



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 6 MAY 2025

6:30PM

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

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

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

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1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

To be read by Cr 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 22 April 2025, be confirmed.

2.4 Council Decision Register

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

PURPOSE

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

Attached are Summaries of the 2019-2025 Decision Registers (Attachments 1-7) as at 28 April 2025.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2025 (Attachments 1-7) as at 28 April 2025.

2.5 Councillor Briefing Sessions

Councillor Briefing Sessions – 15 and 22 April 2025

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 15 and 22 April 2025.

2.6 Public Question Time

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

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

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

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

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

3 COUNCILLORS AND DELEGATES REPORTS

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

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

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

Council Meeting Agenda
3.1 (Cont.)

6 May 2025

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

4 MANAGEMENT REPORTS

ASSETS & INFRASTRUCTURE

4.1 Optus & Telstra Co-Location Lease Agreements - Citation Reserve Mount Martha

Issued By	Manager - Assets, Property & Buildings Management
Authorised By	Director - Assets & Infrastructure
Document ID	A13644705
Briefing Note Number	BN2035 – 8 April 2025
Attachment(s)	1. Valuation 2. Existing Optus Lease (confidential) 3. Special Council Meeting Minutes 27 July 2009 4. Proposed Site Plan 5. Images of Existing Optus Infrastructure

EXECUTIVE SUMMARY

Council approval is sought to proceed with the statutory process for leasing land at Part 515 Nepean Highway, Mount Martha, to facilitate Telstra's request to install an equipment shelter adjacent to Optus' existing infrastructure, and to vary Optus' lease to allow for co-location. Under the current lease terms, Optus is required to pay an additional \$5,000 + GST for permitting another carrier to co-locate on their pole. Telstra's use of the land for the equipment shelter will be at market rates. The lease variation will align terms for both carriers, with expiration set for 2029.

This report seeks approval to proceed with the lease arrangements, subject to public notification in accordance with the Mornington Peninsula Shire's (Shire) Community Engagement Policy. A public notice will be issued, and any submissions received will be presented at a subsequent Council meeting before a final decision is made on granting the leases.

Approving this request will support the efficient use of existing telecommunications infrastructure, reduce the need for additional structures, and maintain fair leasing conditions. It will also generate additional revenue in accordance with the lease agreement while minimising visual and environmental impacts.

RECOMMENDATION

That Council:

1. **Resolves its intention to lease the council owned land Part 515 Nepean Highway, Mount Martha (the land) subject to undertaking a community engagement process.**
2. **Pursuant to section 115 of the *Local Government Act 2020 (the Act)*:**

4.1 (Cont.)

- A. Authorises notices of the Shire's intention to lease the Land to be placed on the Shire website.
 - B. Undertakes a Community Engagement in accordance with the Shire's Community Engagement Policy in relation to the proposed lease of the Land.
3. Notes that the Community Engagement Process on the proposed lease will be carried out by management under delegation.

Part B

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

COUNCIL & WELLBEING PLAN

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

Theme 2: A robust, innovative and diverse economy.

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

GOVERNANCE PRINCIPLES

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

- Council's Commercial Tenancies Policy and align with statutory requirements of the *Local Government Act 2020*,
- Telecommunications (Low-impact Facilities) Determination 2018, A Code of Practice for Telecommunications Facilities in Victoria
- *Telecommunications Act 1997*.

The proposed is also further to the following Council resolution:

- Council meeting 27 July 2009 - Part 515 Nepean Highway, Mount Martha (Attachment 3)

4.1 (Cont.)

DISCUSSION

Purpose

The purpose of this report is to seek Council approval to commence the statutory process for leasing land at Citation Reserve, Mount Martha, by issuing a public notice and undertaking community engagement in accordance with the Shire's Community Engagement Policy.

This includes a proposed new lease to Telstra and a variation to the existing Optus lease to allow co-location of telecommunications infrastructure. A further report will be presented to Council following the community engagement period to consider any submissions received and to determine whether to proceed with the lease agreements.

The proposed lease area is 30 square metres (6m x 5m) and will be fenced to prevent unauthorised access. The lease variation will align with existing lease terms, ensuring consistent management of telecommunications infrastructure within the reserve. The proposal is subject to planning permits, which Telstra is responsible for obtaining prior to the signing of the lease.

This report provides an objective assessment of the proposal, including lease arrangements, site suitability, and compliance with relevant regulations.

Optus	Part 515 Nepean Highway, Mount Martha
Use of Premises	Monopole and equipment shelter – lease area 46.60 square metres
Lease Term	20 years
Lease Expiry	22 March 2029
Current Rent	I & S per annum plus GST
Rent Increase	5% Annual Increases
Lease Type	Variation

Telstra	Part 515 Nepean Highway, Mount Martha
Use of Premises	Equipment Shelter – lease area 30 square meters
Lease Term	Approximately 4 years (to expire 22 March 2029 in line with Optus monopole)
Lease Expiry	22 March 2029
Rent	I & S per annum plus GST & outgoings
Rent Review	Annual 3% Increase
Lease Type	New

This proposal pertains to an existing tower pole and does not require any additional tower infrastructure.

The lease term is approximately four years, expiring on 22 March 2029, to align with the existing lease for the Optus monopole. Aligning the lease terms ensures consistency in site management and simplifies future lease negotiations.

4.1 (Cont.)**Background**

Citation Reserve is located on the western side of the junction of Nepean Highway and Helena Street, Mount Martha. The total area of forty-four (44) hectares is owned by the Mornington Peninsula Shire.

The reserve contains two (2) football ovals, a small playground, a dog leash free area and several sports and recreation related buildings. It is used by the Mornington Peninsula Community Dog Club and the South Mornington Junior Football Club.

Council was approached by Telstra, which sought to identify a suitable location for a new mobile network facility in the area. Downer, acting on behalf of Telstra, assessed potential sites and identified the existing Indara site at Citation Reserve, 515 Nepean Highway, Mount Martha as a suitable location. However, the existing Optus compound does not have sufficient space to accommodate Telstra's equipment shelter.

Community benefit

During peak holiday season the Peninsula's mobile phone network is often unable to cope with demand, resulting in communication blackouts. The Mornington Peninsula is one of the most bushfire-prone areas in Victoria. The provision of mobile communications enhances the community and emergency services communication capabilities.

Options for consideration

Option 1 – Approve public notification and community engagement on the proposed leases. (Recommended)

Council endorses the proposal to proceed with issuing a public notice and undertaking community engagement in accordance with the Shire's Community Engagement Policy. A further report will be brought back to Council to consider any community submissions before deciding whether to approve the new lease to Telstra and the lease variation for Optus.

Option 2 – Do not proceed with public notification.

Council does not support issuing a public notice at this stage. This would prevent the proposal from progressing further and may require Telstra to identify an alternative location for their infrastructure.

ENGAGEMENT

Council is not required to advertise the proposed leases under section 115 of *the Act*, as the lease value falls below the statutory threshold. However, in the interest of transparency, particularly given ongoing community interest in telecommunications infrastructure, the Shire will undertake public notification in accordance with the Shire's Community Engagement Policy.

A public notice will be issued to invite community feedback. Following the consultation process, a further report will be presented to Council to consider any submissions received before a final decision on granting the leases is made.

Feedback on the proposal was sought from internal stakeholders. The Sports Development team raised no concerns. The Planning team advised that co-location is a preferred planning outcome, as it minimises infrastructure duplication and promotes efficient land use.

Feedback from the Recreation and Open Space Planning team has raised concerns about the potential impact on trees near the proposed infrastructure, particularly within the designated Tree Protection Zone. These concerns relate to possible adverse impacts on tree

4.1 (Cont.)

health, stability, and longevity due to proximity of civil works and cabling. An Arboriculture Impact Assessment has been requested from Telstra to evaluate the condition of nearby trees, assess the extent of any potential impacts, and recommend mitigation measures, including possible alternate site placement if required. This report will be presented alongside the public submissions received during the community engagement period, allowing Council to assess all relevant information and make an informed decision on whether to proceed with the lease.

COMMUNICATIONS PLAN

While Council is not required to advertise the proposed leases under section 115 of *the Act* due to the lease value being below the statutory threshold, it will do so in the interest of transparency and community engagement. A public notice will be issued in accordance with the Shire's Community Engagement Policy, inviting submissions from the community.

Any submissions received will be considered and presented at a subsequent Council meeting before a decision on granting the leases is made.

LEGAL AND REGULATORY FRAMEWORK

Section 115 of *the Act* provides that Council must, at least four weeks before a lease is made, publish a notice of the proposed lease if the proposed lease:

1.1 is for one year or more and:

1.1.1 the rent under the proposed lease will be I & S or more a year

1.1.2 the current market rent value of the land is I & S or more a year.

1.2 will be for 10 years or more.

As the proposed leases do not meet these thresholds, Council is not required to publish a notice of its intention to enter into the leases. However, in the interest of transparency and community engagement, Council will voluntarily issue a public notice in accordance with the Shire's Community Engagement Policy, and any submissions received will be presented at a subsequent Council meeting before granting the leases.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

The market rent payable was determined based on an independent valuation conducted by GM Brien & Associates Pty Ltd. The assessed market rent was valued at I & S per annum + GST & outgoings, with an annual increase of 3%.

The tenants will be responsible for all outgoings, including rates, taxes, utility services, public liability insurance, and building and contents insurance. Additionally, all building maintenance and repairs will be the responsibility of the tenant.

As part of the co-location arrangement, Optus will pay an additional I & S annually for allowing Telstra to use their existing infrastructure.

Optus and Telstra have also agreed to reimburse the Shire's legal costs up to I & S + GST.

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

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

COMMUNITY STRENGTHENING

4.2 Draft Onsite Wastewater Management Plan - Consultation Outcomes and Consideration for Adoption

Issued By	Manager - Community Safety, Health & Compliance
Authorised By	Acting Director - Community Strengthening
Document ID	A13686433
Briefing Note Number	BN2037 – 8 April 2025
Attachment(s)	1. Mornington Peninsula Shire - Onsite Wastewater Management Plan 2025-2029 Technical Document 2. Mornington Peninsula Shire Wastewater Management Plan 2025-2029 - Operational Plan

EXECUTIVE SUMMARY

Wastewater poses significant public health and environmental risks on the Mornington Peninsula, particularly in townships that do not have sewerage available. The Onsite Wastewater Management Plan (OWMP) is the strategic Council plan to manage these risks.

Councils are required by legislation to develop, review, and update the OWMP every five years.

The draft OWMP 2025-2029 aligns with current Environment Protection Authority (EPA) guidance and fulfils Council's requirements under the relevant legislation.

It was endorsed by Council for community consultation on 25 February 2025, for a period of 42 days.

This report outlines the community consultation outcomes and recommends that the OWMP 2025-2029 be adopted by Council.

RECOMMENDATION

That Council:

1. **Adopts the draft Onsite Wastewater Management Plan 2025-2029.**
2. **Reviews the Onsite Wastewater Management Plan 2025-2029 and publishes an implementation report within five years of adoption.**

COUNCIL & WELLBEING PLAN

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

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

4.2 (Cont.)

- Strategic Objective 1.1: An accessible and unique natural environment that helps our community to be healthy and well.

GOVERNANCE PRINCIPLES

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

- 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.

RELEVANT COUNCIL DECISIONS AND POLICIES

- Mornington Peninsula Shire Wastewater Management Plan 2018 – 2023, September 2018
- Council submission to the South East Water Backlog Sewer Review, July 2021 (Executive approved)
- Council Notice of Motion 398 dated 16 May 2023
- Wastewater Management Policy adopted by Council, 5 September 2023
- Council Resolution dated 5 September 2023, for the adoption of the Wastewater Management Policy and the development of the OWMP 2024-29
- Compliance and Enforcement Policy adopted by Council, August 2024
- Community Engagement Policy adopted by Council, December 2022.

DISCUSSION**Purpose**

To update Council on the consultation outcomes and seek consideration of the draft OWMP 2025-2029 by Council for adoption.

Background

There are over 22,000 properties on the Mornington Peninsula not connected to reticulated sewerage and wastewater is managed using on-site wastewater (septic) systems. Polluted runoff and discharge from these systems pose significant risks to waterways, groundwater, and public health. Onsite wastewater systems are of particular concern in townships with highly constrained lots where mains sewer is not available.

Since 2007, the Mornington Peninsula Shire Council (the Shire) and South East Water (SEW) staff have worked in partnership to assess the risks posed by onsite wastewater in high-risk townships and develop proposals for the provision of backlog sewerage. This has brought sewerage to several local townships with significant environmental, economic, and public health benefits.

To manage the risks from sites without mains sewer, the Shire adopted its initial OWMP in 2007, which was updated in 2014 and 2018. The current OWMP 2018-2023 has specific

4.2 (Cont.)

actions to manage these risks which were assessed through a Report Card process to assist with the development of the draft OWMP 2025-2029.

State Government authorities have recently recognised the significant risks posed by onsite wastewater systems. As a result, Councils are required to develop and implement an OWMP every five years in accordance with the *Environment Protection Act 2017* and Order for Obligations of managers of Land or Infrastructure (OMLI), gazetted on 7 May 2024. In addition, the Department of Energy, Environment and Climate Action (DEECA) has developed modelling guidance for a risk based OWMP. These documents informed the development of the draft OWMP 2025-2029.

At a local level, risks from onsite wastewater systems were demonstrated in the OWMP 2018-2023 and in the Shire's 2021 submission to the SEW Backlog Sewerage Review. The submission concluded that reticulated (mains) sewerage is the suitable long-term option to manage wastewater risks in Arthurs Seat, Red Hill, Red Hill South and Merricks townships.

The draft OWMP 2025-2029 applies a risk-based approach using the DEECA modelling process to assess each property and township as Low, Medium, High or Very High Risk. This will provide clarity for onsite wastewater disposal requirements and support the development of updated Shire Wastewater Guidelines.

From the modelling, specific areas of interest were identified for further analysis: Arthurs Seat, Red Hill, Red Hill South, Cape Schanck, Somerville, and Tyabb. For townships classified as very high-risk (Arthurs Seat, Red Hill, Red Hill South, and Merricks), the draft OWMP 2025-2029 has concluded that alternative sewage solutions are required to manage risks for these townships. The OMLI outlines the process for each Council to notify the water authority of this conclusion in their adopted OWMP.

The draft OWMP 2025-2029 proposes specific actions to manage onsite wastewater systems in high-risk areas. It also recommends actions relating to:

- Data management
- Sewer planning and advocacy
- Risk-based monitoring
- Onsite wastewater management system auditing
- Owner education
- Resourcing
- Annual review.

Options for consideration

The OWMP is a legislative requirement of Council and community consultation, and engagement has been completed in accordance with the Community Engagement Policy.

The preferred option is for the draft OWMP 2025-2029 to be adopted by Council.

This option is consistent with the OMLI and meets the Shire's obligations under the *Environment Protection Act 2017*.

4.2 (Cont.)**Engagement**

A community engagement plan was completed during the 42-day exhibition period, with targeted consultation for the local wastewater and development industry, wastewater consultants, businesses, and community groups.

Over 800 invitations were sent out to these stakeholders and to property owners in high-risk areas to provide comment and attend drop-in sessions on 17 March 2025.

Nine community and five industry members attended these sessions, with comments, queries, and support in relation to:

- Providing alternate solutions and likely timeframes (e.g. mains sewerage) for un-sewered townships
- The cost and process for connecting to sewerage
- Correct septic system maintenance, including frequency of treatment plant servicing and septic tank pump outs
- Council led education and compliance programs
- Preparation of Land Capability Assessments under the updated OWMP 2025-2029
- Industry surcharge on effluent disposal at the Boneo Treatment Plant
- Risk assessment process used for the draft OWMP 2025-2029
- Access to the lot-based (property) risk assessment GIS layer.

Three written submissions have been received, including a submission from the Moonah Estate Owners Corporation regarding the operation of the privately-owned sewage treatment system at Cape Schanck Resort.

There were 376 views and 236 visitors to the consultation web (Shape) page. 13 submissions were received, with four supportive, five unsupportive, and four unsure.

Consultation comments are supportive of the proposed OMWP 2025-2029 and the recommendation for alternate sewerage solutions.

Action 3 in the draft OWMP 2025-2029 has been updated due to the community consultation feedback. These actions refer to the management of larger sewage treatment systems by duty holders and responsible authorities (EPA and the Shire).

COMMUNICATIONS PLAN

A communications plan for the 2025-2029 OWMP has been prepared. It links to current Shire and SEW education campaigns. SEW has been forwarded the Communication Plan for coordinated engagement and education.

There will be targeted engagement and information sessions with the local wastewater and development industry, wastewater consultants and community/environment groups to roll out the draft OWMP 2025-2029 when adopted.

LEGAL AND REGULATORY FRAMEWORK

The draft OWMP 2025-2029 aligns with comprehensive EPA guidance and fulfils Council's requirements in the gazetted OMLI. The adoption of an OWMP is a legal requirement for

4.2 (Cont.)

Council to meet its obligations under the OMLI and *Environment Protection Act 2017* (the Act).

The Act outlines the Shire's obligations and powers to manage proposed and existing onsite wastewater systems, including permitting, records management, inspection, compliance, and enforcement. Fees can be charged for permit applications, but not for inspections of existing onsite wastewater systems.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The draft OWMP 2025-2029 was developed to support and integrate with the Council and Wellbeing Plan, Climate Emergency Plan, and Integrated Water Plan. The adopted Integrated Water Plan 2024 includes actions for OWMP implementation and the management of onsite wastewater systems.

FINANCIAL CONSIDERATIONS

The implementation of the draft OWMP 2025-2029 is supported by the future, ongoing availability of resources including:

- Proactive Shire Wastewater Management Officer funded by SEW under a Memorandum of Understanding (MoU), with agreed objectives and Key Performance Indicators
- Permanent Wastewater Management Officer position funded by Council to support OWMP actions and enhanced wastewater data management
- Enhanced information management using the new Tech One system (Release 4)
- Operational budget in the current financial year for OWMP development and implementation
- Budget proposal for the 2025/2026 financial year for Year 1 OWMP actions.

The MoU expires on 1 July 2026. Following the adoption of the OWMP 2025-2029 by Council, SEW will commence discussions with Shire officers regarding a further five-year MoU.

The draft OWMP 2025-2029 and adopted Wastewater Management Policy sets out a process in which the Shire's Wastewater Officers inspect wastewater systems based on site history and risk ratings.

Shire officers have investigated the option of imposing a fee or charge on property owners for inspection or maintenance of their septic systems by the Shire. Fees cannot be charged for inspections of existing onsite wastewater systems under the *Environment Protection Act 2017*.

The *Local Government Act 2020* (Section 94) and *Local Government Act 1989* (section 161) sets out the criteria for differential rates and charges. Any consideration of the application of *the Act* for wastewater system inspections would require further investigation and research. With over 22,000 septic systems on the Mornington Peninsula, it would also require a significant increase in staffing and administration.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.3 Community Facility Hire Policy Proposed Amendments

Issued By	Manager - Destination, Recreation & Community Connection
Authorised By	Director - Community Strengthening
Document ID	A13644086
Briefing Note Number	BN1916 – 18 June 2024
Attachment(s)	1. Community Facility Hire Policy - Amended April 2025

EXECUTIVE SUMMARY

In response to community feedback, Mornington Peninsula Shire (Shire) officers are proposing to adjust two items within the Community Facility Hire Policy, to make hire of facilities more accessible in our community:

1. Fee Waivers – an additional item will be added to the Fee Waiver criteria which will include additional charitable services which are being delivered at no cost to vulnerable community members.
2. Bond – a refundable bond will not be requested from regular community hirers.

RECOMMENDATION

That Council adopts the proposed changes to the Community Facility Hire Policy, to be implemented on 1 July 2025.

COUNCIL & WELLBEING PLAN

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

Theme 2: A robust, innovative and diverse economy.

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

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

- 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.

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

Community Facility Hire Policy – Adopted by Council 2023.

DISCUSSION**Purpose**

The purpose of this report is to seek Council endorsement of proposed adjustments to the Community Facility Hire Policy. These adjustments have been crafted in response to community feedback and to ensure the objectives of the Policy are met.

Background

The Community Facility Hire Policy was adopted by Council at the meeting on 14 November 2023. The purpose of this policy is to encourage use of community facilities by community members and service providers who are delivering services and experiences to the community. Equitable use and transparent processes are a key principle of this policy, ensuring all in the community have equitable access to facilities and that fees and charges are administered transparently.

Fee Waivers

Criteria which result in fees for hire of facilities being waived are included in the Policy. The criteria aim to enable use of the facilities by those delivering charitable services to more vulnerable community members. This ensures that those in need in our community don't miss out on services and experiences due to financial constraints.

Since the policy was adopted, Shire officers and Councillors have sought and listened to feedback from the community, to ensure the aims of the policy are being met. Based on that feedback, it is proposed that a new criterion be added to the Fee Waiver criteria which will envelop additional charitable services which are being delivered at no cost to vulnerable community members.

This adjustment is included in attachment 1, clause 5.5.1.

The financial impact is believed to be minimal, however it is difficult to accurately determine a figure given the current booking system does not capture the elements requested in this criterion. Therefore, a report cannot be run on the number of hires which would fall into this fee waiver. Shire officers will monitor any financial impacts and note these with Executive.

Bonds

In addition to the change to Fee Waivers, Shire officers are proposing to remove the requirement for a bond payment by **community, regular** hirers. Council has a strong relationship with our regular hirers who have responsibly used community facilities for many years to bring people together to enjoy company and experiences. The risk of a breach of the Community Facilities Terms and Conditions is very low in this group of hirers due to this long-term relationship and their care for their local facilities.

This adjustment is included in Attachment 1, clause 5.6.

As bonds for hire of facilities are refundable, they are not recorded against Council revenue. Further, it is very rare that a bond is withheld due to a breach of the Terms and Conditions of Hire. Therefore, there will be very minimal financial impact of this change.

4.3 (Cont.)***Timing***

It is proposed that both changes take effect from 1 July 2025. This will enable Shire officers to adjust the booking system to facilitate the change.

COMMUNICATIONS PLAN

These changes will be communicated directly to hirers by the Shire's Venue Management Team.

OFFICER DIRECT OR INDIRECT INTEREST

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

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.4 Bulk Policy Adoption and Rescission

Issued By	Manager – Governance and Risk
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13686739
Briefing Note Number	BN2034 – 8 April 2025
Attachment(s)	1. Community Investment Policy - Track Changes 2. Draft Recognition and Achievements Policy 3. Summary of Key Changes - Draft Recognition and Achievements Policy 4. Correspondence Commitment Policy

EXECUTIVE SUMMARY

Council is scheduled to adopt its Council Plan in 2025. In conjunction with this, a comprehensive review of all policies will be conducted to assess their relevance and alignment with current requirements. This review is expected to identify a significant number of policies for either rescission or changes to policies to minimise the number.

This report recommends to adopt or revoke the attached policies.

RECOMMENDATION

That Council:

- 1. Adopts the:**
 - A. Community Investment Funding Policy.**
 - B. Recognition and Achievements Policy.**
- 2. Revokes the Correspondence Commitment Policy.**

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

4.4 (Cont.)

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- E. Innovation and continuous improvement is to be pursued.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

Council adopted the Policy Management Policy in 2022, section 5.2.11 states that policies should be reviewed every four years or earlier if required.

DISCUSSION**Purpose**

The purpose of this report is to recommend that Council resolve to revoke and adopt the listed policies. Council currently has 60 policies, with a total of 26 policies due for review.

Council adopted the Policy Management Policy in 2022. Section 5.2.11 states that policies should be reviewed every four years or earlier if required.

Failing to review policies within the timeline outlined in the Policy Management Policy puts Council at risk of falling behind on legislative obligations and progressive policy advancements.

Background

The Council Plan, currently in development, will set the strategic direction for the future, fostering a comprehensive approach and driving a thorough review of existing policies to ensure alignment with its objectives.

Following adoption of the Council Plan it is recommended that a holistic review of all Council Policies be undertaken to ensure they align with strategic principles. It is anticipated that all policies will be either updated, combined or rescinded by the end of 2026.

Mornington Peninsula Shire (Shire) officers have conducted an audit of Council adopted policies to ensure the policies are current and still meet Council's needs as follows:

Community Investment Funding Policy – due for review May 2025

Amendments to the Community Investment Funding Policy (2022) and Framework include the removal of the Council and Wellbeing Plan's three themes, the inclusion of the community's contribution to the intent and the expansion of the policy's scope to include all staff.

Additionally, sponsorships and the Mornington Peninsula Community Charitable Trust have been added following Council's adoption of Program Guidelines in 2023.

The amendments also include the inclusion of definitions and the addition of the Community Investment Funding (CIF) Operational Terms of Reference (TOR) for staff, which has been adopted by Executive.

The process of CIF has been removed from the Policy as it is outlined both in the Guidelines and in the TOR under roles and responsibilities. There are no material changes to the policy.

4.4 (Cont.)***Recognition and Achievements Policy – due for review August 2017***

The "Acknowledgment of Special Events or Significant Achievements by Citizens, Councillors, and Council Officers" policy has been updated to reflect a more inclusive and flexible approach to recognising outstanding contributions by the community.

The policy has been expanded to include civic events, media coverage and Mayoral Commendations.

Significant changes include the removal of Centenarian Birthday Recognition as a standalone item. While centenarian birthdays may be acknowledged, they will no longer be specifically highlighted in the policy.

Correspondence Commitment Policy – due for review November 2016.

This policy is no longer required due to the adoption of the Customer Charter in 2024.

Options for consideration

The outcome of the review recommends adopting and revoking the listed policies will ensure that decision making is guided by current legislative obligations, strategic and policy positions.

ENGAGEMENT

Feedback has been sought from Policy sponsors.

COMMUNICATIONS PLAN

Following adoption, all updated policies will be uploaded to the Shire's website to ensure public accessibility and transparency. Internal teams will be notified of the changes and provided with guidance to ensure consistent understanding and application of the updated policies across relevant departments.

LEGAL AND REGULATORY FRAMEWORK

The adoption and rescission of Council policies must align with the principles outlined in the *Local Government Act 2020*, particularly in relation to good governance, transparency, and accountability. The review and management are governed by Council's Policy Management Policy, which ensures that all policies are assessed regularly for relevance, consistency, and compliance with applicable legislative frameworks.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

No direct Climate and Sustainability considerations.

FINANCIAL CONSIDERATIONS

No direct financial impacts.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.5 Victorian Electoral Commission Report on the 2024 Mornington Peninsula Shire Council Local Government Elections

Issued By	Manager - Governance and Risk
Authorised By	Director - Corporate Strategy & Business Improvement
Document ID	A13687104
Briefing Note Number	Not applicable
Attachment(s)	1. Election Report - Mornington Peninsula Shire Council 2024 Local Government Elections

EXECUTIVE SUMMARY

This report presents the Victorian Electoral Commission's (VEC) official report on the 2024 Mornington Peninsula Shire Council Local Government Elections, conducted on 26 October 2024.

In accordance with Regulation 83 of the *Local Government (Electoral) Regulations 2020*, the VEC is required to prepare a report on the conduct of each local government election within six months of election day and the Chief Executive Officer (CEO) must ensure that the report is submitted to the Council at the earliest practicable meeting of the Council.

This report provides information on the 2024 Mornington Peninsula Shire Council General Election including details of the end-to-end service delivery of electoral activities throughout the election timeline.

This report also provides details of post-election activities including compulsory voting enforcement.

RECOMMENDATION

That Council receives and notes the attached Victorian Electoral Commission report titled 'Election Report Mornington Peninsula Shire Council 2024 Local Government Elections April 2025' (Attachment 1).

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

4.5 (Cont.)

- 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

Not applicable.

DISCUSSION**Purpose**

The purpose of this report is to provide Council with a copy of the VEC's Report on the Mornington Peninsula Shire Council – 2024 Local Government Elections (Attachment 1).

Background

Under Regulation 83 of the *Local Government (Electoral) Regulations 2020*, the Victorian Electoral Commission must prepare a report on the conduct of the election within six months of the 26 October 2024 election day. Regulation 83 further states the CEO must ensure that the report is submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the CEO.

The report provides information on the 2024 Mornington Peninsula Shire Council general election, including details of the service delivery of electoral activities, compulsory voting enforcement and a certified record of the number of ballot papers and declarations printed, issued, used, spoiled and returned. This report also provides details of post-election activities including compulsory voting enforcement.

A copy of the Mornington Peninsula Shire Council, 2024 Local Government Elections Report is attached to this report and will be published on the Mornington Peninsula Shire Council's website.

Options for consideration

Not applicable.

ENGAGEMENT

No public consultation is required for this administrative decision.

COMMUNICATIONS PLAN

No formal communication plan is required. A copy of the report will be made available on the Shire's website.

LEGAL AND REGULATORY FRAMEWORK

- *Local Government Act 2020*
- *Local Government (Electoral) Regulations 2020.*

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

There are no direct climate or sustainability implications.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations.

OFFICER DIRECT OR INDIRECT INTEREST

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

OFFICE OF THE CEO

4.6 2025/2026 Annual Budget - Operating Expenses and Community Investment Funding

Issued By	Manager - Finance
Authorised By	Chief Financial Officer
Document ID	A13668462
Briefing Note Number	BN2024 – 1 April 2025
Attachment(s)	1. Draft 2025/26 Financial Performance Statement 2. Draft Proposed Budget 3. Community Investment Funding Budget Priorities (confidential)

EXECUTIVE SUMMARY

The purpose of this report is to endorse the current draft 2025/26 financial performance statement (Attachment 1) for the purposes of estimating funds available. It is also to note the draft 2025/26 Annual Budget (Attachment 2), which includes operating expenditure and adopt the Community Investment Funding Program Budget, following the previous adoption of the 3% rate cap and schedule of fees and charges at the Council Meeting on 8 April 2025.

Following Council's adoption of the Community Investment Funding Program budget, a further report will be presented to Council for consideration to adopt the updated Community Investment Funding grants, subsidies and sponsorships priorities and guidelines.

RECOMMENDATION

That Council:

1. Endorses the draft 2025/26 Financial Performance Statement (Attachment 1) for the purposes of estimating funds available.
2. Notes the draft 2025/26 Annual Budget (Attachment 2).
3. Adopts the deferral of forecast new borrowings from 2024/2025 to 2025/2026.
4. Adopts the proposed Community Investment Funding Program (grants, subsidies and sponsorships) totalling I & S for 2025/26 Annual Budget, according to the identified grants and subsidies streams aligned to the Draft Council Plan themes as per below:

Place

- A. Environmental Sustainability Grants and Subsidies (Biolinks, Heritage, Biosphere, Dolphin Research) I & S
- B. Climate Action Grants and Subsidies (Climate Action, Energy Support, Repower) I & S

4.6 (Cont.)

People

- C. Cohesive Community Grants (Placemaking, Community Support, Flexi and Community Event Grants) I & S
- D. Transport Assist Subsidy I & S
- E. Community Houses Subsidy I & S
- F. Toy Libraries Subsidy I & S
- G. Commemorative Events Subsidy I & S
- H. Seniors Festival Subsidy I & S
- I. Willum Warrain Inclusion Subsidy I & S
- J. Senior Citizens Subsidy I & S
- K. Community Support Centres Subsidy I & S
- L. Local Essential Safety Services Subsidy (Legal Aid, Food Relief) I & S
- M. Community Led Safety Subsidies (Coast guard, State Emergency Service (SES), Lifeguards, Road Safety) I & S

Prosperity

- N. Sponsorship Program I & S
 - O. Prosperous Community Grants (Creative and Performing Arts and Business Development) I & S
 - P. Prosperous Community Subsidy (Tourism Centres) I & S
5. Allocates I & S subsidy to the Friends of Los Palos in accordance with the Council Decision of 12 July 2022 to continue funding until June 2030.
 6. Ceases the Mayoral Emergency Fund Program.
 7. Authorises, subject to Chief Executive Officer financial delegations, the redistribution of undersubscribed grants and/or subsidies within each theme of Council Plan to support oversubscribed applications.

Part B

That Council resolves that Attachment 3 to this report be retained as a confidential item pursuant to section 3 (1) (a) of the *Local Government Act 2020* as it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

COUNCIL & WELLBEING PLAN

The Budget process is the determination of competing priorities of the community for the use of the Mornington Peninsula Shire Council's (Shire) limited resources considering the best interests of the Mornington Peninsula community and to achieve the Council and Wellbeing Plan objectives and themes below:

4.6 (Cont.)

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

Theme 2: A robust, innovative and diverse economy.

Theme 3: A flourishing, healthy and connected community.

GOVERNANCE PRINCIPLES

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

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

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION**Purpose**

At the Council Meeting on 8 April 2025, the 3% rate cap and Fees and Charges schedule was adopted. As a result, the draft operating revenue for the 2025/26 Annual Budget is expected to be **I & S**

The purpose of this report is to provide a high-level overview of the operating expenses necessary to deliver the projected services in the next financial year. These services and expenses are identified in the Draft 2025/26 Annual Budget.

On the basis of this draft operating budget, the available funds for allocation is **I & S** which is a 1% increase from last year and will be considered during the Capital Operating Projects budget meeting on 6 May 2025. This includes the one-off allocation of **I & S** to emergency relief works that was not included in the 2024/25 annual budget.

Background

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

- **I & S** – Employee costs
- **I & S** – Materials and services
- **I & S** – Materials and services contracts
- **I & S** – Other expenses
- **I & S** – Service Planning Efficiencies
- **I & S** – Debt servicing and Leasing costs
- **I & S** – Interest income.

Council Meeting Agenda**6 May 2025****4.6 (Cont.)**

These expense categories are further explained and broken down in the draft 2025/26 Annual Budget (Attachment 2).

Following the allocation of these costs and other income sources, it provides approximately **I & S** available for allocation towards capital works, operating projects and community feedback. This allocation will be addressed in the following Budget Meeting on 6 May 2025, before the 2025/26 Annual Budget is adopted on 3 June 2025.

Included in this draft budget, is **I & S** in service planning efficiency. Combined with the **I & S** from 2024/25, will result in over **I & S** total efficiency savings through additional income and cost reductions. For the purposes of allocating to the appropriate expense lines in the Comprehensive Income Statement, **I & S** is allocated to employee costs an **I & S** materials and services. These allocations will be allocated as required during the 2025/26 mid-year reforecast.

Options for consideration

Council will have a further Council Meetings on 17 June 2025 in relation to the 2025/26 Annual Budget.

Community Investment Funding (CIF)

The Shire has historically made a significant financial commitment to supporting community groups, volunteering and capacity building through the Community Investment Funding (CIF) program.

Community Investment Funding supports local organisations to deliver essential services, programs, community events and festivals to improve social connections and increase civic participation. Funding empowers community-led projects that enhance volunteer participation. Community outcomes and reputational benefits are highly positive and well regarded by community.

The Community Investment Funding Policy (2022) intent is to build community cohesion and resilience in alignment with the Community Vision 2040, the Council Plan, Municipal Health and Wellbeing Plan, Financial Plan and other adopted strategies and plans. The proposed funding program has been aligned with Council's draft Council Plan goals including the draft themes of Place, People, Prosperity and Performance.

Community Investment Funding, encompassing grants, subsidies, sponsorships and trusts, is implemented by officers, subject to Council's adoption of programs, purpose, priorities and eligibility and the annual budget.

The proposed total FY26 budget for the CIF is **I & S** as outlined below:

Program	Funding
Place	
Environmental Sustainability Grants and Subsidies (Biolinks, Heritage, Biosphere, Dolphin Research)	I & S
Climate Action Grants and Subsidies (Climate Action, Energy Support, Repower)	
People	

4.6 (Cont.)

Cohesive Community Grants (Placemaking, Community Support, Flexi and Community Event Grants)	I & S
Transport Assist Subsidy	
Community Houses Subsidy	
Toy Libraries Subsidy	
Commemorative Events Subsidy	
Seniors Festival Subsidy	
Willum Warrain Inclusion Subsidy	
Senior Citizens Subsidy	
Community Support Centres Subsidy	
Local Essential Safety Services Subsidy (Legal Aid, Food Relief)	
Community Led Safety Subsidies (Coast guard, SES, Lifeguards, Road Safety)	
Prosperity	
Sponsorship Program	I & S
Prosperous Community Grants (Arts and Business Development)	
Prosperous Community Subsidy (Tourism Centres)	
Other	
Friends of Los Palos	I & S
TOTAL	

Proposed changes to CIF programs and budget 2025-2026***Access and Inclusion Grant***

The Access and Inclusion Grant was adopted by Council in 2024/25 to provide funding to support individuals experiencing financial hardship to participate in community life. Individual applicants were eligible to seek up to **I & S** in funding. Given Council provides a significant service subsidy to the Community Support Centres located at Rosebud, Hastings, and Mornington for people experiencing hardship, it is recommended Council no longer continues with the Access and Inclusion Grants Program.

Subsidies Growth

Community-led Safety Subsidies are anticipated to increase by **I & S** to allow for growth in support to be extended to further branches on the Mornington Peninsula of the State Emergency Service (SES).

The Community House Subsidy is expected to grow by **I & S** to support additional Community House programs. Council currently support munity houses and two outreach programs with the Community House Subsidy.

4.6 (Cont.)***Performing Arts Development and Creative Grants to merge to single stream***

The Performing Arts Development Grant is currently focussed on supporting the development and creation of new performances, which limits the ability for established performances. It is proposed to combine the Performing Arts Development Grant with the Creative Grants Program to enable all arts and creative related groups to apply to an expansive arts program. It is recommended to combine the two grant programs into a specific Creative Grants Program with alignment to priorities identified in the Arts and Culture Plan, (which includes the music plan).

Addition of Commemorative Events Funding

A new subsidy program is recommended to have a maximum value of **I & S** per application, equal to a community events grant, however, paid as a subsidy to enable community groups to organise these commemorative events well in advance without having to apply for a grant annually. This subsidy would support and enable community led commemorative events for Australia Day and Our Survival Day (First Nations led), as well as the option for Anzac Day Memorial Services.

It is recommended Council create a funding pool of **I & S** to support the establishment of this subsidy.

Local Area Community Capital Infrastructure Grants Program

The Local Area Community Capital Infrastructure Grants Program was adopted by Council as a two-year program (2023/24 and 2024/25) for **I & S** via a Councillor led amendment through the budget process.

The grant program's intent was to support community capital projects within the Shire (Shire and non-Shire owned assets), and applicants could apply for up to **I & S** to contribute to their project. Applications for this program on Shire land also go through the Community Capital Works approvals process to seek 'in principle support' before a grant is awarded and to ensure compliance with Council's approval of the project.

As the 2-year grant program has finished, there is currently no ongoing funding allocation for this grant program. If the grant program remains unfunded the Local Area Community Capital Process would continue to be facilitated and managed via the Shire's buildings team, however the community will not have access to supplementary funds to contribute, particularly for any significant shortfalls.

Should Council have appetite to continue with the Local Area Community Capital Infrastructure Grants for 2025-2029 and allocate funding to support the grant program, funding is proposed to be considered through the upcoming FY26 capital works program budget.

Bunurong Land Council Subsidy

A 2-year Bunurong Land Council (BLC) subsidy was initiated in 2021/22 to support the implementation of a memorandum of Understanding (MOU) that was developed with the Shire in 2022. The funding was intended to support the delivery of a broad MOU and capacity building for the BLC. Two years of subsidy was paid to BLC totalling **I & S** in 2023 which included a MOU and formalised funding agreement incorporating relevant acquittal requirements.

This agreement is due to end after its 2-year period in March 2025 and no further funding is allocated. The Shire will continue to engage with, procure and partner with BLC in accordance with the Reconciliation Action Plan, and to meet its obligations under relevant acts, irrespective of a subsidy allocation.

4.6 (Cont.)***Mayoral Emergency Fund***

The Mornington Peninsula Shire Mayoral Emergency Fund was established in November 2001 with the surplus of funds raised at the 2001 Mayoral Charity Ball. The fund was established to provide one-off emergency assistance to individuals and families on the Mornington Peninsula during a crisis.

It is recommended that Council not continue with the Mayoral Emergency Fund, given Council provides a service subsidy to the Community Support Centres located at Rosebud, Hastings, and Mornington for people experiencing hardship, and in need of support/experiencing crisis.

ENGAGEMENT

Community submissions were open in the budget portal until 15 February 2025, with over 3,676 contributions completed and over 1,522 comments. All of these results have been shared with Councillors.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Endorsing the operational expenses for the 2025/26 Annual Budget allows for the available funds consideration by Councillors leading up to the capital works and operating projects meeting on 6 May 2025.

The proposed total FY26 budget for the CIF is **I & S**

OFFICER DIRECT OR INDIRECT INTEREST

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

PLANNING & ENVIRONMENT

4.7 Review of Planning and Environment Act 1987 - MAV Submission and Submission to the Victorian Legislative Council Select Committee on Victorian Planning Provisions Amendments VC257, VC267 and VC274

Issued By	Manager - Strategic & Infrastructure Planning
Authorised By	Acting Director - Planning & Environment
Document ID	A13658396
Briefing Note Number	Not applicable
Attachment(s)	1. Reforming Victoria's Planning System - Local Government Submission, Municipal Association of Victoria, April 2025 2. Submission to the Victorian Legislative Council Select Committee on Victorian Planning Provisions Amendments VC257, VC267 and VC274, Mornington Peninsula Shire, April 2025

EXECUTIVE SUMMARY

The purpose of this report is to:

- Present and seek endorsement of the *Reforming Victoria's Planning System Local Government Submission, Municipal Association of Victoria, April 2025* (Attachment 1) in response to potential reforms to the *Planning and Environment Act 1987*.
- Present and seek retrospective endorsement of the submission to the Victorian Legislative Council Select Committee on Victorian Planning Provisions (VPP) Amendments VC257, VC267 and VC274 (Attachment 2).

The *Reforming Victoria's Planning System Local Government Submission, Municipal Association of Victoria, April 2025* (MAV submission) has been prepared in response to the Victorian Government's review and rewrite of the *Planning and Environment Act 1987 (the Act)*. It does not respond to a formal request for submissions.

The MAV submission calls for a collaborative and comprehensive overhaul of *the Act*, guided by shared objectives: transparency, integrity, sustainability and community trust. It outlines 16 key recommendations and reiterates the importance of the State Government, as the system designers, working collaboratively with local councils as the planning system's primary administrators.

The Victorian Legislative Council has established a Select Committee (the Committee) to inquire into, consider and report whether the amendments to the VPP made through VC257, VC274 and VC267 give proper effect to the objectives of planning in Victoria, and the objectives of the planning framework, as set out in section 4 of *the Act*.

Mornington Peninsula Shire (Shire) officers submitted the submission to the Committee (Attachment 2) by the due date of the 24 April 2025. 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.

4.7 (Cont.)

RECOMMENDATION

That Council:

1. **Endorses the *Reforming Victoria's Planning System Local Government Submission, Municipal Association of Victoria, April 2025* as per Attachment 1.**
2. **Endorses the submission to the Victorian Legislative Council Select Committee on Victorian Planning Provisions Amendments VC257, VC267 and VC274 as per Attachment 2.**

COUNCIL & WELLBEING PLAN

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

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

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

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

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

Theme 2: A robust, innovative and diverse economy.

- Strategic Objective 2.4: A diverse economy, with green and renewable opportunities, encouraging entrepreneurship, investment and innovation.

Theme 3: A flourishing, healthy and connected community.

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

GOVERNANCE PRINCIPLES

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

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

4.7 (Cont.)

DISCUSSION

Purpose

The purpose of this report is to:

- Present and seek endorsement of the *Reforming Victoria's Planning System Local Government Submission, Municipal Association of Victoria, April 2025* (Attachment 1) in response to potential reforms to the *Planning and Environment Act 1987*.
- Present and seek retrospective endorsement of the submission to the Victorian Legislative Council Select Committee on VPP Amendments VC257, VC267 and VC274 (Attachment 2).

Background

In September 2023, the State Government released 'Victoria's Housing Statement' (the Housing Statement), a plan prepared to facilitate increased housing supply across the State from 2024 to 2034. Amongst its multiple actions, the Housing Statement declares the following under the banner of 'Build a modern, fit-for-purpose planning system':

'We'll review and rewrite the Planning and Environment Act 1987 to build a modern, fit-for-purpose planning system. We'll look to establish and clarify timeframes for decisions, as well as looking at the roles and responsibilities of everyone involved in our planning system – including councils, the Minister for Planning, the Victorian Planning Authority and the Department of Transport and Planning.'

In March 2024, the State Government provided a response to the Operation Sandon Special Report prepared by the Independent Broad-based Anti-corruption Commission (IBAC). This response expressed commitment to implementing IBAC's Operation Sandon recommendations into the review and rewrite of *the Act*.

These recommendations include, amongst other things, transparency and accountability in authorising planning scheme amendments, requiring decision makers to record reasons for their decisions in relation to planning scheme amendment, mandatory disclosure of reportable donations and the removal of statutory planning responsibilities from councillors and introductions of determinative planning panels for statutory planning matters.

In February 2025, the State Government released *Plan for Victoria*, a Statewide plan to guide Victoria's growth to 2050. *Plan for Victoria* references the investigation of clearer guidelines for affordable housing as part of the review of *the Act* alongside more long-range items such as incorporating Traditional Owners' rights, interests and aspirations into the review of *the Act*.

Reforming Victoria's Planning System Local Government Submission, Municipal Association of Victoria, April 2025

The Municipal Association of Victoria's (MAV's) *Reforming Victoria's Planning System Local Government Submission, April 2025* (the MAV submission) (Attachment 1) has been prepared in response to the Victorian Government's commitment to review and rewrite *the Act*. It does not respond to a formal request for submissions.

The MAV submission has been prepared with the input of a 'MAV Planning Report Working Group' comprising of council executives and senior officers in the strategic and statutory planning disciplines across 20 councils, including Mornington Peninsula Shire.

4.7 (Cont.)

The MAV submission calls for a collaborative and comprehensive overhaul of *the Act*, guided by shared objectives: transparency, integrity, sustainability and community trust.

It states 'If state and local government together builds a planning system based on integrity, accountability and transparency, with locally and regionally responsive planning that enables public participation and confidence, we will create the social licence necessary to facilitate transformative change. If Victoria is to meet its housing, climate, environmental, economic and infrastructure challenges, nothing short of transformative change will do.'

Local government stands ready to facilitate that change. We want to bring about thriving, resilient and inclusive communities. It is in that spirit that the MAV puts forward this submission: a comprehensive program for Victorian planning system reform.'

The MAV submission outlines 16 key recommendations and reiterates the importance of the State Government, as the system designers, working collaboratively with local councils as the planning system's primary administrators – handling the bulk of planning permit applications and being the public's most visible planning contact.

Submission to the Victorian Legislative Council Select Committee on Victorian Planning Provisions Amendments VC257, VC267 and VC274

The Victorian Legislative Council has established a Select Committee to inquire into, consider and report whether the amendments to the VPP made through VC257, VC274 and VC267 give proper effect to the objectives of planning in Victoria, and the objectives of the planning framework, as set out in section 4 of the *Planning & Environment Act 1987* ([Inquiry into Victoria Planning Provisions amendments VC257, VC267 and VC274 - Parliament of Victoria](#)).

Specifically, the Committee is interested in views on:

1. Whether the VPP amendments appropriately balance the objectives of planning in Victoria.
2. Whether the VPP amendments are likely to create any significant unintended outcomes.
3. Whether consultation on the VPP amendments was adequate.
4. Whether the exemptions provided for in Clause 55 of the VPP, as amended by VC267, are appropriate.
5. What specific changes would you seek to the amendments?
6. Whether the VPP that existed prior to these amendments, these amendments, or alternative proposals are appropriate to meet the housing needs of the state and local communities?

The VPP Amendments subject to the Inquiry are summarised as follows:

- Amendment VC257 introduced the Housing Choice and Transport Zone (HCTZ) and the Built Form Overlay (BFO) to support housing growth around activity centres. (Gazetted on 25 February 2025).
- Amendment VC274 introduced the new Precinct Zone (PRZ) to guide and facilitate land use and development within priority precincts across Victoria. (Gazetted on 28 February 2025).

4.7 (Cont.)

- Amendment VC267 introduced the new 'Townhouse and Low-Rise Code' to provide a 'deemed to comply' assessment pathway designed to support faster decisions and greater certainty for townhouses and apartment buildings up to three storeys at Clause 55 (Two or more dwellings on a lot). (Gazetted on 6 March 2025).

Shire officers submitted the submission to the Committee (Attachment 2) by the due date of the 24 April 2025. 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 Amendment VC267 as the most relevant reform impacting the Shire because:

- The Shire does not contain any of the 60 activity centres (otherwise referred to as 'train or tram zones') forming part of the State Government's Activity Centres Program for which VC257 controls are intended.
- Similarly, the Shire does not contain any 'priority precincts' for which VC274 controls are intended.
- VC267, however, affects Clause 55 which applies to all residentially zoned land across the Shire, including the General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Mixed Use Zone (MRZ).

The submission focuses on the below matters:

- Inappropriately reduced community influence over local planning and development outcomes.
- Inability to consider known environmental risks in planning decisions.
- Loss of local neighbourhood character controls which will not necessarily deliver more housing.
- Reduction in Environmentally Sustainable Development (ESD) standards
- Other administrative issues that will hamper the ability to deliver better planning decisions faster.

Options for consideration

Option A – Endorse the Municipal Association of Victoria's *Reforming Victoria's Planning System Local Government Submission, April 2025* as per Attachment 1 and the submission to the Victorian Legislative Council Select Committee on VPP Amendments VC257, VC267 and VC274 as per Attachment 2 - Recommended

This option is recommended as it enables Council to provide feedback to the Victorian Government's proposal to review and rewrite *the Act* and the impact VC267 has on the Mornington Peninsula.

Option B – Do not endorse the Municipal Association of Victoria's *Reforming Victoria's Planning System Local Government Submission, April 2025* as per Attachment 1 and the submission to the Victorian Legislative Council Select Committee on VPP Amendments VC257, VC267 and VC274 as per Attachment 2

This option is not recommended as it would not enable Council to provide feedback to the Victorian Government's proposal to review and rewrite *the Act*.

4.7 (Cont.)

The submission to the Victorian Legislative Council Select Committee has already been submitted for consideration by the Committee, 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 either submission.

COMMUNICATIONS PLAN

If adopted, Shire officers will notify MAV and send both submissions to the Minister for Planning and the Minister for Local Government.

Letters will be sent to all State Members of Parliament advising them of Council's endorsement of both submissions and seeking their support for the recommendations in both submissions.

A media release will also be issued.

LEGAL AND REGULATORY FRAMEWORK

- *Planning and Environment Act 1987*
- *Planning and Environment Regulations 2015*
- *Mornington Peninsula Planning Scheme.*

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The broader considerations for both submissions are advocating that councils retain decision making responsibility of environmental matters and risks in decision making (i.e. flooding, erosion etc.) as that could have significant implications on climate and sustainability.

FINANCIAL CONSIDERATIONS

There are no budget implications to endorsing the submissions.

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

Nil.

6 URGENT BUSINESS

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

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

7 CONFIDENTIAL ITEMS

Nil.