



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 5 SEPTEMBER 2023

6.30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL**WARDS AND COUNCILLORS**

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

EXECUTIVE TEAM

Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh Mr Bulent Oz	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning 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 Steve Holland

1.1 Acknowledgement of Country

To be read by Cr Brooks

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 Councillor Briefing Sessions

Councillor Briefing Sessions – 15 August 2023

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 15 August 2023.

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

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 2019-2023 Decision Registers (Attachments 1-5) as at 28 August 2023.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2023 (Attachments 1-5) as at 28 August 2023.

2.5 Public Question Time

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

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

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

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

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

3 COUNCILLORS AND DELEGATES REPORTS

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

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

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Arts and Culture Advisory Panel	Cr Gill	Cr Dixon	Cheryl Casey, Manager – Community Facilities and Precincts
Association of Bayside Municipalities	Cr Marsh	Cr Holland	Laura Crilly, Team Leader – Water and Coasts
Audit and Risk Committee	Cr Celi Cr Mar	Mayor	Bulent Oz, Chief Financial Officer
Australian Coastal Councils	Cr Marsh	N/A	Laura Crilly, Team Leader – Water and Coasts
Australia Day Committee	Cr Holland	Cr Celi	Fiona Vesty, Team Leader – Festivals and Events
Bass Park Trust	Cr Gill	N/A	Pamela Vercoe, Acting Manager – Governance
Community Consultative Committee on Gaming	Cr O'Connor		Chris Munro, Manager – Community Partnerships
Communities That Care (CTC)	Cr Dixon	Cr Celi	Rebekah Popplewell, Communities That Care Coordinator
Department of Energy, Environment and Climate Action Wildlife Management Plan for Mornington Peninsula	Cr Marsh Cr Gill Cr Mar		
Disability Advisory Committee	Cr Bissinger	Cr Dixon	Virginia Richardson, Disability Inclusion Officer
Greater South East Melbourne	Mayor	N/A	John Baker, Chief Executive Officer
Health and Wellbeing Committee	Cr Celi	Cr O'Connor	Kate Hills, Team Leader – Community Wellbeing
Inter Council Aboriginal Consultative Committee	Cr Dixon	Cr Race	Pamela Vercoe, Acting Manager – Governance

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Interface Councils	Mayor	Deputy Mayor	Randal Mathieson, Manager – Advocacy, Communications and Engagement
Koala Conservation Group	Cr Mar	N/A	
Literacy Advisory Committee	Cr Mar	Cr Celi	Steven Haby, Team Leader - Libraries
Metropolitan Transport Forum	Cr Race	Cr Celi	Claire Davey, Traffic and Road Safety Officer
Mornington Liquor Industry Accord	Cr Marsh Cr O'Connor Cr Holland		Katherine Cooper, Acting Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Mar	Cr Race	James Rose, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Celi Cr Dixon Cr Holland	N/A	Gail Mifsud, Acting Manager – Property and Commercial Services
Mornington Peninsula Shire Council Tourism Advisory Forum	Cr Gill Cr Bissinger Cr Dixon	N/A	Anne-Marie Haluszka, Team Leader – Tourism Services
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Pamela Vercoe, Acting Manager – Governance
MAV Emergency Management Committee	Cr O'Connor		Brett Fletcher, Emergency Management Coordinator
Peninsula Advisory Committee for Elders	Cr Dixon	Cr Celi	Chris Munro, Manager – Community Partnerships
South East Councils Climate Change Alliance	Cr Race	Cr O'Connor	Chris Yorke, Energy and Carbon Management Officer and Nicci Tsernjavski, Climate Change Partnerships Officer
Triple A Housing Committee	Cr Gill	Cr Celi	Chris Munro, Manager – Community Partnerships
Victorian Local Governance Association (VLGA)	Cr Race	Cr Mar	Pamela Vercoe, Acting Manager – Governance

4 MANAGEMENT REPORTS

PLANNING & INFRASTRUCTURE

4.1 Augusta Street Group, Mount Martha Special Charge Scheme Reinstigation

Prepared By	Jeremy Grieve, Project Manager - Infrastructure Strategy
Authorised By	Director - Planning and Infrastructure
Document ID	A12069922
Briefing Note Number	BN1759 – 1 August 2023
Attachment(s)	1. Augusta Street Group map

EXECUTIVE SUMMARY

The unsealed Augusta Street group of roads in Mount Martha is a high priority for the construction of a sealed road surface and drainage system, due to both the priorities of the *Unmade Roads Construction Strategy, 2006* and to reduce sedimentation in Balcombe Estuary. A special charge scheme for such works was proposed some years ago and at the time property owners were consulted before the project was put on hold for various reasons.

It is now appropriate to reconsider the proposal to construct the Augusta Street group of roads, with a view to increasing Council's contribution to the cost of the project in recognition of the broader community benefit of protecting Balcombe Estuary from the impacts of sedimentation.

RECOMMENDATION

That Council reinstigates the Augusta Street Group, Mount Martha Special Charge Scheme with a 50% contribution from Council to the cost of the project, as per Council's *Special Charge Schemes Policy for Infrastructure Works*.

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

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

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

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

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 and C 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.

RELEVANT COUNCIL DECISIONS AND POLICIES

Council's adopted *Special Charge Scheme Policy for Infrastructure Works* (the Policy) and the *Unmade Roads Construction Strategy* (the Strategy) are relevant.

At the Council Meeting held on 22 April 2013, Council resolved to endorse the preparation of three road construction special charge schemes, including the Augusta Street Scheme, with a view to implementing the statutory process.

DISCUSSION**Purpose**

To seek Council's decision on the proposal to reinstate the Augusta Street Group, Mount Martha Special Charge Scheme (the Scheme) for the construction of sealed roads and an appropriate drainage system.

Background

The Scheme to construct the Augusta Street group of roads (including Mark, Gregory and Matthew Streets; see Attachment 1 for a map of the location and relevant roads bound by the green line) was instigated by Council with a 35% contribution to the cost of the project under the policy at the time, and property owners were consulted on a concept plan and detailed cost estimate at an information evening held in August 2017.

The information evening was well attended by property owners. While a quantitative assessment was not conducted, the concept plan and the proposal to construct the road were broadly well-received while concerns were raised regarding the cost to property owners.

Progress on the Scheme was halted when the Contributory Schemes Policy (the predecessor to the current Policy) underwent an extensive review and was completely re-written. Following the adoption of the Policy, the concept plan was refined and work on the Scheme progressed until all special charge schemes were paused due to the COVID-19 pandemic.

DISCUSSION**Key considerations and issues**

The Scheme (see Attachment 1 for location and roads included in the works proposed, bounded by the green line) was initially instigated due to Augusta Street's position at the top of the priority list in the Strategy. The Strategy considers environmental factors in the

4.1 (Cont.)

assessments of unmade roads, though the special charge scheme policy of the day did not consider Council contributions greater than 34% for road construction schemes. Council's current Special Charge Schemes Policy for Infrastructure Works defaults to a 35% Council contribution for Council initiated schemes, though it also allows for further consideration of the public benefit of proposed works and address them accordingly through a 50% Council contribution to scheme costs where appropriate.

In addition to the usual strategy considerations for unmade road construction, Augusta Street is also a high priority for construction due to its contribution to the sedimentation of Balcombe Estuary. Augusta Street's topography and proximity to Balcombe Estuary mean that it is a major contributor to the environmentally damaging sedimentation of the waterway, as identified by external expert reports in 2010 and 2017 (which form the basis for a draft sediment management plan that will be brought to Council in the future). This may be contrasted against another road construction proposal that was also very high in the Strategy priority list: Guelph Street, Somerville. The Guelph Street construction proposal was abandoned by Council in 2019 as it did not enjoy property owner support and there was no public benefit that outweighed the objections to the proposal from property owners.

Given the environmental improvements to Balcombe Estuary (i.e. reduced silting and sediment deposits) that sealing the Augusta Street Group would bring, it is considered reasonable that Council contributes 50% of the construction costs according to the Policy.

As originally proposed in 2017, Council's contribution to the Scheme was estimated to be \$1.09 million (being 35% of \$3.1 million). As proposed in 2023 with a 50% contribution, Council's cost is estimated to be \$2.08 million (of a total cost of \$4.16 million).

In terms of the cost to property owners, at the original 35% Council contribution the average cost per property was around \$26,900. At a 50% Council contribution and with increased construction costs, the average cost per property is expected to be around \$27,700.

However, the Policy includes an average special charge scheme cap for Council initiated special charge schemes in residential zones. This is a cap on the average special charge per parcel and is used to prevent unusually high costs being unfairly passed on to property owners. This was introduced when the Policy was adopted in 2018 (after the property owner information evening for the original scheme in 2017). At adoption, the average special charge cap was \$25,000 which would have marginally reduced the special charges paid by property owners in the Scheme at that time. Due to indexing, the average cap for FY23/24 is \$29,721. The average costs for each of the 76 properties in the Scheme as proposed now, at around \$27,700, would be below the average cap if Council contributes 50% of the project cost.

If Council decides against increasing its contribution to 50%, then to progress the Scheme the contribution would revert to 35%. With a 35% Council contribution, the average special charge per property would be around \$36,600 and engage the average special charge cap mentioned above. In either case (35% nominally and adjusted for the cap, or 50%), the actual cost of Council's contribution to the Scheme will be similar at \$1.9 million or \$2.08 million respectively.

Options for consideration

The options for Council's consideration are to:

- Proceed with the special charge scheme according to the existing resolution of Council (35% Council contribution to the cost of works).
- Proceed with the special charge scheme with a 50% Council contribution to the cost of works (**recommended**).
- Abandon the special charge scheme.

4.1 (Cont.)

Council's existing resolution is silent on the amount of Council's contribution to the costs of the Scheme. This would usually mean that the 'standard' contribution of 35% (for Council initiated schemes) would apply. This default option is not recommended primarily because it does not sufficiently consider the significant environmental and community benefit of works proposed by this particular scheme. This option would ultimately result in a marginally lower cost to Council however, the Policy's average special charge cap would apply and Council's cost would not be significantly lower than for a 50% contribution.

On balance, an increase to a 50% Council contribution to the cost of the works and re-starting the scheme process from the beginning is considered the most appropriate option given the additional public benefit (environmental) of the Scheme.

Abandoning the Scheme is not recommended as the environmental impact of the unsealed roads are only expected to worsen with time, i.e. the longer the roads are unsealed the more sediment will be deposited into Balcombe Estuary, particularly with the increasing intensity and frequency of significant rainfall events. If the costs of construction were to fall between now and the time of seeking tenders for the works (which is not expected) the savings may still be enjoyed by both property owners and Council regardless of the value of the declared scheme.

ENGAGEMENT

Community engagement was undertaken on the original special charge scheme proposal (see *Background* above). The community engagement process would be restarted as though the proposal were a new scheme if Council resolves to adopt the recommendation and follow the more detailed processes under the Policy (which was not in place when the Scheme was originally proposed).

COMMUNICATIONS PLAN

Communications and consultation with affected property owners will be in accordance with the Policy. Property owners in the proposed Scheme will be sent information on Council's resolution on this report, whatever Council's decision.

If Council resolves to adopt the recommendation, property owners will be invited to attend an information evening where the concept plan and a detailed estimate of the costs for every property will be presented before being made available on the Shire's website. Owners will be invited to ask questions and provide their feedback on the proposal, which will inform the further development of the concept plan and scheme. Officers will then conduct a confidential survey of all property owners in the Scheme, then present those results to Council with a recommendation on how to proceed with the proposal. Depending on Council's decision at that stage, property owners will be invited to make submissions to Council before a final decision on the Scheme is made.

LEGAL AND REGULATORY FRAMEWORK

The process proposed is consistent with the requirements to prepare scheme proposals for Council to consider when exercising the power granted by section 163 of the *Local Government Act 1989*. It is worth noting that although the *Local Government Act 1989* has largely been replaced by the *Local Government Act 2020*, the newer act does not contain any new sections relating to special charge schemes except for a saving provision for the relevant special charge provisions in the *Local Government Act 1989*.

SUSTAINABILITY CONSIDERATIONS

As described above, there are substantial environmental benefits to constructing roads and drainage in the Augusta Street Group of roads.

4.1 (Cont.)

Sealed roads are more economically sustainable as they require less maintenance in the long term.

FINANCIAL CONSIDERATIONS

Funding of Council's contribution would be subject to Council's future budget deliberations. Funding for the project would need to be considered against other competing priorities in Council's capital works program as no funding for this project is currently identified in Council's long term capital program.

CONFLICTS OF INTEREST

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

4.2 Flinders Foreshore Precinct Conservation Management Plan - Revised for adoption

Prepared By	Anne Grogan, Principal Strategic Planner
Authorised By	Director - Planning and Infrastructure
Document ID	A12086443
Briefing Note Number	BN1745 – 20 June 2023
Attachment(s)	1. Victorian Heritage Database report - Flinders Telegraph Cable Complex and Pier 2. Flinders Foreshore Precinct Conservation Management Plan, Biosis, 2023 3. Submission by Flinders Community Association 4. Submission by Save Flinders Pier 5. Flinders Foreshore Asset Register

EXECUTIVE SUMMARY

The Flinders Pier Precinct Conservation Management Plan (Biosis, 2013) (CMP) provides a framework for conserving the heritage significance of the precinct in line with relevant heritage principles, policy and legislation.

The CMP needs to be updated to reflect the revised heritage status of the Flinders Telegraph Cable Complex and Pier which was listed on the Victorian Heritage Register (VHR) in October 2022. The listing followed a highly publicised, locally led campaign to prevent Parks Victoria from demolishing a large section of the timber pier because of safety concerns about the pier's deteriorated state.

Parks Victoria recently received funding to plan for critical safety works to the pier and subsequently provided funding to Mornington Peninsula Shire (the Shire) to update the CMP to help govern those works alongside the requirements of the VHR. The Shire engaged Biosis (author of the original CMP) to undertake the update which included revising the area to which the plan applies, its conservation significance analysis, and conservation policies and actions consistent with the VHR requirements.

Given the significant community interest in preserving Flinders Pier and its surrounds, the revised CMP was circulated to key stakeholder groups for comment, as well as Parks Victoria, and updated as appropriate.

Officers recommend that Council adopts the updated CMP, inform the community of its decision and apply to Heritage Victoria to update mapping of the former Fishermen's huts in the Victorian Heritage Inventory (VHI) and include the site of the former cable testing hut in the VHR mapping as recommended in the CMP.

RECOMMENDATION**That Council:**

1. **Receives and considers the stakeholder submissions at Attachments 3 and 4 to this report.**
2. **Adopts the updated Flinders Foreshore Precinct Conservation Management Plan (Biosis, 2023) (CMP) as at Attachment 2 to this report.**

4.2 (Cont.)

3. **Informs the community about the adoption of the updated CMP.**
4. **Applies to Heritage Victoria to update mapping of the former Fishermen's huts in the Victorian Heritage Inventory and include the site of the former cable testing hut in the Victorian Heritage Register mapping, as recommended by the updated CMP.**

COUNCIL & WELLBEING PLAN

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

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

- Strategic Objective 1.1: An accessible and unique natural environment that helps our community to be healthy and well.
- Strategic Objective 1.2: A healthy ecosystem, in which our coastline, bushland, wildlife and green wedge is resilient to the climate emergency and development.
- Strategic Objective 1.3: A sustainable built environment that respects the natural environment and protects the community from the impacts of the climate emergency.

GOVERNANCE PRINCIPLES

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

Flinders Pier Precinct Conservation Management Plan, Prepared for Shire of Mornington Peninsula (Biosis, 2013).

DISCUSSION**Purpose**

The purpose of this report is to present the updated Flinders Pier Precinct Conservation Management Plan (Biosis, 2023) (CMP) for adoption and recommend that Council apply to Heritage Victoria to update mapping for some of the precinct's heritage assets in both the Victorian Heritage Register (VHR) and Victorian Heritage Inventory (VHI). The report explains why updates are required to the CMP and outlines the results of targeted stakeholder engagement which helped inform some of the changes made.

4.2 (Cont.)**Background*****Victorian Heritage Register listing and Planning Scheme Amendment C296morn***

On 14 October 2022, the Heritage Council of Victoria determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Flinders Telegraph Cable Complex and Pier is of State-level cultural heritage significance. As such, the site was officially registered on the VHR under registration number H2413.

Registration of the site followed a highly publicised, locally led campaign to prevent 180 metres of the 250-metre timber pier from being demolished by Parks Victoria due to safety concerns arising from the pier's deteriorated state. The campaign and resultant VHR registration received considerable public attention with the Shire making a submission to Heritage Victoria in support of the site's registration.

Attachment 1 to this report contains a copy of the Victorian Heritage Database Report (VHDR) which outlines the history and significance the site. The report is freely available for anyone to view or download from the Heritage Council of Victoria's website.

In terms of statutory effect, registration on the VHR means that permits are required from Heritage Victoria for anything which alters the place (or any objects integral to the place), unless a permit exemption is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners / land managers, as well as minor works or works to the elements of the place or objects that are not significant.

The list of permit exemptions that apply to the Flinders Telegraph Cable Complex and Pier are listed in the VHDR. Exemptions cover a range of general works across the site, as well as works specific to moorings, landscaping and outdoor areas, gardening, trees and plants, fire suppression duties, and the former Jetty Cargo Shed.

On 20 April 2023, the Minister for Planning (the Minister) exercised her authority under section 56 of the *Heritage Act 2017* to fast-track approval of Amendment C296morn to the Mornington Peninsula Planning Scheme. The amendment was prepared and approved by the Minister – without the usual public notice requirements – to ensure the planning scheme reflects the site's new VHR listing. Specifically, Amendment C296morn updated the mapping of the Heritage Overlay (HO) over the site, as well as the contents of the Schedule to the HO (at Clause 43.01 of the planning scheme).

The amendment affected mapping of:

- HO46 (Cable Station Site)
- HO81 (Former Jetty Cargo Sheds), noting that the site of the Former Jetty Cargo Sheds is already included on the VHR under Ref No 906
- HO330 (Flinders Foreshore Precinct).

Figure 1 shows the extent of each HO prior to Amendment C296morn.

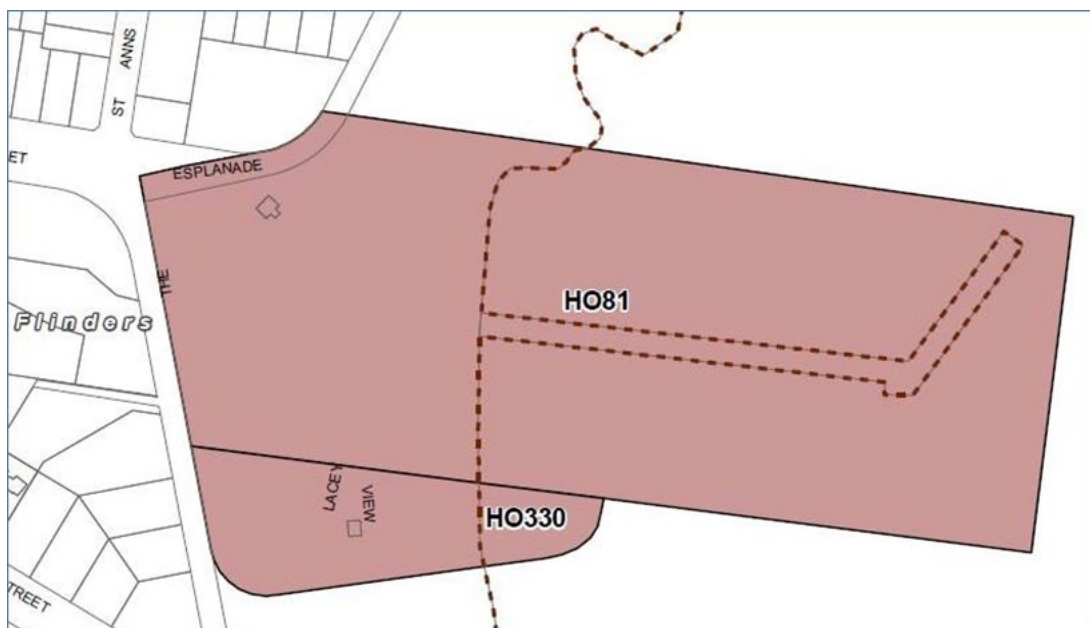


Figure 1: Extent of Heritage Overlay mapping prior to Amendment C296morn

Amendment C296morn modified the HO maps as follows:

- HO46 was deleted (Cable Station Site)
- HO81 was revised to cover a larger extent – Flinders Telegraph Cable Complex and Pier (including the Cable Station Site) and Former Jetty Cargo Sheds
- HO330 was revised to cover a smaller extent (i.e. remove HO330 mapping where it overlapped with the revised HO81).

The revised mapping is shown in Figure 2.



4.2 (Cont.)

Figure 2: Revised extent of Heritage Overlay mapping under Amendment C296morn

The following changes were made to the Schedule to the HO:

- HO46 was deleted
- HO81 was renamed to include 'Flinders Telegraph Cable Complex and Pier'
- Under HO81, the 'Flinders Telegraph Cable Complex and Pier' was included on the VHR under Ref No H2413
- HO81 now refers to two VHR places – H2413 Flinders Telegraph Cable Complex and Pier, and H906 Former Jetty Cargo Sheds.

Existing Flinders Pier Precinct Conservation Management Plan

A CMP has been in place for the Flinders Pier Precinct since 2013. Publicly available on the Shire's website, the CMP was prepared on behalf of the Shire by environmental and heritage consultants Biosis. The CMP provides a framework to assist relevant authorities – including the Shire and Parks Victoria – in conserving the heritage significance of the precinct in line with relevant heritage principles, policy and legislation. The CMP was prepared following consultation with a range of key stakeholders including the Shire, Flinders Historical Society, Flinders Village Association, Flinders Ocean Swimmers Association and Boat Mooring Association.

The CMP includes a detailed description of the site's history, heritage fabric and overall significance and provides a series of conservation policies, guidelines and actions to ensure the heritage values of the precinct are maintained, protected and enhanced. The CMP includes a condition assessment of the pier, associated structures, cargo, fishermen's and winch sheds and slipway.

Given the Flinders Telegraph Cable Complex and Pier has now been listed on the VHR, the CMP needs to be updated to reflect the site's new heritage status. When finalised, the updated CMP will guide future use and management of the pier and surrounding area to ensure any repairs and alterations are undertaken consistently with the heritage values of the precinct.

In the 2022-23 Victorian State Budget, \$1.53 million of funding was allocated to Parks Victoria to plan for critical safety works to be undertaken at Flinders Pier. The Department of Transport and Planning (DTP) has since approved Parks Victoria to provide funds to the Shire to engage Biosis to undertake a review and update of the CMP via a funding agreement. The review is to include an update to the study area, conservation significance analysis, and conservation policies and actions.

It is noted that the need to revise the CMP is recognised as an action in the Flinders Coastal and Marine Management Plan (FCMMP) which was adopted by Council on 16 May 2023 (as the Committee of Management for the Flinders foreshore coastal Crown land Reserve). Action R.2f (p.53) states that the Shire will work with Parks Victoria (which is the public land manager for the concrete and timber pier structures) and relevant stakeholders to revise the existing CMP to 'reflect the heritage values of the site and management requirements in accordance with the Victorian Heritage Registry'.

Updated Flinders Foreshore Precinct Conservation Management Plan

In light of the VHR listing and subsequent HO changes, Biosis commenced the review of the CMP in May this year. The purpose of the review, and resultant updates, was primarily to:

4.2 (Cont.)

- Review the background material (i.e. historic sources and other material) contained in the CMP, given the HV assessment may include new material not previously considered in the existing CMP, and there may be additional sources of information as libraries and archives have undertaken substantial new accessioning, indexing, and scanning since the existing CMP was prepared.
- Update the description and history sections of the existing CMP to reflect new information and changed conditions.
- Review the condition and description of the site based on a site inspection, considering any structural changes to the pier and surrounds due to recent works by Parks Victoria and others.
- Update the mapping to represent the changed statutory protection regime.
- Recommend actions to correct the following mapping anomalies:
 - Update the site record on the VHI to amend the extent of the recorded sites of H7921-0107 Flinders Foreshore Fishermen's Huts. The VHI is a list of known historical archaeological sites in the State.
 - Include the site of the former cable testing hut (which is currently outside of the VHR designated area) in a revised VHR registration area. This would require a request to Heritage Victoria.
- Revise the statement of significance, which considers, but does not necessarily replicate, the statement of significance adopted by the Heritage Council of Victoria. This will recognise that there are also local heritage values that may not be fully reflected in the VHR statement.
- Revise the conservation policy to reflect the changed statutory protection regime, the existing exemptions included in the VHR listing, and any new information or proposed uses of the site.
- Prepare a condition assessment for the two sheds near the pier as requested by Parks Victoria, who is the owner and/or manager of some of the structures within the Flinders Foreshore. This took the form of a visual inspection, a set of photographs and suggested interventions for problems.

Stakeholder consultation

The updated CMP was prepared in consultation with Parks Victoria as the asset owner. A draft of the updated CMP was then sent to key stakeholder groups for comment as outlined in the 'Engagement' section of this report.

Two written submissions were received from the Flinders Community Association (Attachment 3) and Save Flinders Pier group (Attachment 4).

Table 1 provides an overview of the key issues raised by the above parties along with associated responses, noting whether updates were made to the CMP.

In summary, the CMP was updated in response to many comments from Parks Victoria, however, not all requested changes were made, having regard to overarching heritage principles and the advice from Biosis for preserving significant heritage values in accordance with best practice heritage standards.

4.2 (Cont.)

The CMP was also updated with changes requested by the Save Flinders Pier group about the need to recognise the social values of the pier and the 'Save Flinders Pier' community campaign. No changes were made in response to the Flinders Community Association submission which broadly supported the revised CMP but sought changes relating to the impact of Council's paid visitor parking pilot (which is outside the scope of the CMP).

Table 1: Summary of stakeholder issues and responses

Issue		Response
1.0	Stakeholder: Parks Victoria	
1.1	Expand the description of possible dates and extent of reconstruction of the pier in the 1960s.	CMP updated to revise historical information about 1960s reconstruction and included a description of piles and bracing at different times.
1.2	Expand the description of the pier's deterioration.	CMP updated to add the following: <i>Damage to timber piles and beams from termite and worm attack as well as wave erosion has resulted in slumping of parts of the pier. As of July 2022, the landward section parallel with the new steel and concrete pier has been closed to the public for several years.</i>
1.3	It will be difficult to maintain existing fabric and features as well as continuing recreational and maritime related uses given standards of Occupational Health and Safety reasons and Australian Standards for maritime structures.	No changes made. The CMP clearly states that permits are required for future changes.
1.4	Provide more detail on what can be done under 'maintenance' as the heritage listing allows for like-for-like maintenance without the need for planning approval. Request step-by-step guidance on works / repairs and Heritage Victoria processes.	No changes made. The CMP does not need to expand on 'maintenance' as all queries regarding maintenance will need to be referred to Heritage Victoria to determine whether a permit is required or a permit exemption applies. These are listed in general and place specific exemptions in the VHR Database Report. The CMP notes 'Seek approvals if required' refers to requests to Heritage Victoria for permits or permit exemptions. These steps are addressed in separate legislation/regulations and do not need to be replicated in the CMP.
1.5	Remove reference to policy that new structures are visually recessive and/or in keeping with the historical character of the place as this may limit future expansion.	No changes made. This is a standard heritage approach whereby new development should not overwhelm identified heritage elements.
1.6	Do not agree with the statement 'removal of the concrete structure could be considered'.	No changes made. The role of the CMP is to manage and protect items of heritage significance. The CMP clearly states that the primary significance of the pier is the mid-

Issue	Response
	nineteenth century component of the pier which was reconstructed in 20th century – not the newer concrete pier. The CMP provides for several options for future use and management of the concrete pier as follows: <i>Maintain, replace or demolish as required. Preference should be given to restoring the timber pier to its late nineteenth/early twentieth century state. While the concrete pier provides flexibility for current uses, if use changes and it is no longer required, removal of the concrete structure could be considered.</i>
1.7	Request for a section on specific pier issues and conservation of timber structures versus retaining fabric (material needs to be treated to enable adequate life). Concerns with the concept of selective maintenance and retention of fabric as this may result in further jetty closures as further pile and/or timber failures occur. CMP updated to include the following: <i>The pier requires regular maintenance and periodic repairs/replacement due to continuous exposure to high wave action.</i> In making the above change, Biosis advised: <i>While periodic replacement of individual components is a characteristic of timber structures, the retention of significance has been facilitated by the gradual, incremental repairs, as opposed to complete demolition and replacement. As much as anything this incremental change ensures that the type, form and methods of repair and replacement continue to occur in the same manner as the original. Complete demolition and reconstruction has the unwanted effect of a more drastic change. It would also put at risk the environmental and marine habitat values of the structure.</i> Therefore, Biosis concluded that: <i>... the significance of the pier lies in the extant materials, and that retaining fabric is a primary aim of conservation of cultural significance as per Article 4 of the Burra Charter</i> <i>“Conservation is based on a respect for the existing fabric and should involve the least possible physical intervention. It should not distort the evidence provided by the fabric.</i> <i>That said, the final decisions about what form of repair and reconstruction can be undertaken will depend on an assessment of practicalities against the Conservation Plan. Retaining a policy for retention of as much fabric as possible ensures that all the elements of significance are fully considered.</i>
1.8	Add more commentary on the findings of the structural assessment CMP updated to include the following statement:

Issue		Response
	prepared by FSC Range Pty Ltd for the Flinders Pier in May 2022.	<i>A structural assessment has been prepared by FSC Range Pty Ltd for the Flinders Pier in May 2022. The report provided Parks Victoria with an up to date understanding of the current condition of the structures to inform both short and long term remediation planning, including any immediate actions required to ensure the structure is made safe and recommendations to address current defects/issues necessary to keep the pier open and serviceable for the immediate future under the current operating conditions.</i> The revisions described the different sections of the pier and the key findings of identified issues.
2.0	Stakeholder: Flinders Community Association (FCA)	
2.1	FCA acknowledged the work undertaken by Biosis and in the main accepts the conservation policies, guidelines and actions outlined in the report and agrees with the policy setting outlined in the document.	No changes made. Comments noted.
2.1	FCA submitted that some of the actions required to maintain and conserve the cultural heritage values of the Flinders Foreshore Precinct conflict with Council's pilot project to introduce visitor paid parking.	No changes made. The CMP sets out conservation policy to assist decision makers when approving new development or works in the area. It is not intended to address future potential management of carparking (paid or not). The CMP includes commentary about the type of parking if new parking is provided. Council's adopted Flinders Coastal Marine Management Plan (2023) sets out actions for the future management of pedestrian access and carparking.
3.0	Stakeholder: Save Flinders Pier	
3.1	Need to include details of community advocacy campaign to save the flinders Pier from demolition.	CMP updated to include a new section 1.1 Project Context and referred to the community campaign and Council's adopted Flinders Coastal Marine Management Plan (2023).
3.2	General comments about the amenity of Flinders Pier.	CMP updated to include commentary about the social values of the pier in section 5.5.2 Community and Public Stakeholders.

Options for consideration

Having completed a review and update of the CMP, Council can decide to adopt the updated CMP (Option 1) or continue to rely on the original, 2013 version (Option 2). Officers recommend Option 1 for the reasons outlined below.

4.2 (Cont.)***Option 1: Adopt the updated CMP (recommended)***

Adoption of the updated CMP is recommended because the revised plan:

- Reflects current heritage values as identified in VHR database report.
- Will assist land managers (including the Shire and Parks Victoria) to undertake maintenance and new works in accordance with permits from Heritage Victoria if required.
- Provides the community with greater certainty about the heritage values of the precinct and approach to future works.
- Will help inform future actions under Council's adopted Flinders Coastal and Marine Management Plan (2023).

Option 2: Do not adopt the updated CMP and continue to rely on the original 2013 version

Continuing to rely on the original CMP is not recommended because:

- The original, 2013 CMP is outdated and therefore would not be useful to guide decision-making when planning new works or maintenance to existing foreshore assets listed in the VHR.
- Relying on the original version is likely to have a negative financial impact as ongoing professional advice would need to be sought on an ongoing and ad hoc basis to inform decision-making for future works. Further, the funding spent to prepare the revised version would be wasted.
- Stakeholder expectations would not be met in terms of ensuring the CMP accurately reflects the heritage values of the precinct and associated best practice heritage standards, policies and regulations.

Should Council resolve to adopt the updated CMP, officers recommend that Council also resolve to act on a key recommendation from the CMP that an application be made to Heritage Victoria to update mapping of the former Fishermen's huts in the VHI and include the site of the former cable testing hut in the VHR mapping.

ENGAGEMENT

The updated CMP was prepared in consultation with Parks Victoria as the asset owner.

Given the significant community interest in preserving the historic Flinders Pier and surrounds, the draft CMP was also forwarded to the following key stakeholder groups who were invited to provide their feedback:

- Flinders Coastal Advisory Group
- Flinders District Historical Society (current tenants of Cargo Shed)
- Flinders Community Association
- Flinders Icebergers (current tenants of the winch shed)
- Flinders Mussels (an itinerate trader in the local area)
- Flinders Oyster Company

4.2 (Cont.)

- Friends of Flinders Foreshore
- Port Phillip Sea Pilots (which have a shed at the rear of the Cargo Shed)
- Save Flinders Pier
- Victorian Fisheries Authority.

As previously explained, the Shire received written submissions from Flinders Community Association the Save Flinders Pier group, as well as detailed written comments from Parks Victoria.

In addition to the above, representatives from the Shire and Biosis conducted a site inspection on Tuesday, 30 May 2023 with assistance from representatives of the Flinders Community Association, Flinders Icebergers and Flinders District Historical Society who provided access to their respective sheds.

It is not considered necessary to conduct any further, broader community consultation than the above before Council decides whether to adopt the updated CMP. This is because the updates to the CMP reflect already highly publicised changes to the statutory heritage status of the precinct which were strongly advocated for, and later widely celebrated by the community. Further, recommendations within the updated CMP align with the findings and conclusions of the Council's adopted Flinders Pier Precinct Victorian Heritage Register Nomination Report (Biosis, 2022) (VHR Nomination Report) which Council included in its 10 May 2022 submission to the Heritage Council in support of the Pier and Cable Complex VHR registration nomination.

COMMUNICATIONS PLAN

Should Council resolve to adopt the updated CMP, it is recommended that the community be informed about Council's decision via:

- a media release
- an advertisement in a local newspaper
- a social media update, and
- letters to the key stakeholders previously listed in this report.

Information about why the CMP was updated and how to obtain a copy from the Shire's website should be included in the notification.

LEGAL AND REGULATORY FRAMEWORK

The CMP is likely to be used as a reference document for permit applications under other legislation, for example, *Heritage Act 2017*.

SUSTAINABILITY CONSIDERATIONS

The Shire's foreshore reserves provide vital economic, cultural, social and environmental values to the community and visitors. Council has a responsibility to plan and manage our foreshores in a way that protects and enhances these values, taking into consideration the increasing impacts of climate change. The CMP outlines heritage policies for the ongoing repair and maintenance of elements of identified heritage significance in the Flinders Foreshore.

4.2 (Cont.)**FINANCIAL CONSIDERATIONS**

Preparation of the updated CMP cost \$22,381 + GST. As per the funding agreement between the Shire and Parks Victoria, Parks Victoria provided \$20,000 (plus \$2,000 GST) of funding to the Shire to appoint Biosis to undertake an agreed scope of works. The funding was provided upon signing of the agreement. The Shire contributed \$2,381 (excluding GST) to cover the remaining shortfall which was drawn from existing available budget within the Strategic Planning team.

Acting on the CMP's recommendations to apply to Heritage Victoria to change VHR and VHI mapping of key assets will not incur any additional costs, either in terms of consultant fees or statutory application fees (as none are applicable).

In terms of broader financial considerations, it is noted that the Shire is responsible for ongoing maintenance of Shire-managed assets within the Flinders Foreshore precinct which is funded by recurrent existing budget. For clarity, a list of assets and management responsibilities within the Flinders Foreshore is included in Attachment 5.

CONFLICTS OF INTEREST

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

4.3 Draft Pedestrian Access Strategy

Prepared By	Emily Clarke, Sustainable Transport Planner
Authorised By	Director - Planning and Infrastructure
Document ID	A12322228
Briefing Note Number	BN1762
Attachment(s)	1. Draft Pedestrian Access Strategy 2023 2. Draft footpath list 2023

EXECUTIVE SUMMARY

Since the launch of the Pedestrian Access Strategy in 2019 the demand for footpaths has continued to grow, however, Council's budget has come under increasing pressure. Given the large quantity of footpaths still to construct within the Mornington Peninsula Shire (Shire), the updated Pedestrian Access Strategy 2023 (the Strategy) (Attachment 1) provides a new way to ensure footpaths can be prioritised where they are needed most. This Strategy review has been completed in response to Notice of Motion (NOM) 374, at the Council Meeting of 18 October 2022.

To review the Strategy, the established network of planned and existing pathways has been reviewed, and the evaluation method that prioritises construction has been updated to reflect increased safety concerns, changing demographics and movement within the community. This has produced a newly ranked list of footpaths that will inform the annual budget allocation for construction priority (Attachment 2).

The Strategy continues to aim to achieve its vision through the Principal Pedestrian Network (PPN). A PPN is a designated mapped network of integrated and connected routes which encourage pedestrian movement, whilst also supporting safe and accessible travel into and around key destinations. The Shire's PPN outlines the main pedestrian routes and connections across the Mornington Peninsula and is a focus of future capital works expenditures on footpaths and pedestrian infrastructure projects.

In reference to NOM 374 this report is to seek Council endorsement to consult with the community on the draft Pedestrian Access Strategy 2023 including a revised evaluation method for prioritising footpaths. This will ensure community input has been considered and allow for the Strategy to be adopted by Council in early 2024.

RECOMMENDATION

That Council approves the draft Pedestrian Access Strategy 2023 and supporting documents (Attachments 1 and 2) for community consultation for a period of six weeks.

COUNCIL & WELLBEING PLAN

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

Theme 3: A flourishing, healthy and connected community.

4.3 (Cont.)

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

GOVERNANCE PRINCIPLES

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

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

RELEVANT COUNCIL DECISIONS AND POLICIES

At the Council Meeting of 18 October 2022, in response to NOM 374, Council resolved that:

Council requests that a review of the Footpath and the Pedestrian Access Strategy commences before the end of 2022, and returns to Council for amendment before 1 August 2023, incorporating the following priorities:

- *Residents' pedestrian safety*
- *Residents' basic amenity*
- *The character of the area.*

In response to this NOM, officers commenced a review of Council's Pedestrian Access Strategy, 2019.

DISCUSSION**Purpose**

The purpose of this report is to seek Council approval of the draft Pedestrian Access Strategy 2023 and supporting documents (Attachments 1 and 2) for community consultation for a period of six weeks. The Strategy aims to create and maintain a safe, accessible and connected pedestrian network that encourages and facilitates walking to key day to day destinations via the Principal Pedestrian Network (PPN). Improved connectivity and safety of the footpath network throughout the Shire will not only increase accessibility for those with disabilities, but will also promote active transport including walking, cycling and other nonvehicular modes of movement.

Background***The Pedestrian Access Strategy 2019***

The Mornington Peninsula Shire Council is responsible for the construction of footpaths across the Peninsula. Each year, a significant number of community requests for new footpaths are received. Council adopted the Pedestrian Access Strategy in 2019 to ensure funding and delivery of new footpaths remains equitable given the significant construction costs of footpaths.

4.3 (Cont.)

The Strategy aims to create a safe, accessible, and connected pedestrian network and is guided by State Government policy on pedestrian network planning, land use planning and transport planning.

The Pedestrian Access Strategy 2019 is guided by the following strategic objectives:

1. Improve the safety and accessibility of the path network.
2. Development of a connected and integrated township network of paths.
3. Enhance the user experience to facilitate and encourage pedestrian movement.
4. Promote the use and tourism of recreational trails.

The key actions include:

- The development and implementation of Principal Pedestrian Networks.
- Development of a rolling program and new evaluation methodology to prioritise paths.

The Principal Pedestrian Network (PPN) is a mapped network of integrated and connected routes which encourage pedestrian movement, whilst also supporting safe and accessible travel into and around key destinations. The PPN has identified a network of streets throughout the Peninsula where new footpaths are needed and where existing footpaths form part of the network.

All paths which have been identified on the PPN are evaluated against a methodology which uses the following factors to determine construction priority:

Safety (50%)

- Road Safety: Are the current conditions creating a hazardous environment for pedestrians?
- Topography: Is there space off the road where people can walk and is there any difficult terrain to negotiate?

Strategic Priority (50%)

- Network Priority: What function does this footpath play within the network?
- Pedestrian Demand: Is there a significant number of residents already using this route? Have there been a significant number of requests made for a new footpath already?
- Proximity to Primary and Secondary locations: Does this footpath serve key destinations such as schools, shopping centres, health centres and others?

When designing paths on the PPN, the following principles are considered:

- Compliance with the *Disability Discrimination Act 1992*.
- Compliance with the Australian Standards.
- Consistency with the prevailing neighbourhood character.
- Community expectations.

4.3 (Cont.)

- Service levels based of potential usage.
- Safe and accessible.
- All weather surfaces and easily maintainable.
- Avoiding the removal of vegetation where possible.
- Avoiding and minimising impacts to biodiversity, particularly threatened species, large trees and landscape connectivity.
- Enhancing the pedestrian experience through complimentary infrastructure and wayfinding, where possible.
- How the path is prioritised as per the evaluation methodology in the Strategy.

Delivery of footpaths on the PPN is dependent on money being allocated in the Shire's annual budget or the Shire successfully obtaining external grants. New footpath requests that are not on the PPN or are on the PPN but are of a lower priority for construction can be funded via a Special Charge Scheme, where property owners deemed to gain a special benefit from the works are required to contribute towards the cost of the project.

Review and Update of the Pedestrian Access Strategy 2023**Updated Strategy**

Whilst the existing Pedestrian Access Strategy 2019 remains largely relevant, with the strategic objectives already incorporating pedestrian safety, pedestrian amenity, and neighbourhood character, a change has been made to the fourth strategic objective to focus on active transport for key daily tasks rather than including recreational trails. Therefore, the revised Pedestrian Access Strategy 2023 has a vision to create and maintain a safe, accessible and connected pedestrian network that encourages and facilitates walking to key day to day destinations.

The revised Pedestrian Access Strategy 2023 (Attachment 1) is structured in the same way as the 2019 strategy and is guided by the following strategic objectives:

1. Improve the safety and accessibility of the path network.
2. Maintain a connected and integrated township network of paths.
3. Enhance the user experience to facilitate and encourage pedestrian movement.
4. Promote participation in active transport for key daily tasks and activities.

The key actions to achieve these objectives are:

- The implementation of an annual rolling program of footpath construction using the revised evaluation methodology.
- Conducting ongoing reviews of the PPN and evaluation method.
- Continuing to seek funding opportunities to deliver footpaths identified on the PPN.

The reviewed Strategy, the strategic objectives and key actions each have several tasks associated with them.

4.3 (Cont.)

These tasks include:

- Adopt a Safe System approach where, in the event of a crash, the network is designed in a way that the outcome should not result in death or serious injury.
- Ensure PPN Design Guidelines, remain relevant and continue to provide guidance on improving the safety and accessibility of users.
- Consider the inclusion of adequate crossing facilities in footpath construction.
- For footpaths outside the PPN, where pedestrian safety concerns are raised, consider inclusion in PPN.
- Continue to ensure that the new footpath evaluation method considers all emerging safety and accessibility criteria.
- Provide footpaths on arterial roads.
- Conduct a mid-way review of the PPN and prioritisation matrix, giving consideration to community feedback.
- Review and update the list of top 20 high priority footpaths on the Shire website annually.
- Continue to seek capital works funding and external funding opportunities to deliver the highest priority footpaths identified under the PPN.
- Work with the planning and the development approval teams to assist in the creation of Development Contributions Plan Overlays to assist in funding footpath construction and in the short term, where possible to request the inclusion of footpaths for new developments.
- Create an interactive map of the PPN across the Shire to receive ongoing community feedback.
- Advocate to external agencies and the State Government for key pathway and pedestrian infrastructure projects.
- Apply for State Government grants to improve pedestrian infrastructure.
- Incorporate footpaths into integrated road improvement projects where applicable.
- Facilitate special charge schemes.
- Liaise and advocate with government agencies and related business to develop footpaths and trails.
- Consider linking in with existing pathway networks such as Peninsula Trail.
- Provide links to activity centres, transport hubs, educational facilities and key recreational areas.
- Consider the inclusion of footpaths during the construction of new roads.
- Validate and refine the PPN with local knowledge.
- Consider the inclusion of lighting in high use pedestrian routes.

4.3 (Cont.)

- Facilitate the creation of high-quality public spaces and streetscapes.
- Create meandering pathways complemented by the installation of trees and vegetation.
- Consider the neighbourhood character of the area in designing and constructing pedestrian infrastructure.
- Retain existing vegetation, and follow the natural contours of the land.
- Ensure pedestrian accessibility requirements are met (*Disability Discrimination Act 1992* compliance).
- Consider the use of seating, rest zones, signage, shade and other pedestrian friendly elements.
- Fund smaller missing links within the network.
- Identify and develop a network of shared user paths.
- Consider and plan for the emergence of micro-mobility on shared user paths.
- Identify local walking priorities and increase the participation of local residents through the promotion of the PPN.
- Support school focused walking programs and routes.
- Advocate to Public Transport Victoria for the inclusion of sheltered bus stops on high use PPN routes.
- Collaborate with schools, workplaces, and community organisations to promote active transport.

Review of the PPN and update of the evaluation methodology

As part of the review of the Strategy, the following tasks were completed in relation to the PPN:

- Reviewed the PPN maps.
- Updated the evaluation methodology to prioritise footpaths.
- Re-assessed all footpath priorities according to revised mapping, parameters and weightings.
- Increased the importance of pedestrian safety in the assessment of footpath priorities.
- Created an interactive map of the PPN for ongoing community feedback.
- Explained the importance of recommended footpath construction standards and funding.

Further detail is provided below.

Updated the evaluation methodology to prioritise footpaths

A key direction in the revision of the 2019 Strategy was to increase the importance of pedestrian safety in the assessment of footpath priorities. The new evaluation method

4.3 (Cont.)

weights pedestrian safety at 60% and connectivity and accessibility at 40%. This weighting is in line with the intent of the NOM.

The Strategy review has considered the following additional factors in the development of the revised evaluation method:

- Post COVID-19 world with more need for close to home walking patterns.
- Increasing budget pressures and increasing construction costs.
- Council and Wellbeing Plan 2021-2025.
- Greater focus on pedestrian safety applying the Safe System approach.
- Ongoing rollout of 40 Area speed limits.
- Priority for active transport to support the reduction in vehicle emissions.
- The 20-minute neighbourhood, a key strategic land use planning concept that underpins the delivery of Plan Melbourne 2017.
- Recent commercial and residential developments completed and planned.
- Recent community hubs.
- Recent sporting and recreational facilities completed and planned.
- Updated census data.
- Development of micro mobility with e-bikes and e-scooters emerging.
- The proposed Peninsula Trail.
- The public transport networks.
- Increasing advocacy from community groups across the Shire for better pedestrian safety and accessibility.
- Coordination with shared path network and the Draft RideSafe Strategy.

A revised evaluation matrix has been developed (refer to Appendix A in the draft Strategy). A summarised version of the matrix is in the table below.

Pedestrian Safety and Risk	
Road Safety (30%) • Crash data and locations • High speed roads • High trafficked road	60%
Pedestrian type (15%) • Vulnerable users	
Topography (15%)	

4.3 (Cont.)

• Difficult terrain and Visibility and line of sight • Sufficient space to facilitate walking	
Connectivity and Accessibility	
Local connectivity (20%) • Near primary and secondary destinations	40%
Community demand (15%) • Allow higher populated pockets to access PPN	
Network (5%) • Path on the PPN network • Available alternative/parallel route	

The main changes to the evaluation matrix include:

- Inclusion of pedestrian risk factors and crash data.
- Visibility and line of sight.
- Updated population data and high-risk age groups i.e. under 12 years old and over 65 years old.
- Inclusion of health facilities.

This revised evaluation matrix has been applied to the PPN which has resulted in changes to the current ranking of footpaths (see Attachment 2).

All footpaths have also been subject to a supplementary assessment that identified any biodiversity and / or cultural heritage impact, and constructability implications. This supplementary assessment identifies paths where more detailed investigation is required as part of the design of the path and that the construction of these paths may be more complicated/expensive (Attachment 2).

Interactive map of the PPN for ongoing community feedback

To ensure the community can provide input on pedestrian needs, an interactive Shire map showing the PPN has been developed. This will be available during the community consultation period on the revised Strategy/PPN and will be retained following the adoption of the revised strategy. This will make it easier and quicker for the community to identify footpaths that are a priority for them.

Construction standards

The 2019 Strategy specification for footpath construction states that the preferred surface treatment for construction of footpaths on the PPN is exposed aggregate concrete. However, the revised Strategy now recommends plain concrete is the preference to provide the most cost-effective solution. Loose surface material (gravel, soil, sand etc) is still recommended to be avoided but is not excluded. It also specifies the minimum footpath width of 1.8 metres (m) to ensure paths allow two wheelchairs to pass, instead of 1.5m.

4.3 (Cont.)

support the scheme. This action may arise for low priority footpaths on the PPN or for footpaths not designated on the PPN.

In addition to the above, the revised Strategy states that:

- External grant funding will also be sought directly through programs and indirectly through road improvement projects.
- For high priority footpaths on the PPN, Council may initiate a Special Charge Scheme in which the affected parties part contribute to the cost of the footpath and Council part contributes to the cost. Further guidance is provided in the Shire's current *Special Charge Scheme Policy for Infrastructure Works*.

ENGAGEMENT

Community engagement will be undertaken over a period of six weeks from September 2023 to November 2023. Feedback will be sought on the following four items:

1. Draft Strategy
2. Interactive map including the Principal Pedestrian Network across the Shire
3. New footpath construction evaluation method
4. Revised and ranked listing of footpaths.

COMMUNICATIONS PLAN

- Media release
- Advertisement in the Peninsula Buzz magazine
- Quarter page newspaper advertisement in Mornington Peninsula, Western Port and Southern Peninsula News
- Social media campaign
- Hard copy Have Your Say form at Customer Service (for accessibility)
- Shape web page including interactive map of PPN, FAQs and feedback survey and contact details for individuals and groups to discuss the Strategy.

LEGAL AND REGULATORY FRAMEWORK

The Pedestrian Access Strategy 2023 ensures footpath construction complies with the *Disability Discrimination Act 2006*.

SUSTAINABILITY CONSIDERATIONS**Promotion of Active Transport**

The implementation of the revised Strategy will facilitate active transport across the Shire, by connecting footpaths between residential areas and day to day key services and activities.

Recycled products

The Shire has recently updated the specification for concrete footpaths to increase the sustainability through replacing part of the cement content with recycled materials such as fly

4.3 (Cont.)

ash. This significantly reduces the carbon emissions associated with concrete production, with a minor increase in overall construction cost. Over time, the market is expected to respond by reducing cost once these products increase in scale and familiarity.

In accordance with the Shire's Environmentally Sustainable Design Policy for Shire buildings and civil works, the Shire prioritises the use of recycled products in the delivery of footpaths with construction materials to be selected that reduce the lifetime carbon footprint.

The following is referenced in the updated Strategy:

Sustainability

All footpaths and associated works will be planned and designed in accordance with the Environmental Sustainable Design Policy for Council Buildings and Civil Works, particularly through consideration of the following objectives:

- Use of low carbon materials and recycled content.
- Integration of Water Sensitive Urban Design elements to retain water onsite and mitigate stormwater pollution and downstream flooding events.
- Protection of biodiversity, prioritising retention of remnant vegetation and high biodiversity value trees.
- Planting and supporting trees to reduce urban heating and provide shaded and cool footpaths.
- Design for future climate conditions and extreme weather events.

FINANCIAL CONSIDERATIONS

There are no foreseeable significant financial implications that will result from the recommendation in this report seeking approval to place the draft Strategy out for consultation.

CONFLICTS OF INTEREST

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

4.4 Options for a Strategic Planning Response to Intrusive Advertising Signage Across the Mornington Peninsula

Prepared By	Claire Dougall, Team Leader - Strategic Planning
Authorised By	Director - Planning and Infrastructure
Document ID	A12447919
Briefing Note Number	Not applicable
Attachment(s)	1. Clause 52.05: Signs 2. Strategic Planning Team - Key projects and amendments FY23-24

EXECUTIVE SUMMARY

The purpose of this report is to respond to Notice of Motion 413 (Cr Marsh) that was adopted at the Council Meeting on 8 August 2023:

That officers of the Shire's Strategic Planning team prepare a report for the Council Meeting on 5 September 2023 to explain the existing planning controls that apply to advertising signage on the Mornington Peninsula and outline options for future strategic work to strengthen local planning policy in relation to signage.

The display of advertising signage on the Peninsula is regulated by a range of policies and controls within the Mornington Peninsula Planning Scheme.

Council's adopted 2018 Planning Scheme Review included a recommendation to:

Undertake further strategic work to provide better guidance around Major Promotion Signs, light pollution, landscape and character impacts (over and above traffic issues) that is specific to Mornington Peninsula's conditions, including the character of townships and villages.

Given the range of existing policies and controls in the Mornington Peninsula Planning Scheme in relation to advertising signage, this recommendation has not yet been progressed as the implementation of other recommendations from the Review that relate to planning matters that have more limited existing policies or controls, have been prioritised by Council.

For the 2023/24 financial year Council's Strategic Planning team is already fully committed delivering existing projects and amendments. Given this, it is recommended that this strategic work for advertising signage be considered via the annual budget approval process.

RECOMMENDATION

That Council notes the options outlined in this report for future strategic work to strengthen local planning policy in relation to signage and considers this as part of Council's annual budget process.

COUNCIL & WELLBEING PLAN

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

4.4 (Cont.)

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

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

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.

RELEVANT COUNCIL DECISIONS AND POLICIES

19 November 2018 – Adoption of the 2018 Mornington Peninsula Planning Scheme Review.

8 August 2023 – Notice of Motion 413 – Billboards and Signage.

DISCUSSION**Background*****Display of advertising signage***

The display of advertising signage on land within the Mornington Peninsula is regulated by a range of policies and controls within the Mornington Peninsula Planning Scheme. These include:

- Clause 15.01-1S: Urban design
- Clause 15.01-1L: Urban design – Mornington Peninsula
- Clause 52.05: Signs
- Clause 59.09: Signs (VicSmart)
- Zones and overlays (including the Design and Development Overlay).

Collectively, the provisions seek to ensure that signs:

- are compatible with the amenity and visual appearance of an area, including the existing or desired future character,
- do not contribute to excessive visual clutter or visual disorder, and
- do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Clause 52.05: Signs outlines a series of controls specific to signs (refer to Attachment 1). As part of a package of significant reforms to the Victoria Planning Provisions in July 2018 (known as Amendment VC148), the State Government amended Clause 52.05 (Signs) to strengthen provisions and decision guidelines within the clause.

4.4 (Cont.)

The clause now specifies four different categories of controls based on the proposed location of the sign, i.e. commercial areas (minimal limitation), office and industrial (low limitation), high amenity areas (medium limitation) and sensitive areas (maximum limitation).

There are also specific controls applicable to major promotion signs (including mandatory controls), as well as exemptions for certain signage (such as directional signage, temporary community event signage, temporary construction signage, etc.) and fast-tracked assessment (i.e. VicSmart) for minor signs in certain areas.

As well as stipulating application requirements for a site context analysis and specific design and locational details about proposed signage, Clause 52.05-8 provides a range of decision guidelines that address:

- the character of an area
- impacts on views and vistas the relationship to the streetscape, setting or landscape
- the relationship to the site and building
- the impact of structure associated with a sign
- the impact of any illumination
- the impact of any logo box associated with the sign
- the need for identification and the opportunities for adequate identification on the site or locality
- the impact on road safety and what constitutes a safety hazard.

The clause also includes specific decision guidelines for major promotion signs, including the effect of such signs on:

- significant streetscapes, buildings and skylines
- the visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy
- residential areas and heritage places, and
- open space and waterways.

In addition to the provisions of Clause 52.05: Signs, the exercise of discretion when determining signage applications is guided by:

- the objectives and decision guidelines of the applicable zone and/or overlay (as relevant)
- Clause 65: Decision Guidelines
- Clause 15.01-1S: Urban Design, which contains the following:
 - Objective – To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

4.4 (Cont.)

- Strategy – Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Clause 15.01-1L: Urban design – Mornington Peninsula.

Clause 15.01-1L is a local policy specific to the Mornington Peninsula and contains strategies exclusively relating to signs. These are:

- Avoid signs that protrude above the height of the building, including any parapet.
- Give preference to freestanding pole signs over signs attached to buildings.
- Encourage signs that relate to the address, business name or type of business conducted on the premises.
- Avoid animated signs such as those with flashing or moving lights.
- Avoid bunting signs except for use in display yards or as a temporary sign.
- Avoid the use of fluorescent or reflective paints that result in visually obtrusive effects.

2018 Planning Scheme Review

Council's adopted 2018 Planning Scheme Review (p.141-142) recognised the improvements to Clause 52.05: Signs introduced by Amendment VC148. However, it noted the need to review the updated provision to identify whether there is a need for any further strategic work by Council to provide better guidance around decision-making for signs.

Recommendation 141 of the Planning Scheme Review recommended that Council: *"Undertake further strategic work to provide better guidance around Major Promotion Signs, light pollution, landscape and character impacts (over and above traffic issues) that is specific to Mornington Peninsula's conditions, including the character of townships and villages"* and update the Planning Scheme as appropriate.

Given the range of existing policies and controls in the Mornington Peninsula Planning Scheme in relation to advertising signage, this recommendation has not yet been progressed as the implementation of other recommendations from the Review, that relate to planning matters that have more limited existing policies or controls, have been prioritised by Council, including:

- Progressing planning scheme amendment C219morn.
- Completing the Mornington Peninsula Neighbourhood Character Study.
- Completing the Balnarring, Somerville and Baxter Township Plans and associated planning scheme amendments.
- Completing the Western Port Coastal Villages and Surrounding Settlements Strategy and the associated planning scheme amendment.
- Completing the Planning Policy Framework translation.
- Progressing the development of an affordable housing local policy.

4.4 (Cont.)

- Completing the Industrial Land Use and Infrastructure Assessment and Rezoning Strategy to identify suitable locations to increase the supply of industrial land within the Shire and progressing planning scheme amendments to implement this Strategy.
- Completing the 'Extent of Tootgarook Wetland, Mornington Peninsula' study and the associated planning scheme amendment.
- Completing Planning Scheme Amendment C214 (which implements Heritage Review Area 2).
- Completing Stage 3 of the Heritage Review and associated planning scheme amendment.
- Commencement of Stage 4 of the Heritage Review.
- Preparation of planning scheme amendment C233 to implement the Tyabb Airfield Precinct Plan (since withdrawn).
- Completing planning scheme amendment C190 which implements the Hastings Town Centre Structure Plan.
- Completing the Rye Urban Design Guidelines and associated planning scheme amendment.
- Completing planning scheme amendment C206 which implements the Rosebud Activity Centre Structure Plan.
- Completing the strategic work and planning scheme amendment to introduce a local Environmentally Sustainable Design policy.
- Completing the Balcombe Estuary Reserves – Ecological Study and Planning Provisions and progressing the associated Planning Scheme amendment.
- Completing Parking Precinct Plans for Mornington, Hastings and Rosebud Major Activity Centres and the associated Planning Scheme amendments.

Future Strategic work – advertising signage

Noting that the work may apply to all 40 townships on the Peninsula, as well as green wedge and other rural areas, it is estimated that the cost to carry out the work may range from \$100,000 to \$300,000. The costs would include:

- appointing a suitably experienced and qualified consultant to undertake strategic work to justify changes to strengthen local planning policy regarding signage in the Planning Scheme, and
- facilitating community engagement on the strategic work before it is finalised and adopted by Council
- project management costs associated with the delivery of the project.

This work would likely take at least 12 months to complete.

To implement any recommended policy changes in the Planning Scheme, Council would then need to undertake a formal planning scheme amendment process which would take an additional 12-18 months to complete. The cost of undertaking an amendment will depend on:

4.4 (Cont.)

- the nature and scope of the amendment itself
- the extent and type of public notification given about the amendment (and any related communications and community engagement activities and collateral)
- the nature of any submissions received during public exhibition and any associated work to revise the amendment in response to issues raised
- whether a Planning Panel process is required, including whether Council appoints a third party to represent it at the hearing (such as a planning advocate or law firm) or calls any expert witnesses to give evidence at the hearing, and
- the nature and extent of any further strategic work that may be required to respond to recommendations of the Panel.

The cost of the amendment, therefore, may range from \$50,000 to \$150,000 or more.

Project management of the strategic work (and subsequent planning scheme amendment) would require a dedicated staffing resource with involvement from other staff within the Strategic Planning, Statutory Planning, Communications and Community Engagement teams to assist with community consultation.

Options for consideration***Option 1: Progress signage work this financial year***

Council's Strategic Planning team is already fully committed delivering Council nominated and approved projects and amendments (see Attachment 2 for a summary of the key committed projects and amendments to be progressed this financial year).

If Council wishes to progress the above strategic work for signage this financial year, the Shire-wide Development Contributions Plan (DCP) project could be stopped, as a consultant has not yet been appointed to undertake this work, with the \$150,000 budget and staff resourcing for this project reallocated to the signage work.

It is noted that the purpose of the Shire-wide DCP project is to help fund delivery of Council infrastructure projects committed in Council's Long Term Capital Works Plan and other adopted strategic plans (including various township structure plans, streetscape masterplans, etc.). The DCP could fund projects ranging from road, drainage and footpath upgrades to maternal and child health centres, kindergartens, community halls, public toilets, sporting facilities and other community infrastructure.

Option 2: Progress signage work in a future financial year

The other option is for Council to progress the signage work in a future financial year. The budget and staff resourcing for this would be considered as part of Council's annual budget process.

Officers recommend Option 2 to ensure that the Shire-wide DCP project proceeds as committed.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

4.4 (Cont.)

LEGAL AND REGULATORY FRAMEWORK

Planning and Environment Act 1987.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

As above. If Council progresses the signage work in a future financial year, the financial implications will be considered as part of Council's annual budget process.

If Council wishes to progress the work this financial year, then the existing budget and staff resourcing for the Shire-wide Development Contributions Plan project could be redirected to the signage work. This would mean the Shire-wide Development Contributions Plan project would not proceed, would be removed from the current work program and be considered at a future annual budget process.

OFFICER DIRECT OR INDIRECT INTEREST

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

COMMUNITY STRENGTHENING

4.5 Wastewater Management Policy

Prepared By	Jessica Connolly, Wastewater Management Officer
Authorised By	Acting Director - Community Strengthening
Document ID	A12485934
Briefing Note Number	BN1767 – 15 August 2023
Attachment(s)	1. Wastewater Management Policy

EXECUTIVE SUMMARY

The Mornington Peninsula Shire Council (Shire) Wastewater Management Policy (Policy) has been reviewed and was updated to respond to community feedback. The proposed Policy (Attachment 1) will strengthen Council's management of public health and environmental risks from onsite wastewater systems.

RECOMMENDATION

1. That Council adopts the proposed Wastewater Management Policy (Attachment 1) which confirms Council's commitment to advocate for reticulated sewerage in high-risk un-sewered townships
2. That officers develop a 2024-2028 Wastewater Management Plan in line with the Environment Protection Authority Obligations for Managers of Land or Infrastructure.

COUNCIL & WELLBEING PLAN

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

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

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

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 D which are:

- B. Priority is 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 decision making.

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

Council adopted the Wastewater Management Policy in 2013 to manage the risks posed by onsite wastewater (septic) systems.

DISCUSSION**Background**

Wastewater is a significant environmental issue on the Mornington Peninsula, particularly in townships that do not have sewerage available through South-East Water (SEW) sewerage programs. There are approximately 22,000 properties not connected to reticulated sewerage on the Mornington Peninsula, with wastewater treated by onsite wastewater management (septic) systems. Polluted runoff and infiltration from poorly maintained septic systems may cause contamination to waterways and poses risks to public health.

Options for Considerations

The preferred option is the adoption of the proposed Policy.

1. The proposed Policy was amended to meet each of the issues raised during consultation.

The key items are:

- Council will advocate for the provision to sewer in high-risk townships.
- The requirement of businesses (short stay accommodation, food and health premises) to connect to sewer will be a staged and risk-based approach. This will be used to assist property owners to meet their obligations under the *Environment Protection Act 2017*.

The proposed Policy confirms Council's commitment to reticulated sewerage which will align with Council strategies to support business and tourism in townships and Green Wedge areas. A Council submission has been made to the SEW review of the Backlog Sewer Program, with a recommendation for Council and SEW to jointly advocate for State Government funding.

This information responds to parts 1 and 3 of Notice of Motion 398 dated 16 May 2023.

ENGAGEMENT

A comprehensive community engagement plan was developed. This plan included targeted industry engagement and a formal 60-day exhibition period. A consultation page was launched on the Shire's Shape platform for community input.

LEGAL AND REGULATORY FRAMEWORK

The Policy will assist Council, property owners and the local wastewater industry to meet their increased obligations under the *Environment Protection Act 2017*. Owners and contractors have a proactive duty to prevent environmental harm and when requested, must provide records of system maintenance and repairs to Council.

Council's recently adopted *Community Amenity Local Law 2022* has set the requirement for property owners to appropriately maintain their septic system to prevent nuisance, ensure that it is in proper working order and provide maintenance records to Council upon request.

4.5 (Cont.)

The Wastewater Management Plan (WMP) is the strategic plan to manage wastewater risks. The Environment Protection Authority (EPA) Obligations for Managers of Land or Infrastructure (OMLI) will set the framework and process for Council to develop its WMP. Council is obliged to follow this guidance.

The WMP will include a priority list of townships on the Mornington Peninsula that require reticulated sewerage to protect public health and the environment. The OMLI also outlines the process for Council notifying the water authority and the timeline and requirement for the written response that is to be provided by the water authority.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The adopted Policy would support the sustainable reuse of treated wastewater and assist Council to complete specific actions in the Integrated Water Management Plan and Climate Emergency Plan.

FINANCIAL CONSIDERATIONS

There are no budget implications arising from the adoption and implementation of the proposed Wastewater Management Policy.

An approved project budget is in place for the development of the 2024 – 2028 Wastewater Management Plan.

CONFLICTS OF INTEREST

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

4.6 Draft Our Library Strategy - Public Exhibition

Prepared By	Steven Haby, Team Leader - Libraries; Cheryl Casey, Manager - Arts, Culture & Community
Authorised By	Acting Director - Community Strengthening
Document ID	A12101106
Briefing Note Number	BN1760 – 1 August 2023
Attachment(s)	1. Draft Our Library Strategy 2024-2029

EXECUTIVE SUMMARY

Mornington Peninsula Shire Council (the Shire) has not previously had a library strategy. This Strategy will ensure Our Library is meeting community needs while aligning with State and local policy directions and providing value for money in a tightening fiscal environment.

The Draft Our Library Strategy 2024-2029 (the Strategy) outlines the Shire's approach to delivering a dynamic public library service that provides a welcoming, inclusive and stimulating environment. It frames a library service which encourages lifelong habits of learning and self-expression, nurtures a love of reading, and meets education, information, social and recreation needs for all library users.

The Strategy aims to:

- Enable the delivery of a value for money service that meets the needs of the Mornington Peninsula community.
- Ensure the Shire is well placed to attract grant funding.
- Promote strengthened connections with community.
- Enhance collaboration with internal and external stakeholders.

Officers will seek endorsement from Council to progress the Draft Strategy to the public exhibition phase.

RECOMMENDATION

That Council approves the public exhibition of the Draft Our Library Strategy 2024-2029 (Attachment 1) from 11 September to 13 October 2023.

COUNCIL & WELLBEING PLAN

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

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

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

Theme 2: A robust, innovative and diverse economy.

4.6 (Cont.)

- Strategic Objective 2.1: A community that has access to world class local learning opportunities through all stages of life.

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.2: A resilient and confident community where everyone connects and is supported.
- Strategic Objective 3.3: A community in which people from all generations, backgrounds and abilities can access local services.
- 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, D, E, F, G, H and I which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- E. Innovation and continuous improvement is to be pursued.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.
- G. The ongoing financial viability of the Council is to be ensured.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

The Strategy is aligned with the following Council policies:

- Peninsula 2040: Our Shared Community Vision
 - Principle 1 – Addressing climate change
 - Principle 2 – Integrated public transport and accessibility infrastructure
 - Principle 3 – Support an inclusive, connected and safe society
 - Principle 4 – Innovative planning and development of the local economy
 - Principle 5 – Encourage and expand education, sports and arts opportunities

4.6 (Cont.)

- Principle 6 – Protect and enhance all elements of our natural land, sea and biodiverse environments
 - Principle 7 – Plan and regulate responsible and innovative housing development.
- Arts and Culture Plan
- Child Safe Plan
- Gender Equity Strategy
- Inclusion Strategy
- Reconciliation Action Plan.

DISCUSSION**Purpose**

The purpose of this report is to seek Council endorsement to place the Draft Strategy on public exhibition from 11 September to 13 October 2023.

Background

Research has shown that public libraries play a pivotal role in supporting community health and wellbeing, and delivering social, cultural, and economic return. They help foster critical thinking, social connection, positive literacy outcomes, life-long learning, and a love of reading, which in turn delivers a wide range of individual and social benefits which are critical in establishing an informed, imaginative and compassionate society.

The Strategy aligns with State-wide, and local efforts to deliver effective, efficient, and sustainable public library services that are relevant and connected to the community's vision.

Libraries are safe and welcoming spaces that help to build cohesive communities. Community members can enter a library without being a member, without an appointment, without having to disclose personal circumstances and without having to spend money, making libraries a truly democratic space. Libraries also increasingly provide spaces where community members can work, research and collaborate, which supports hybrid working models.

The three key priority areas of the Strategy are:

1. Re-imagine:
 - Our library facilities and service models are well planned and designed to ensure they create welcoming and inclusive spaces which inspire innovation.
2. Thrive:
 - Our library delivers targeted, equitable and culturally safe services that aim to enhance the health and wellbeing of community members of all ages, abilities and backgrounds.
3. Belong:
 - Our library environments enable opportunities for the community to meaningfully connect, feel included, and be confident to express themselves.

4.6 (Cont.)

Each of these priority areas has a set of objectives to outline what we plan to do and deliverables to show how we will do it. This detail can be found in Attachment 1.

Options for consideration

Nil.

ENGAGEMENT

In 2022, consultants I & J Management Services were appointed to research community satisfaction with Our Library and future aspirations. They engaged with library users, community members and the Literacy Advisory Committee and gathered more than 1,000 survey responses. These responses were benchmarked against State-wide results and against other libraries with similar services to the Shire.

The survey found that:

- 48% rated their library 10 out of 10
- Average customer satisfaction score was 8.5 out of 10
- 90% of library users feel safe at the library
- 82% believe the library welcomes people from all walks of life
- 78% believe the library is a hub for community connections.

Further community engagement will be sought during the public exhibition period, with relevant amendments made to the Draft Strategy prior to returning to Council for endorsement.

COMMUNICATIONS PLAN

The community will have an opportunity to review the Draft Strategy and provide feedback on its objectives and actions during the public exhibition stage using the following methods:

- Information about the Strategy published on the Council and Our Library websites.
- Engagement with local newspapers to publish articles and information about the Strategy.
- Utilise local community radio to advise the Draft Strategy.
- Circulate information in Council and other commercial publications utilised by Council, including the library eNewsletter.
- Copies of the Draft Strategy made available for public review through our libraries and Council customer service outlets.
- Drop in sessions at key locations including our library branches giving the community the opportunity to provide feedback and discuss issues relating to the Strategy.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

4.6 (Cont.)**SUSTAINABILITY CONSIDERATIONS****Economic**

Physical and digital library collections are sourced using procurement best practice, and where possible, using local suppliers.

Our Libraries offer meaningful support for people experiencing disadvantage and difficulty, including free services, activities and no fines.

Social

The Strategy prioritises:

- efforts and resourcing for improving literacy across the lifespan
- delivering programs and services which reduce social isolation and loneliness
- supporting the community to adapt post COVID-19.

Cultural

The Strategy ensures Shire library environments are welcoming and safe:

- and prioritise cultural safety for our Aboriginal and Torres Strait Islander community
- for vulnerable people, including those with disability, Culturally and Linguistically Diverse, LGBTIQA+, and gender diverse backgrounds
- for people fleeing family violence, or requiring respite from extreme weather events.

Climate change

The Strategy aims to:

- ensure current library buildings are adaptable to meet the impacts of climate change including severe weather events and hotter temperatures during the year
- ensure new buildings and facilities are constructed to best practice and fit for purpose in terms of heat mitigation and insulation, use of solar power and water recycling
- provide opportunities for community members to enhance their climate change education, understanding and impact to enable positive change in our community
- provide resources and relevant programs to the community to develop and enhance skills in the protection and enhancement of the natural environment, flora and fauna including better farming practices and building design.

FINANCIAL CONSIDERATIONS

Recommendations and actions within the Draft Strategy will be implemented within existing operational and capital budgets, and State Government Public Libraries Funding Program funds. Funds required beyond these budgets will be sought from external grant funds.

CONFLICTS OF INTEREST

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

4.7 Creative Grant Amendment Recommendation

Prepared By	Julie Skate, Arts and Cultural Development Coordinator; Kate Hills, Acting Manager - Arts, Culture & Community Services; Cheryl Casey, Manager - Arts, Culture & Community
Authorised By	Manager - Community Facilities & Precincts
Document ID	A12509554
Briefing Note Number	Not applicable
Attachment(s)	Nil

EXECUTIVE SUMMARY

At the Council Meeting held on 30 May 2023, Council resolved to adopt the Community Investment Funding Grants and Subsidies, including the purpose and priorities for each funding stream, and the draft Sponsorship guidelines.

This report listed the Creative Grants funding of \$82,800 under Theme 2: A robust, innovative and diverse economy, with a capped value per application of up to \$5,000.

Themes	Funding Streams	Purpose	Priorities	Capped value per application
Theme 2 – Grants				
Theme 2 – A robust, innovative and diverse economy	Creative Grants	Open Competitive To build creativity, cultural capacity and vitality in our communities.	- Arts and culture engagement Programs - Indigenous Arts and Cultural Practices - Public Art and exhibitions - Priorities identified in the Arts and Culture Plan - Priorities identified in the Music Plan	Up to \$5,000
	Destination Events Grants	Open Competitive To support major economic, cultural and social impact	- Large scale Festivals and events that attract significant off-peak visitation to the Mornington Peninsula. - Nationally recognised days/events - Priorities identified in the Arts and Culture Plan	Up to \$25,000 awarded for a 1 or 2 year period

To date the Mornington Peninsula Shire has approved support to two applications at a total cost of \$5,690. The calibre of Creative Grant applications is very high, leading officers to recommend that the cap be raised from \$5000 per application to \$10,000.

RECOMMENDATION

That Council endorses the recommendation to increase the capped value per application of the Creative Grants for 2023-2024 to \$10,000.

COUNCIL & WELLBEING PLAN

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

Theme 2: A robust, innovative and diverse economy.

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

4.7 (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, E, G and I, which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- E. Innovation and continuous improvement is to be pursued.
- 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

At the Council Meeting held on 12 July 2022, Council resolved to adopt the Community Investment Funding Policy.

At the Council Meeting held on 30 May 2023, Council resolved to adopt the Community Investment Funding Grants and Subsidies, including the purpose and priorities for each funding stream, and the draft Sponsorship guidelines.

DISCUSSION**Background**

At the Council Meeting held on 30 May 2023, Council resolved to adopt the Community Investment Funding Grants and Subsidies, including the purpose and priorities for each funding stream, and the draft Sponsorship guidelines.

This report listed Creative Grants under Theme 2: A robust, innovative and diverse economy, with a capped value per application of up to \$5,000.

Options for consideration

Not applicable.

ENGAGEMENT

The community was engaged through Grants Information sessions and Grants Writing Workshops, and support is provided for applicants through the SmartyGrants system.

COMMUNICATIONS PLAN

A communications plan was developed for the promotion of grants to ensure all grants are promoted collectively with clear closing dates. The amendment to increase the capped value per application of Creative Grants will be advised in the SmartyGrants program.

LEGAL AND REGULATORY FRAMEWORK

- Community Investment Funding Policy 2022
- *Local Government Act 2020*
- Community Vision 2021-2040

4.7 (Cont.)

- Council and Wellbeing Plan 2021-25
- Financial Plan 2021-31
- Annual budget 2023-24
- Governance Rules – August 2022
- Public Transparency Policy – August 2020
- Fraud and Corruption Policy 2022
- VAGO report 'Fraud Control Over Local Government Grants' May 2022.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Council's investment in our communities through grants, subsidies and sponsorships seeks to enhance sustainable improvements in Environment/Climate Change, Economic, Cultural and Social environments through each of the funding streams aligned to the Council and Wellbeing Plan.

FINANCIAL CONSIDERATIONS

The recommended increase to the capped value per application will be managed within the existing Creative Grants funding pool of \$82,800. There will be no financial requirement to increase this funding pool.

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

4.8 Instrument of Appointment and Authorisation

Prepared By	Diana Harris, Governance Officer
Authorised By	Team Leader - Governance Services
Document ID	A12511418
Briefing Note Number	Not applicable
Attachment(s)	1. Authorisations under P&E Act and Land Act

EXECUTIVE SUMMARY

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

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

It is recommended that Council appoints the relevant Shire officers as Authorised Persons under the *Planning and Environment Act 1987* and the *Land Act 1958*.

RECOMMENDATION

1. **That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation, Council resolves that:**
 - A. **The member of Council staff referred to in Attachment 1 be appointed under the *Planning and Environment Act 1987*.**
 - B. **The member of Council staff referred to in Attachment 1 be appointed under the *Land Act 1958*.**
 - C. **The Instruments come into force upon the resolution of Council.**

COUNCIL & WELLBEING PLAN

Appointment of Authorised Officers supports all three strategic themes of the Council and Wellbeing Plan:

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.

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 A and I which are:

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

RELEVANT COUNCIL DECISIONS AND POLICIES

The Appointment of Authorised Officers by Council occurs regularly to ensure new employees or employees changing roles are appointed in a timely manner. The previous report was presented to Council for endorsement on 22 August 2023.

DISCUSSION**Purpose**

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

Planning and Environment Act 1987

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

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

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

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

- Luke Walker – Asset Protection Officer – new employee.

The Land Act 1958

Section 188A applies to Crown land that is under the control of a Committee of Management (CoM) and provides that if a person constructs a building/works on that land, a person authorised by the CoM can demand that that person produces a current permit authorising them to keep the building. If, after 21 days, that person has not produced such a permit, then the Authorised Person may cause a complaint and a summons to appear before the Magistrates Court to be served on the person who constructed the building/works.

The Shire is appointed as a CoM for a number of Crown Land reserves within the municipality. It is in this capacity that Council can authorise Shire officers for the purposes of section 188A of the *Land Act 1958*. This report recommends the following Shire officers be appointed and authorised under the *Land Act 1958*:

4.8 (Cont.)

- Luke Walker – Asset Protection Officer – new employee.

Background

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

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

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

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

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Under Clause 224 (1) of the *Local Government Act 1989*, Council may appoint any person other than a Councillor to be an Authorised Officer for the purposes of the administration and enforcement of any Act, regulations or Local Laws which relate to the functions and powers of the Council. This clause has been retained and was not repealed with the commencement of the *Local Government Act 2020*.

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.

5 NOTICES OF MOTION

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

5.1 Notice of Motion 417 (Cr Gill) - Performing Arts Storage

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

That consideration be given as part of the draft 2024/2025 Council budget process to undertaking a feasibility study for theatre production storage facilities to be co-located with Shire-owned performance facilities.

Officer Comment Prepared by	Beck Levy, Acting Director Community Strengthening
Authorised by	Beck Levy, Acting Director Community Strengthening

OFFICER COMMENT

Storage for community groups is lacking across the peninsula. This does make it challenging for groups including performing arts groups to operate safely. Mornington Peninsula Shire (Shire) officers recommend submitting a budget bid through the 2025 financial year budget process to engage a consultant to undertake a feasibility study including indicative costs to provide storage which will effectively service the Shire's performing arts groups.

Legal Implications

In pursuing a community storage model there will be insurance and other implications which will need to be incorporated into hiring or leasing/licensing agreements.

Financial and Resourcing Implications

The provision of additional infrastructure to service community storage needs may come with a significant financial impact, both in the initial building stages and the ongoing maintenance costs.

Potential Alternative Wording

None

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.