY FRAMEWORK

The power of delegation under section 11 of *the Act* is a power to delegate Council's powers under *the Act* or any other act to the Chief Executive Officer who then may sub-delegate those powers pursuant to section 47 of *the Act*.

4.10 (Cont.)

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.

ASSETS & INFRASTRUCTURE

4.11 Draft Property Strategy 2026–2031

Issued By Manager – Assets, Buildings & Property

Authorised By Director – Assets & Infrastructure

Document ID A13988344

Briefing Note BN2181 – 31 March 2026
Number

Attachment(s) 1. Draft Property Strategy 2026–2031 [⇒](#)

EXECUTIVE SUMMARY

Council manages an extensive and diverse property portfolio which underpins the delivery of Council's community services and facilities across our townships and rural areas. A growing population and increased service expectations in conjunction with financial and environmental pressures are driving the need for a more strategic and sustainable approach to the management of Council's property portfolio.

Council's current *Property Strategy December 2018* (Current Strategy) is outdated, largely procedural and includes a focus on building maintenance, a function that is managed by the Building Maintenance team.

The draft *Property Strategy 2026–2031* (Draft Strategy) (Attachment 1) will replace the current strategy and introduces a comprehensive framework to manage Council Property responsibly and adaptively, delivering long-term community benefit and financial sustainability, supporting the Council's Community Vision as an inclusive, connected and sustainable community.

It is recommended that Council undertake community engagement on the Draft Strategy, with the outcomes of that engagement to be reported to Council in September 2026 for consideration and adoption of a final strategy.

RECOMMENDATION

That Council approves the draft Property Strategy 2026–2031 (Attachment 1) being placed on public exhibition for a period of four weeks.

4.11 (Cont.)**COUNCIL PLAN**

This aligns with the Council Plan 2025–2029, in particular:

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

Strategic Objective 4.2: Community-centred, responsive, and fit-for-purpose services.

GOVERNANCE PRINCIPLES

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

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

Council adopted the Current Strategy on 11 December 2018 with a review proposed for December 2019, however it appears that the review was not undertaken.

DISCUSSION**Purpose**

This report seeks to present the Draft Strategy to Council, obtain approval for public exhibition and outline the steps for consideration and adoption of the final Draft Strategy.

Background

Council manages 30.56 square kilometres of land, including freehold land owned by Council and Crown land, where Council acts as committee of management on behalf of the Crown. These land holdings comprise a diverse and significant

4.11 (Cont.)

property portfolio that plays a fundamental role in supporting the delivery of community services, facilities and infrastructure across the Shire.

This portfolio accommodates a wide range of uses and represents a substantial public investment that must be managed effectively to meet current and future community needs. Continued population growth, evolving demographic trends, and increasing community expectations in conjunction with increasing financial constraints and environmental pressures are necessitating a more strategic, coordinated, and sustainable approach to the management of Council's property portfolio.

The Draft Strategy establishes clear principles, priorities and actions to guide the delivery of the following six property work streams in accordance with the requirements of the *Local Government Act 2020*, the *Local Government Act 1989*, the *Crown Land (Reserves) Act 1978* and Council's broader strategic and financial planning framework:

- Leasing and Licencing
- Sale of surplus Council land
- Land acquisition
- Road discontinuances
- Boatshed and bathing box management
- Strategic property advice.

The Draft Strategy aligns with the strategic objectives of the Council Plan 2025–2029 and provides a basis for consistent, transparent property decisions across the organisation.

The Draft Strategy is underpinned by three strategic objectives that will guide Council's property decision making:

- Objective 1: transparent and evidence based decision making
- Objective 2: sustainable and adaptable
- Objective 3: future focused property planning.

The Draft Strategy includes a workstream implementation plan, with timelines over the next four years, which clearly identifies the year in which each action will be undertaken.

4.11 (Cont.)**Options for Consideration**

Option 1 (recommended): That Council endorses the Draft Strategy to be placed on public exhibition for a period of four weeks.

If Council endorses the Draft Strategy, Shire officers will proceed to release the document for public consultation on the Shire's Shape Our Future page, providing the community with the opportunity to complete a short online survey and provide feedback on the Draft Strategy.

Option 2: That Council does not endorse the Draft Strategy to be placed on public exhibition.

If Council does not endorse the Draft Strategy to be placed on public exhibition, Shire officers must continue to rely on the current Strategy which does not provide the necessary framework to undertake such complex investigations. Furthermore, incomplete or incorrect investigations and subsequent actions in this space have the potential to open Council to legal risk if the processes are not carried out according to relevant legislation.

ENGAGEMENT

It is recommended that the Draft Strategy together with the draft *Sale and Acquisition of Land Policy* and the draft *Discontinuance of Roads and Minor Reserves Policy* will be released together for public consultation for a period of four weeks on the Shire's Shape Our Future page, providing the community with the opportunity to complete a short online survey and provide feedback on all draft documents.

At the conclusion of the community engagement period, a report will be presented to Councillor's at a future Council Briefing outlining the community's feedback on the Draft Strategy and to give Councillors an opportunity to consider the community's views, seek clarification from Shire officers and discuss any potential amendments to the draft Strategy prior to formal consideration.

Following this, a subsequent report will be brought to a future Council Meeting to present the finalised Draft Strategy, incorporating any revisions arising from both the community engagement process and Councillor feedback and seek a decision on the endorsement of the Draft Strategy.

COMMUNICATIONS PLAN

In conjunction with the Community Engagement Team, Shire officers have developed a Communications Plan to ensure the Draft Strategy and engagement, reaches the widest audience possible. Digital, in person and social media tools will also be utilised to ensure community feedback is included.

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

The Draft Strategy has been drafted in accordance with the *Local Government Act 1989*, the *Local Government Act 2020*, *Crown Land (Reserves) Act 1978*.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Council's property portfolio has a direct and material influence on Council's climate change response, environmental performance and long term sustainability. The Draft Strategy provides an opportunity to embed climate responsive and sustainable principles into the planning, use, management and disposal of Council property.

FINANCIAL CONSIDERATIONS

The cost required to undertake the public exhibition and community consultation has been factored into the adopted 2025/2026 Council Budget.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.12 Draft Sale and Acquisition of Land Policy

Issued By	Manager – Assets, Property and Buildings
Authorised By	Director – Assets & Infrastructure
Document ID	A13973453
Briefing Note Number	BN2178 – 31 March 2026
Attachment(s)	1. Draft Sale and Acquisition of Land Policy ⇒

EXECUTIVE SUMMARY

Land is a finite and highly valuable asset and decisions regarding the sale and acquisition of land carry significant strategic implications. Council property needs to respond to the needs of the community now and into the future, which includes selling surplus property and strategically acquiring additional property.

Council currently manages the sale of land in accordance with the Disposal of Property 'Deemed Excess and/or Inappropriate' Policy 2009 (Policy 2009). Given the policy's age and evolving community needs, the current Policy 2009 requires updating to ensure alignment with best practice, strategic objectives and legislative requirements.

The draft Sale and Acquisition of Land Policy (the draft Policy) (Attachment 1) provides this framework, incorporating an agreed set of principles and clear criteria to determine when land is considered surplus and suitable for sale; and when land is considered suitable to purchase. This ensures Council decisions in relation to the sale and acquisition of land reflect strategic priorities, support sustainable growth and respond to the evolving requirements of the community.

The draft Policy establishes clear, staged frameworks for both the disposal and acquisition of land. It provides a structured approach to identifying surplus land by assessing community current and future needs and Council priorities, with land not required progressing to a detailed due diligence to inform decisions on potential land sales. The draft Policy also sets out a two-stage acquisition framework to ensure any proposed purchase of land aligns with Council's strategic objectives, supports current and future service delivery, represents value for money and is fit for purpose.

It is recommended that Council undertake community engagement on the draft Policy, with the outcomes of that engagement to be reported to Council in September 2026 for consideration and adoption of an updated Policy.

4.12 (Cont.)**RECOMMENDATION**

That Council approves the draft Sale and Acquisition of Land Policy to be placed on public exhibition for a period of four weeks.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

GOVERNANCE PRINCIPLES

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

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

At the Council Meeting held on 12 October 2009, Council resolved to adopt the Disposal of Council Property Deemed Excess and/or Inappropriate Policy.

DISCUSSION**Purpose**

This report seeks to present the draft Policy to Council, obtain approval for public exhibition and outline the next steps for consideration and adoption of the draft Policy.

Background

Council manages an extensive property portfolio that needs to be responsive to changing community and organisational needs, balancing flexibility for future

4.12 (Cont.)

requirements with opportunities to divest surplus Council land and strategically acquire additional land where required.

The Disposal of Council Property Deemed Excess and/or Inappropriate Policy 2009 has not been substantially reviewed since its adoption and requires updating to reflect current best practice, strategic objectives and legislative requirements.

The draft Policy provides a clear, consistent, equitable and transparent framework to guide decision making relating to the sale of Council land and the acquisition of new land. It establishes a two-step process to identify when Council land is surplus and suitable for sale, first testing retention of land principles against current or future community needs, informed by Council strategies and plans. Where the Council land does not meet any of the retention principles, it will undergo a further assessment including a comprehensive due diligence across legal, asset, environmental, planning and financial considerations.

The draft Policy also introduces a two-stage acquisition framework to ensure informed decision making for any land proposed for purchase. The framework assesses alignment with current and future service needs and long-term strategic objectives, considers community benefit and value for money and requires a comprehensive due diligence to evaluate risks, financial impacts and ongoing costs prior to acquisition.

Options for Consideration

Option 1 (recommended): That Council endorses the draft Sale and Acquisition of Land Policy to be Placed on Public Exhibition for a Period of Four Weeks.

If Council endorses the draft Policy, Shire officers will proceed to release the document for public consultation on the Shire's Shape Our Future page, providing the community with the opportunity to complete a short online survey and provide feedback on the Draft Policy.

Option 2: That Council does not Endorse the draft Sale and Acquisition of Land Policy.

If Council does not endorse the draft Policy, Shire officers must continue to rely on the current policy which does not provide the necessary framework and principles to undertake assessments to determine if the land currently owned by Council is suitable for sale or whether land to be purchased is suitable. Further, actions in this space have the potential to open Council to legal risk if the processes are not carried out according to the relevant legislation.

4.12 (Cont.)**ENGAGEMENT**

It is recommended that the draft Policy, together with the draft Property Strategy and the draft Discontinuance of Roads and Minor Reserves Policy, be placed on public consultation for a period of four weeks on Shire's Shape Our Future page. This will provide the community with an opportunity to complete a short online survey and provide feedback on all draft documents.

At the conclusion of the community engagement period, a report will be presented to Councillor's at a future Council Briefing outlining the community's feedback on the draft Policy and to give Councillors an opportunity to consider the community's views, seek clarification from Shire officers and discuss any potential amendments to the draft Policy prior to formal consideration. Following this, a subsequent report will be brought to a future Council Meeting to present the finalised draft Policy, incorporating any revisions arising from both the community engagement process and Councillor feedback and seek a decision on the endorsement of the draft Policy.

COMMUNICATIONS PLAN

In conjunction with the Community Engagement Team, Shire officers have developed a Communications Plan to ensure the draft Policy and engagement, reaches the widest audience possible. Digital and social media tools will also be utilised to ensure community feedback is included.

LEGAL AND REGULATORY FRAMEWORK

Shire officers have drafted the draft Policy in accordance with its obligations pursuant to the *Local Government Act 2020*. Should Council resolve to sell Council land or acquire additional land it must comply with all legislative requirements, with the process guided by the draft Policy. These obligations ensure that any sale and acquisition of land is lawful, transparent and delivers the best outcomes for the community.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

The cost required to undertake the public exhibition and community consultation has been factored into the adopted 2025/2026 Council Budget.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.13 Draft Discontinuance of Roads and Minor Reserves Policy

Issued By	Manager – Assets, Buildings and Property
Authorised By	Director – Assets & Infrastructure
Document ID	A13984665
Briefing Note Number	BN2179- 31 March 2026
Attachment(s)	1. Discontinuance and Disposal of Roads Policy 2009 ⇒ 2. Closure and Disposal or Licensing of Unused Roads on Crown Land 2002 ⇒ 3. Draft Discontinuance of Roads and Minor Reserves Policy 2026 ⇒

EXECUTIVE SUMMARY

Council must strategically manage the discontinuance and sale of roads or minor reserves for the long-term best interests of the community whilst ensuring decisions relating to the process are soundly based, transparent and legally compliant.

Council's current Discontinuance and Disposal of Roads Policy 2009, (Attachment 1) and Closure and Disposal or Licensing of Unused Roads on Crown Land 2002 (Attachment 2) are outdated, largely procedural and provide limited guidance on road discontinuances.

The draft Discontinuance of Roads and Minor Reserves Policy 2026 (draft Policy) (Attachment 3) will replace both existing policies and introduce a comprehensive framework for the discontinuance of both roads and minor reserves, including clear principles and criteria, to guide decision making in a consistent, equitable and transparent manner.

It is recommended that Council undertake community engagement on the draft Policy, with the outcomes of that engagement to be reported to Council in September 2026 for consideration and adoption of a final Policy.

RECOMMENDATION

That Council approves the draft Discontinuance of Roads and Minor Reserves Policy being placed on public exhibition for a period of four weeks.

4.13 (Cont.)**COUNCIL PLAN**

This aligns with the Council Plan 2025–2029, in particular:

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

GOVERNANCE PRINCIPLES

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

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

At the Council Meeting held on 3 February 2002, Council resolved to adopt the Closure and Disposal or Licensing of Unused Roads on Crown Land by the Department of Sustainability and Environment (DSE).

At the Council Meeting held on 12 October 2009, Council resolved to adopt the Discontinuance and Sale of Roads Policy.

DISCUSSION**Purpose**

This report seeks to present the draft Policy to Council, obtain approval for public exhibition and outline the steps for consideration and adoption of a final Policy.

Background

Council has a responsibility to strategically manage its roads and reserves for the long term interest of the community, ensuring they contribute to the connectivity of the Shire. However, there are circumstances where it may be appropriate to discontinue and sell all or part of a road or minor reserve.

4.13 (Cont.)

For the purposes of the draft Policy, a minor reserve includes drainage reserves and revenge strips but does not include reserves for recreation or open space purposes.

Council has the power to discontinue roads under the *Local Government Act 1989* and to remove a reserve status from land under the *Subdivision Act 1988*. Council also has the authority to sell the resulting land in accordance with the *Local Government Act 2020*.

Council's discontinuance powers are discretionary, meaning Council in its absolute discretion can refuse to proceed with a discontinuance application if the road or minor reserve is reasonably required for public use, regardless of whether there is an approved development for the land or an existing encroachment.

The majority of requests received by Council to discontinue a road or minor reserve are either initiated by Shire officers as a result of encroachments by adjoining owners onto Council land, or applications from adjoining owners seeking redevelopment opportunities on their land. A discontinuance allows Council the ability to consider repurposing the land or facilitate disposal.

Discontinuances are complex and often lengthy processes that take 12 to 18 months to complete. They involve many stages to ensure compliance with legislative requirements and to ensure that the road or minor reserve is no longer required for public use or required for strategic retention. These processes can be contentious and, in some cases, litigious, requiring thorough investigation, community engagement, and careful consideration of legal and financial implications.

The Discontinuance and Sale of Roads Policy 2009 and the Closure and Disposal or Licensing of Unused Roads Policy 2002 have not been substantially reviewed or updated since their adoption. Together these two policies provide limited guidance on road discontinuance matters and largely function as procedural documents, with no consideration of minor reserves.

It is proposed that the draft Policy replace both existing policies and will provide a framework of broad principles to guide decision making and ensure processes are carried out in a consistent, equitable and transparent manner, complying with legislative requirements and adopting best practice.

Roads and minor reserves should be retained if there is any current or future need for the land and the draft Policy establishes retention principles to guide Shire officers when a road or minor reserve could be considered for discontinuance and sale.

4.13 (Cont.)**Options for Consideration**

Option 1 (recommended): That Council Endorses the draft Policy to be Placed on Public Exhibition for a Period of Four Weeks.

If Council endorses the draft Policy, Shire officers will proceed to release the document for public consultation on the Shire's Shape Our Future page, providing the community with the opportunity to complete a short online survey and provide feedback on the draft Policy.

Option 2: That Council does not Endorse the draft Policy to be Placed on Public Exhibition.

If Council does not endorse the draft Policy to be placed on public exhibition, Shire officers must continue to rely on the current policies which do not provide the necessary framework to undertake such complex investigations. Incomplete or incorrect investigations and subsequent actions in this space have the potential to open Council to legal risk if the processes are not carried out according to the relevant legislation.

ENGAGEMENT

It is recommended that the draft Policy be placed on public exhibition for a period of four weeks. At the conclusion of the community engagement period, a report will be presented to Councillors at a future Council Briefing outlining the community's feedback on the draft Policy and to give Councillors an opportunity to consider the community's views, seek clarification from Shire officers and discuss any potential amendments to the draft Policy prior to formal consideration. A subsequent report will be brought to a future Council Meeting to present the finalised draft Policy, incorporating any revisions arising from both the community engagement process and Councillor feedback and seek a decision on the endorsement of the draft Policy.

COMMUNICATIONS PLAN

In conjunction with the Community Engagement Team, Shire officers have developed a Communications Plan to ensure the draft Policy and engagement, reaches the widest audience possible. Digital and social media tools will also be utilised to ensure community feedback is included.

LEGAL AND REGULATORY FRAMEWORK

The draft Policy has been drafted in accordance with the *Local Government Act 1989*, the *Local Government Act 2020*, the *Subdivision Act 1988*, the *Road Management Act 2004* and the *Planning and Environment Act 1987*.

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

Not applicable.

FINANCIAL CONSIDERATIONS

The cost required to undertake the public exhibition and community consultation has been factored into the adopted 2025/2026 Council Budget.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.14 Lease and Licence Policy

Issued By	Manager – Assets, Buildings and Property
Authorised By	Director – Assets & Infrastructure
Document ID	A13981020
Briefing Note Number	BN2180 – 31 March 2026
Attachment(s)	1. Lease and Licence Policy 2026 ⇒

EXECUTIVE SUMMARY

Council's property portfolio includes a diverse leasing portfolio, comprising over 260 leased and licensed facilities with a total income of over \$2 million and a total asset value of \$760 million. Council's leasing portfolio is used and deployed in many different ways to support Council operationally and strategically, including facilities used for community, recreation, creative, retail, essential services, telecommunication, car parks and residential purposes.

It is important that Council not only strategically manages its lease portfolio for the long-term best interests of the Shire community but also ensures decisions relating to occupancy agreements provide consistency for tenants, are soundly based, transparent and compliant with the *Local Government Act 2020*.

The Lease and Licence Policy (the Policy) will ensure that Council has a single, clear, consistent and equitable approach for the allocation and management of Council property, including standardised rent and outgoings, maintenance obligations and ensuring that Council property can respond to changing community needs.

RECOMMENDATION

That Council:

1. **Revokes the following Council policies:**
 - A. **Commercial Tenancies Policy, adopted on 21 December 2009**
 - B. **Community Facilities Tenancies Policy, adopted on 21 December 2009**
 - C. **Commercial and Community Market Agreements Policy, adopted on 12 October 2009**
 - D. **Food Truck Policy, adopted on 20 December 2022**

4.14 (Cont.)

- E. Men's Shed Policy, adopted on 27 July 2015**
- F. School Tenancy on Council Land Policy, adopted on 21 December 2009.**
- 2. Resolves to adopt the Lease and Licence Policy.**
- 3. Resolves to make an alteration to the adopted Schedule of Fees and Charges 2025/2026 to include the following fees and charges:**
 - A. Lease/Licence Administrative Rent (Community): \$540.00**
 - B. Leased Sporting Ground Rent (Lit Court): \$300.00**
 - C. Leased Sporting Ground Rent (Unlit Court): \$120.00.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Strategic Direction 2: People

- Strategic Objective 2.2: An engaged and connected community.

Strategic Direction 3: Prosperity

- Strategic Objective 3.2: Valued partnerships and empowered community groups and volunteers.

Strategic Direction 4: Performance

- Strategic Objective 4.2: Community-centred, responsive, and fit-for-purpose services.

GOVERNANCE PRINCIPLES

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

- A.** Council decisions are to be made and actions taken in accordance with the relevant law
- B.** Priority is to be given to achieving the best outcomes for the municipal community, including future generations
- I.** The transparency of Council decisions, actions and information is to be ensured.

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

At the Council Meeting held on the listed dates, Council resolved to adopt the following policies:

- Community and Commercial Markets Policy, on 12 October 2009
- Commercial Tenancies Policy, on 21 December 2009
- Community Facilities Tenancies Policy, on 21 December 2009
- School Tenancy on Council Land Policy, on 21 December 2009
- Men's Shed Policy, on 27 July 2015
- Food Truck Policy, on 20 December 2022

At the Council Meeting held on 14 November 2023, Council resolved to convene a working group with interested Councillors and Shire officers to review the Commercial Tenancies Policy within one month of the resolution.

At the Council Meeting held on 17 December 2024, Council resolved to endorse the previous draft Lease and Licence Policy for a period of community consultation from 3 February 2025 to 30 March 2025.

DISCUSSION**Purpose**

The purpose of this report is to provide Council with the final Lease and Licence Policy (the Policy) (Attachment 1) and the results of the recent community engagement.

Background

Leasing and licensing of Council property is currently carried out in accordance with the following adopted Council policies:

- Commercial Tenancies Policy
- Community Facilities Tenancies Policy
- Commercial and Community Market Agreements Policy
- Food Truck Policy
- Men's Shed Policy

4.14 (Cont.)

- School Tenancy on Council Land Policy.

These multiple existing policies have resulted in a fragmented approach to managing Council's leasing portfolio, leading to inconsistent application and outcomes in lease and licence agreements.

The Policy will provide Council with a clear, consistent, and equitable framework for allocating and managing Council property. This includes standardised rent and outgoings, defined maintenance responsibilities and flexibility to ensure Council property can respond to changing community needs.

If endorsed, the Policy will apply only to new leases and licences executed after its adoption. Tenants on a current agreement will continue to be subject to existing arrangements until the conclusion of their lease or licence agreement. Many community tenants are likely to continue to operate under similar terms to their current agreements, however some tenants on peppercorn or negotiated fees will have their rent increased by the application of the administrative rent under a new lease or licence.

Options for Consideration

Option 1 (recommended): That Council revoke the current policies as per the recommendation, adopt the Lease and Licence Policy and resolve to amend the Schedule of Fees and Charges.

If Council revoke the current policies and adopt the Lease and Licence Policy, Shire officers will be provided with a strong leasing and licencing framework to ensure fair, consistent and sound decision-making and reduce risk to Council.

Furthermore, it will minimise the administrative burden on Shire officers by streamlining processes and removing unnecessary procedural steps, allowing Shire officers to reduce the number of agreements in overholding.

Option 2: That Council do not adopt the Lease and Licence Policy.

If Council do not endorse the Lease and Licence Policy, Shire officers must continue to rely on the existing suite of policies which do not allow consistent decision-making and do not support a community-centred property strategy. This approach will perpetuate inefficiencies, increase the administrative burden on Shire officers, and fail to address issues such as overholding, which can lead to uncertainty and risk for Council and tenants. Additionally, without a consolidated policy, opportunities to strengthen governance, streamline processes, and reduce compliance risk will be missed.

4.14 (Cont.)**ENGAGEMENT**

In April 2024, Shire officers undertook a Councillor Workshop to assist in the development of a Lease and Licence Policy, with interested Councillors as per the Council resolution on 14 November 2023. The main themes identified for inclusion in the Policy included ensuring community tenants demonstrate social, environmental and economic benefits, maximising occupancy of Council assets, and clarity and consistency in leasing and licencing.

An initial draft Policy was subsequently developed by Shire officers, and internal consultation was undertaken with all relevant teams. The feedback stated that the draft Policy provided a better alignment of Council and community interests, clearer definition of maintenance responsibilities and the inclusion of Council's Universal Design Policy.

At the Council Meeting held on 17 December 2024, Council approved the draft policy being placed on public exhibition over an eight-week period (3 February 2025 to 30 March 2025), to seek community feedback. In response 18 submissions were received and some of the general themes in the written comments included:

- Greater clarity was needed on the criteria to distinguish commercial and community tenants
- Inclusion of a market led proposals was believed to be a way to remove community tenants from Council buildings and replace them with commercial tenants
- Organisations were waiting for a new lease or licence.

In October 2025, in response to the community feedback received, Shire officers undertook a further review of the draft Policy. Significant changes were made to incorporate the feedback, remove procedural content and ensure compliance with the *Local Government Act 2020*.

Further internal consultation then occurred and whilst there were some requests for clarification on matters, there were no concerns raised. The amended draft Policy was subsequently put out to public consultation for four weeks between 14 November 2025 and 14 December 2025. All current tenants and licensees received written notification of the amended draft Policy and were invited to complete a short online survey on the amended draft. Shire officers received 42 individual submissions.

The survey contained two scaled questions, asking respondents if the draft Policy provided a clear and transparent approach to leasing and licencing, and if it was easy to understand. Overall, respondents provided positive feedback to the draft Policy, with 73.81% strongly agreeing or agreeing that the draft Policy was clear

4.14 (Cont.)

and transparent. Further, 70.73% of respondents strongly agreeing or agreeing that the draft Policy was easy to understand.

Respondents who selected disagree or strongly disagree for either question were invited to provide a reason why they selected that answer. The one respondent who disagreed that the draft Policy was clear and transparent stated that “it doesn't allow for building[s] not owned by the council but fall under the new policy and guidelines”. Two respondents who disagreed that the draft Policy was easy to understand stated that “it needs to be in plain English” and “there doesn't need to be so much legal jargon”.

The third question asked respondents if they participated in the first round of Policy consultation in early 2025. Only 14.63% (six respondents) stated they participated, with 56.10% (23 respondents) stating they did not participate, and the remaining 29.27% (12 respondents) stating they were unsure.

The final question provided a free text field which respondents could provide comments or feedback not already covered. An analysis of these comments showed a generally positive impression, with several respondents thanking Shire officers for the opportunity to comment on the draft and sharing appreciation for Shire officers who have made recent site visits to Council's tennis clubs.

Several respondents were concerned that the draft Policy restricted agreements to a term of up to five years. Clause 5.3.2 of the draft Policy states that a lease or licence will *generally* have a term of up to five years, unless there is demonstrated substantial investment in the property, an ongoing and demonstrable community need for the service, a strong alignment between the objectives of Council and the tenant, and a clear alignment with Council's access and equity principles. If a tenant is able to demonstrate they meet the listed criteria, a lease or licence term of over five years may be considered.

Several respondents were also concerned that the draft Policy did not address tenancies where Council is the landowner or Crown land manager, and the tenant owns the building, known as a ground lease. Whilst this situation was included in the definition of 'Council property', Shire officers have expanded the definition to explicitly include ground leases.

COMMUNICATIONS PLAN

If the Policy is adopted by Council on 12 May 2026, Shire officers will provide written notification to all current lease and licence holders with a copy of the adopted Policy. The Community Engagement Team will also provide an update to respondents who opted in to the 'Close the Loop' emails advising of the adoption of the Policy.

4.14 (Cont.)

If adopted, from 13 May 2026 all leases and licences issued by Council will be under the newly adopted Lease and Licence Policy.

LEGAL AND REGULATORY FRAMEWORK

Section 115 of the *Local Government Act 2020* empowers Council to lease land for a term of up to 50 years. Where a lease is proposed for 10 years or more or has a rental of \$100,000 per annum or more, Council is required to undertake community engagement on the lease proposal. The engagement must be conducted either through inclusion in Council's annual budget or in accordance with Council's Community Engagement Policy.

Where Council has been appointed as the Committee of Management of Crown land, Council must also comply with section 17 of the *Crown Land (Reserves) Act 1978* in relation to its powers to grant leases or licences on reserved Crown land.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Under the current suite of policies there is no standard methodology for determining rental amounts or applying rental increases for community tenants. Existing arrangements vary considerably. The draft Policy introduces an administrative rent, which will create consistency, certainty and equity across all community group tenants, allowing their efforts and resources to be directed towards community service delivery.

To enable affordable access for community organisations to Council property, an annual fee (known as administrative rent) will be charged. The administrative rent contributes to the costs associated with the preparation, execution and maintenance of the lease or licence. The administrative rent will be included in the adopted Schedule of Fees and Charges as part of the annual budget process allowing for consistent and transparent application of annual increases in line with Council's budget parameters.

The draft Policy also creates a sporting ground rent fee which will be applied to sports clubs that occupy large parcels of Council owned or managed land for sporting surfaces to the exclusion of the public e.g. tennis and bowls clubs. The sporting ground rent is charged in addition to the administrative rent and will allow Council to charge a consistent rate for the use of land for sporting purposes, compared to the current suite of policies which allows for significant variations between organisations.

4.14 (Cont.)**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 515 – Proliferation of Signs and Illegal Signage

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

That Council:

- 1. Provides a report as soon as possible to a Council Briefing on the proliferation of illegal real estate signs and proposals to deal with the problem*
- 2. Considers organising a roundtable meeting of real estate agent representatives to discuss real estate signage issues*
- 3. Reports on general signage policy issues and solutions at a Council Meeting before the end of July 2026.*
- 4. Considers community consultation for public feedback on signage issues.*

Background

Proliferation of general signage and real estate signage problems have been raised by and on behalf of residents. There seems to be underlying problems as to how Council can resolve long-term signage issues.

Officer Comment Prepared by	Manager – Regulatory Services
Authorised by	Director – Planning & Liveability

OFFICER COMMENT

Shire officers will be able to prepare a report for discussion with Councillors at a Council Briefing or Workshop no later than 30 September 2026.

Legal Implications

Not applicable.

Financial and Resourcing Implications

Not applicable.

Potential Alternative Wording

Not applicable.

5.2 Notice of Motion 516 – Wildlife Protection

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

That Council:

- 1. Brings a report to reconsider the best way forward to have a Wildlife Master Plan for the Mornington Peninsula*
- 2. Reports on options for a wildlife hospital on the Mornington Peninsula*
- 3. Undertakes long-term advocacy to governments regarding the high wildlife road toll on the Mornington Peninsula.*

Background

With the loss of wildlife habitat on the Mornington Peninsula accentuated by the proposed sale of over 1100 hectares of mainly remnant indigenous vegetation of Cerberus Defence Land further consideration of wildlife protection is urgent.

There is a need to consider increasing relevant wildlife protection measures such as roadside virtual fencing, appropriate wildlife warning signs, levels of grant funding and community partnerships.

Officer Comment Prepared by	Manager – Projects & Engineering Services
Authorised by	Director – Assets & Infrastructure

OFFICER COMMENT

Shire officers will provide information to Councillors, via a SharePoint update, on the work currently underway or recently completed in relation to wildlife protection. This will include the responsibility of Council versus State Government when it comes to wildlife mapping, protection and road trauma.

5.3 Notice of Motion 517 – Nature Strips

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

That Council reports on progress with local street community partnerships to help enable the greening of nature strips by residents in line with climate change initiative policies of Council.

Background

According to research by Melbourne University nature strips make up close to 40% of green public space in urban neighbourhoods and as much as 7% of total residential land mass. Much of this space is wasted on growing foreign grass monocultures of little environmental benefit, with costs that include mowing, watering and weeding.

A number of Councils are allowing residents to plant out their own nature strips with native species; this could be followed up with relevant Councils in Victoria, New South Wales and Queensland.

Officer Comment Prepared by	Manager – Projects & Engineering Services
Authorised by	Director – Assets & Infrastructure

OFFICER COMMENT

Shire officers will provide a progress report to Councillors on the work currently underway in relation to Private Works on Nature Strip Policy at a Workshop by August 2026.

Legal Implications

Not applicable.

Financial and Resourcing Implications

Not applicable.

Potential Alternative Wording

Shire officers will provide a progress report to Councillors on the work currently underway in relation to Private Works on Nature Strip Policy at a Workshop by August 2026.

6 URGENT BUSINESS

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

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

7 CONFIDENTIAL ITEMS

Advice to the Public

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

MEETING CLOSED TO THE PUBLIC

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

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

- (j) Councillor Conduct Panel confidential information, being information specified in section 169.
- (k) Information prescribed by the regulations to be confidential information for the purposes of this definition.
- (l) Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

RECOMMENDATION

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

7.1 Draft Audit and Risk Committee minutes

This matter is considered to be confidential under Section 3(1)b of the *Local Government Act 2020* as It contains information in relation to security information.

7.2 Notice of Extension – CN2718 – Independent Advisor: Chief Executive Officer Performance and Remuneration Review

This matter is considered to be confidential under Section 3 (1) g (ii) of the *Local Government Act 2020* as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage