



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 21 MARCH 2023

10.00AM

**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	Vacant

EXECUTIVE TEAM

Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure
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RECORDING

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

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1 OPENING AND WELCOME

Meeting opened at 10.00am

Appointed Chairperson – Mayor, Cr Steve Holland

1.1 Acknowledgement of Country

(Read by Cr Mar)

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

Present

Mayor, Cr Steve Holland (Chairperson)
Cr Susan Bissinger
Cr Simon Brooks
Cr Antonella Celi
Cr Lisa Dixon
Cr David Gill
Deputy Mayor, Cr Debra Mar
Cr Anthony Marsh
Cr Despi O'Connor
Cr Sarah Race

Mr John Baker, Chief Executive Officer

2.1 Apologies

Nil.

2.2 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the *Local Government Act 2020*

Nil.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of previous Council Meeting held on 7 March 2023, be confirmed.

COUNCIL DECISION

Moved: Cr Dixon

Seconded: Cr Race

That the recommendation be adopted.

Carried Unanimously

2.4 Councillor Briefing Sessions

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 28 February 2023.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Race

That the recommendation be adopted.

Carried Unanimously

2.5 Council Decision Register

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2023 (Attachments 1-5) as at 10 March 2023.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr Mar

That the recommendation be adopted.

Carried

ATTENDANCE

Cr Gill entered the meeting at 10.03am.

2.6 Public Question Time

Canadian Bay Beach Car Park and Picnic Area

Ms Gustus, a resident of Frankston asked the following question:

Background:

A landslip happened in the Canadian Bay Carpark in November 2021 and a crack formed under the steps down to Ballar creek. Council came and did some mitigation work to fix these issues. The box drain in Ballar Creek blew out in late February early March 2022 after stormy weather.

Question:

What are the plans to fix the Ballar Creek box drain and has this been looked at in conjunction with the work to be done on the Canadian Bay Carpark as the landslip was in the same vicinity.

Mr Tony Medina, Team Leader – Roads, Drainage and Cleansing provided the following answer:

The Coastal Team lead mitigation work in the Canadian Bay carpark area post the land slip event in November 2021.

The scope of works for the Canadian Bay carpark upgrade does not include the box drain at Ballar Creek as there is existing drainage that is still intact on the southern side of Ballar Creek.

Regarding the Ballar Creek drain, the Drainage Team are continuing to assess the box drains in this area. They are currently working with the contractor to assess any damage and provide quotes to undertake any necessary works on the Ballar Creek box drain.

Esso

Mr Stohr, a resident of Crib Point has asked the following question:

Background:

There are no Environment Protection Authority (EPA) Victoria air quality monitoring stations currently located on the Mornington Peninsula. Esso (a subsidiary of ExxonMobil) has been 'flaring' (or burning off) gas since 16 February with large flames visible day and night from the Long Island Point gas plant at Hastings.

Question:

Was Council consulted by Esso about the increased flaring at Long Island Point, Hastings and have Council made a request to EPA Victoria for a new air quality monitoring station at Hastings?

Ms Melissa Burrage, Manager – Climate Change and Sustainability has provided the following response:

Esso invited the Mornington Peninsula Shire to attend a community consultation session on 8 February regarding the additional upcoming flaring expected at the site while critical maintenance was occurring from 16 February and 18 March. As this site is an EPA Victoria licensed premise these activities would be managed within the licence conditions and regulatory permissions approvals required by the EPA. Please refer to the EPA public

register of permissions and permission ADD000300132 issued on 17 February to ESSO, and condition code ADD_G1.

The air quality standards and management of safety by the controlled flaring of excess gases are outlined within the requirements and the permission granted on 17 February. The permission approval issued requires ESSO to minimise and limit the ethane gas flow to 250 tonnes per day, undertake continuous on-site particle monitoring (PM10 and PM2.5) and weekly Volatile Organic Compounds (VOCs) monitoring. This data can be requested by the environmental regulator, EPA Victoria, for reporting in the Permission Information and Performance Statements (PIPS).

EPA has many permanent air quality monitoring stations across Melbourne to monitor high concentrations of industrial regions. However with few industrial premises on the Peninsula, compared to other regions, there are no EPA stations located within our municipality.

3 MANAGEMENT REPORTS

PLANNING & INFRASTRUCTURE

3.1 Amendment C271morn - Western Port Coastal Villages and Surrounding Settlements Strategy

RECOMMENDATION

That Council:

1. Receives and considers the Panel Report for Planning Scheme Amendment C271morn dated 3 March 2023 and provided in Attachments 2 and 5 to this report.
2. Adopts Amendment C271morn to the Mornington Peninsula Planning Scheme with the changes recommended by the Panel Report and minor clerical changes recommended by Shire officers, as per Attachments 1, 3 and 4 pursuant to section 29 of the *Planning and Environment Act 1987*.
3. Submits the adopted Amendment C271morn to the Minister for approval pursuant to section 31 of the *Planning and Environment Act 1987*.
4. Notifies all submitters to Amendment C271morn in writing of the Council's decision.
5. Authorises the Director – Planning and Infrastructure to make editorial and/or administrative changes to Attachments 1, 3 and 4 to this report as required.

COUNCIL DECISION

Moved: Cr Race

Seconded: Cr Mar

That the recommendation be adopted.

Carried Unanimously

3.2 P21/3379 & P09/2312.04 - 3080 Point Nepean Road, Sorrento - Development of a private boatshed

RECOMMENDATION

That Council hereby resolves to advise the Victorian Civil and Administrative Tribunal and relevant parties the following:

That it does not consent to building and works being located outside the building envelope specified within restrictive covenant PS630446T.

And

That it does not support planning permit applications P21/3379 at 3080 Point Nepean Road, Sorrento for the development of a private boatshed, vegetation removal and associated works in accordance with the submitted plans, for the following reasons:

1. The proposal will result in the breach of restrictive covenant PS630446T in that the building would fall outside of the prescribed building envelope without the consent of the Responsible Authority.
2. The proposed development fails to avoid coastal hazards and allow for natural coastal processes and is therefore at odds with the policy and requirements within Clause 13.01-2S of the Planning Scheme, as well as the Victorian Marine and Coastal Policy (March 2020).
3. The proposal will result in unacceptable adverse impacts to the coastal landscape, failing to protect and enhance a natural landscape feature, and is therefore at odds with the Mornington Peninsula Localised Planning Statement, Clause 12.02-1S (Protection of the marine and coastal environment), Clause 12.02-1L (Protection of coastal areas – Mornington Peninsula), Clause 12.02-2S (Marine and coastal Crown land), Clause 12.05-1S (Environmentally sensitive areas), Clause 12.05-2S (Landscapes), Clause 13.01-1S (Natural hazards and climate change, Clause 13.01-1L (Natural hazards and climate change - Mornington Peninsula), Clause 13.01-2S (Coastal inundation and erosion), Clause 42.01 (Schedule 25 of the Environmental Significance Overlay), Clause 42.02 (Schedule 1 of the Vegetation Protection Overlay), and Clause 43.02 (Schedule 3 of the Design and Development Overlay).
4. It is considered that the proposed development, having regard to the context of the site and surrounding area would be an inappropriate planning outcome contrary to Clause 65 (Decision Guidelines).

And

That it does not support planning permit application P09/2312.04 at 3080 Point Nepean Road, Sorrento to amend the previously endorsed Siting and Design Guidelines, for the following reasons:

1. The proposed amended would facilitate development that fails to avoid coastal hazards and allow for natural coastal processes and is therefore at odds with the policy and requirements within Clause 13.01-2S of the Planning Scheme, as well as the Victorian Marine and Coastal Policy (March 2020).
2. The proposal will result in unacceptable adverse impacts to the coastal landscape, failing to protect and enhance a natural landscape feature, and is therefore at odds with the Mornington Peninsula Localised Planning Statement, Clause 12.02-1S (Protection of the marine and coastal environment), Clause 12.02-1L (Protection of coastal areas – Mornington Peninsula), Clause 12.02-2S (Marine and coastal Crown land), Clause

3.2 (Cont.)

12.05-1S (Environmentally sensitive areas), Clause 12.05-2S (Landscapes), Clause 13.01-1S (Natural hazards and climate change, Clause 13.01-1L (Natural hazards and climate change - Mornington Peninsula), Clause 13.01-2S (Coastal inundation and erosion), Clause 42.01 (Schedule 25 of the Environmental Significance Overlay), Clause 42.02 (Schedule 1 of the Vegetation Protection Overlay), and Clause 43.02 (Schedule 3 of the Design and Development Overlay).

3. It is considered that the proposed amendment would facilitate development, having regard to the context of the site and surrounding area which would result in an inappropriate planning outcome contrary to Clause 65 (Decision Guidelines).

COUNCIL DECISION

Moved: Cr Race

Seconded: Cr O'Connor

That the recommendation be adopted.

Carried Unanimously

OFFICE OF THE CEO

3.3 Victorian Electoral Commission Report on the Seawinds Ward Countback

RECOMMENDATION

That Council receives and notes the attached Victorian Electoral Commission report titled 'Mornington Peninsula Shire Council Seawinds Ward Countback Report' (Attachment 1).

COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Mar

That the recommendation be adopted.

Carried Unanimously

4 COUNCILLORS AND DELEGATES REPORTS

South East Councils Climate Change Alliance (Cr Race)

Southern Women's Action Network (Cr O'Connor)

On Sunday, 19 March Cr O'Connor attended the Southern Women's Action Network (SWAN) meeting and book launch. It was attend by approximately 70 women.

On behalf of the Mornington Peninsula Shire (Shire), Cr O'Connor had the great pleasure of congratulating SWAN on their 26th anniversary. Cr O'Connor wishes to acknowledge the significance and hard work behind their volunteer-led community organisation, thriving for more than a quarter of a century to support women on the Peninsula.

SWAN has provided a forum for women of all ages and backgrounds to gain knowledge, discuss current affairs and advocate for social justice issues. They provide an important platform to promote women's active involvement in the community and empower women to work together to address issues that contribute to inequality, disadvantage, racism and other forms of injustice. This aligns strongly with the Shire's aim of achieving 'a healthy and self-determined community where everyone feels valued, supported and safe' - a strategic objective of our Council and Wellbeing Plan 2021-25.

Council is proud to have partnered with, and supported SWAN in the delivery of this important work over many years. Of particular significance, their events and projects aimed at promoting human rights, gender equality and age friendly environments.

The publication tabled details the history of SWAN over the past 26 years, sharing with the broader community the important work they have achieved.

Cr O'Connor congratulates SWAN on this significant milestone and thanks them for their inspiring contributions to the local community and wishes SWAN continued success into the future.

Council accepts the publication and hopes to see it in their collections soon.

Triple A Housing Committee (Cr Gill)

Communities that Care (Cr Dixon)

On Monday, 20 March Cr O'Connor and Cr Dixon attended a digital technology forum hosted by the Mornington Peninsula Shire's (Shire) Communities That Care program and the community inclusion team. There were many people in attendance who were interested in trying to better manage, what is a growing issue for so many families.

Cr Dixon presented a shocking statistic: the average Australian will spend 17 years of their life staring at their phone. Safety issues around the use of social media are growing as children become older. As children age, setting boundaries on the time spent on social media becomes more challenging. Technology is a contentious issue in many homes and can lead to unhealthy conflict between parents and children. This being the reason why the Shire, through its Communities That Care program, funded this free event last night. The wellbeing of community is a high priority for Council, and this is a significant wellbeing issue for many families.

The committee managed to secure Susan McLean to be a guest speaker who is one of Australia's leading experts on cyber safety. Susan was a highly decorated member of Victoria Police for 27 years. She was the first Victorian Police officer appointed to tackle the issue of cyber safety among young people, establishing the Victoria Police Cyber Safety

4.1 (Cont.)

Project. Susan now dedicates her life to helping young people and their families better understand the dangers of social media and how to navigate it safely. The presentation was extremely informative, honest and sometimes even confronting, children as young as 5 to 10 are playing in these adult spaces. All in attendance left feeling better armed to protect their families.

There was also the opportunity to purchase Susan's book, *SEXTS, TEXTS & SELFIES*. The committee highly encourage taking an interest in keeping children safe in the digital space and to look out for other forums or simply seek out the book.

Cr Dixon gave thanks to the Shire staff who attended and set up the event.

5 NOTICES OF MOTION

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

5.1 Notice of Motion 387 (Cr Gill)

MOTION

That mobile closed circuit television (CCTV) or other surveillance measures be referred to the next Shire budget for funding in order to assist Police investigating relevant illegal behaviours such as hoon driving.

UPDATED NOTICE OF MOTION

1. That mobile closed circuit television (CCTV) or other surveillance measures be referred to the next Shire budget for funding in order to assist Police investigating relevant illegal behaviours such as hoon driving on the condition that any state and federal grant applications are not successful.
2. That the Council continue advocacy to the State Government to allocate additional resources and funding to Victoria Police operations on the Mornington Peninsula.

Moved: Cr Gill

Seconded: Cr Celi

AMENDMENT

3. That Council considers sponsorship from the private sector for mobile CCTV trailers.

Moved: Cr Bissinger

Seconded: Cr Brooks

Vote by Division (Requested by Cr Gill)

For: Cr Gill, Cr Marsh, Cr Dixon, Cr Bissinger and Cr Brooks

Against: Cr O'Connor, Cr Race, Cr Mar, Cr Celi and Cr Holland

Tied

Amendment lost on the casting vote of the Chair.

Substantive Motion was then put to the vote.

Vote by Division (Requested by Cr Celi)

For: Cr Gill, Cr Brooks and Cr Celi

Against: Cr O'Connor, Cr Marsh, Cr Dixon, Cr Bissinger, Cr Race, Cr Mar and Cr Holland

Lost

6 URGENT BUSINESS

That the following item be heard as urgent business.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Race

That the item be heard as urgent business.

Vote by Division (Requested by Cr Gill)

For: Cr O'Connor, Cr Gill, Cr Bissinger, Cr Race, Cr Mar, Cr Brooks and Cr Celi

Against: Cr Marsh, Cr Dixon and Cr Holland

Carried

6.1 Hydrogen Gas Export Program Considerations

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Race

That Council urges the State Government as a matter of urgency to confirm:

1. The scope of the Hydrogen Energy Supply Chain (HESC) project and what will be required at the Port of Hastings.
2. That an Environmental Effects Statement will be prepared for the project given the environmental sensitivities of Western Port and the effects of any substantial dredging on the mangrove coastline, this port is mainly shallow water with a deep water channel and it is within the RAMSAR United Nations Western Port protection area.
3. That there will be consideration regarding the environmental effects of emissions produced through the gasification and the carbon capture and transport of the fuel and also consideration of the possible dangers involved to the population of Hastings and other areas.

Carried

7 CONFIDENTIAL ITEMS

Nil.

8 MEETING CLOSE

As there was no further business, the meeting closed at 11.53am.

Confirmed this 4th day of April 2023.

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Mayor, Cr Steve Holland, Chairperson - Council