

3.4 Proposal to Rename Rosebud West – Community Consultation Results

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Authorised By	Manager – Governance
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Attachment(s)	YES (1 confidential)

This item was considered as the first item.

PURPOSE

This report is to provide Council with results of the community consultation undertaken in accordance with Principle 1(M) of the Guidelines for Geographic Names (the Guidelines), for the proposal to change the township name of Rosebud West to Capel Sound.

The community consultation period has concluded and Council's final determination is being sought based on the results and analysis of submissions.

BACKGROUND

Council, at its meeting held on 23 November, 2015, considered a proposal received from a group of local residents and property owners of Rosebud West to change the township name to Capel Sound.

The proposal submits "the proposed name change aims to improve the pride that residents and businesses have in their locality. The name of 'Rosebud West' communicates nothing of the special nature of the area and assumes it has no character in its own right. Being north, south, east or west of something implies it is merely an appendage to somewhere else. (The place naming standards now used across Australia avoid directional names for this reason)."

The township of Rosebud West has approximately 4,700 rateable properties and within its boundary includes the Tootgarook Wetlands, Rosebud Hospital, Capel Sound Foreshore, Vern Wright Reserve, Truemans Road Reserve, Seawinds Community Hub, Eastbourne Primary School, Rosebud Kindergarten and the Rosebud Industrial Estate.

It is a stand-alone township with its own postcode of 3940.

CONSULTATION

In the week commencing 7 December, 2015, letters and surveys were sent to property owners at their default address. Where the default address was not the Rosebud West address, a letter was also sent to the 'Occupier' at the physical address in Rosebud West as Council is not able to determine if a property is for rental/investment purposes or a holiday home. This was to ensure that if there are tenants at the property, they were afforded a vote.

In addition, there was a public notice published on the Shire website and in The Leader and Southern Peninsula News newspapers inviting submissions from the wider community.

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The consultation period ran for 60 days to allow for the Christmas and New Year holiday period. The closing date for surveys and submissions was 5 February, 2016.

Internal units were consulted to provide details of local community groups and leaders who were then contacted with regard to the proposal, and letters and surveys were sent for response.

To ensure an equitable approach of determining a majority vote, officers sought permission from the Office of Geographic Names (OGN) to analyse the surveys based on 'YES', 'NO' and 'No response received', and therefore not include tacit approval for non-returned forms. The Registrar of Geographic Names agreed that tacit approval would not be appropriate to include given the potential impact on survey results and provided an exemption for Council to exclude it. This information was included in the report to Council on 23 November, 2015.

There were several inquiries from the community in regard to how many votes per household/title holder were permitted. The OGN provided the following commentary which was passed onto concerned members of the community:

“Residents can only vote once. If you pay rates on multiple properties in the municipality you may only vote once (this follows general guidance as provided under the Victorian Electoral Commission website).

If there are multiple owners for one property, only one vote may be cast for all owners related to that property. Tenants must also be afforded a vote.

There is nothing stopping residents who own multiple properties or if there are multiple owners, to make a submission to Council in favour or against a name proposal, as Council has advertised to the wider community.”

Officers also contacted the Victorian Land Titles Office to clarify what costs, if any, are applicable in relation to a property title. The Land Titles Office advised that the physical address is not considered on a property title, it is the Volume and Folio numbers that are the immediate reference point along with the Lot Number on a Plan of Subdivision and property owner names. They did point out that to search for a property by physical address to retrieve a Title could be difficult unless Council requested a bulk update to all Rosebud West land data to reflect a change of township name. There is no additional cost to change the township name on a property title, and normal costs apply when requesting a copy of a title.

Centrelink and the Victorian Department of Human Services have advised that there is no impact on residents currently receiving benefits should a name change occur as Council would be the one to instigate the change.

Although officers did not directly contact emergency services, geospatial mapping updates are only completed twice per year therefore the new township name would not be effective immediately however, if Council was to proceed with the name change, letters would be sent by Council to all local CFA, ambulance and police services.

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SURVEY RESULTS

YES Voting

There were many positive comments submitted on the survey forms including:

- The name change better represents the features of the area;
- A very positive move for our area;
- Capel Sound would make a great township name and identify with the area;
- It sounds like a nice change from just an extension of an existing Rosebud location. A good way to get a unique identity;
- It is a refreshing, sophisticated name;
- It will lift the image of the area;
- The shops and foreshore already call itself Capel Sound;
- Excellent initiative and long overdue; and
- Very happy for the name change. Hopefully it will do well for the area and value of properties.

A submission was also made on behalf of the group of residents/ratepayers who initiated the proposal. This was circulated to Ward Councillors via email directly from the group on 29 February, 2016.

NO Voting

Officers received many phone calls, emails and letters from residents stating the proposed change was an imposition and unnecessary. There was concern about the cost involved to change the address with service providers and government agencies and that Council is wasting ratepayers money with the survey. Other feedback included:

- We are proud of Rosebud West;
- Can see no need to change the name of our suburb;
- People know where Rosebud West is, no-one will know where Capel Sound is;
- It will not make Rosebud West more up market by changing the name;
- A waste of funds that could be utilised elsewhere;
- Businesses will find it expensive to change;
- Rosebud West is our history;
- Changing the name will not make any difference to the area; and
- The name Rosebud is very important to me and I identify with it strongly.

Of the votes received from residents of The Village Glen Retirement Village, and owners/tenants of businesses in the Rosebud Industrial Estate, the majority voted NO.

An online petition containing 356 signatures was received opposing the name change. This petition was tabled at the Council meeting held on 14 December, 2015.

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Summary of Responses

Approximately 5,600 letters were sent to residents, ratepayers and community groups of which 1,902 responses were received (33.9%).

Number of Responses Received in <u>Favour of the Change</u>		% of Total Posted	% of Total Received
1,065		19.02%	55.99%
Including:	<ul style="list-style-type: none"> West Rosebud Bowling and Croquet Club voted YES but do not wish to change their club name; and Five community leaders voted YES. 		
Number of Responses Received <u>Against the Change</u>		% of Total Posted	% of Total Received
837		14.94%	44.00%
Including:	<ul style="list-style-type: none"> Seawinds Community Hub voted NO by resolution of the Board on 22 December, 2015; Three community leaders voted NO; and Two submissions were made from non-residents against the change. 		
No Response Received		% of Total Posted	
<ul style="list-style-type: none"> The balance of letters did not provide a response; 		66.14%	
<ul style="list-style-type: none"> Three responses gave no preference; and Approximately 300 letters were 'returned to sender'. 			

Several written submissions were also received which are included as Confidential Attachment 1.

DISCUSSION

Physical checks of several letters 'returned to sender' appear to be vacant factories/properties in the Rosebud Industrial Estate or residences without a letterbox, suggesting they are possibly holiday homes. All of these letters were addressed to 'Occupier'; the property owner still received a letter and survey at their default postal address affording them a vote.

Several NO responses included comment that although they are against the name change, they offered suggestions of alternative names i.e. Tootgarook, Rosebud Beach and Banksia Point. It was also suggested that more than one name should have been provided for residents to choose from.

As the proposal only related to Capel Sound as the preferred name, it would have been against OGN Guidelines to open the survey to other names and/or asking for suggestions.

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Comments were also made that the bay feature of Capel Sound is not unique to Rosebud West as it runs along Port Phillip Bay to Rye. In addition, some residents commented that whilst Capel Sound would suit the foreshore area and shopping village (which already bears the name), for properties back from that area it is not appropriate, especially the Rosebud Industrial Estate and surrounding streets.

With approximately 228 votes being the difference between the YES and NO responses, officers sought advice from the OGN to clarify what is an absolute majority. Their response is as follows:

“On this occasion as the survey used is unique in that tacit consent was not included on the survey form, the Office is of the opinion that Council should consider proceeding with the proposal as there are more in favour of a name change, this represents a majority decision.

Under the Guidelines for Geographic Names 2010 Version 2, there is no measure around what you describe as not being an overwhelming majority and absolute majority.

As Council is the naming authority, it is Council's decision as to whether to proceed with the proposal based on the survey results.”

Addressing Objections

If Council resolves to proceed to lodge the proposal with the OGN, letters to affected residents/owners must include details of how they can appeal to the Registrar. An appeal may only be made if the objector can demonstrate either:

- The naming authority did not consider the objections during its deliberations; or
- The proposal does not reasonably conform to the principles of the OGN Guidelines.

FINANCIAL IMPLICATIONS

Township signage would need to be updated to reflect a change however the Mornington Peninsula Shire logo update could be incorporated at the same time.

When making a determination on the proposal, consideration should be given to the cost impact on businesses in Rosebud West to change company details, marketing, stationery etc.

OFFICER DIRECT OR INDIRECT INTEREST

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

CONCLUSION

When determining community support for a naming proposal, the statistics relating to letters of support and objection are an important consideration. The number of letters received were categorised by their expressions of support or objection and more responses were received in favour of the change to Capel Sound.

As the relevant naming authority, it is ultimately for Council to decide which of the following options it may wish to pursue:

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1. Abandon the proposal to rename Rosebud West.
2. Accept the officers recommendation and proceed to lodge the proposal with the OGN; or
3. Undertake further consultation with the community to establish an overwhelming and absolute majority.

Only if the proposal is approved by Council, will it be forwarded to the Registrar for final approval.

It should be noted that under the Act, the Minister, through the Registrar, has the ultimate power to approve, assign or alter the recorded name of a place as its official name.

RECOMMENDATION

1. That having publicly advertised the proposal and considered surveys and submissions from the community in accordance with the Guidelines for Geographic Names 2010 Version 2, Council hereby resolves to recommend to the Minister, the renaming of Rosebud West to 'Capel Sound'.
2. That subject to Council approval of Recommendation 1, the proposal be forwarded to the Registrar for Geographic Names for final consideration and approval.
3. That letters advising of Council's decision be sent to:
 - The proponents of the proposal;
 - Affected owners and occupiers of rateable properties within Rosebud West; and
 - Community groups and leaders.
4. That a public notice be published in local newspapers advising the wider community of Council's decision.
5. That Council resolves that Attachment 1 to this report be retained as a confidential item pursuant to section 77(2)(a) and (b) of the *Local Government Act 1989* and be placed in a separate minute book for confidential items as it contains information which may prejudice Council or any other person.

COUNCIL DECISION

Moved: Cr. Fraser

Seconded: Cr. Bowden

That the recommendation be adopted.

Vote by Division (Requested by Cr. Fraser)

For: Cr. Garnock, Cr. Wood, Cr. Bowden, Cr. Rodgers, Cr. Fraser, Cr. Gibb and Cr. Pittock.

Against: Cr. Shaw, Cr. Dixon, Cr. Colomb and Cr. Celi.

Carried