



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

MONDAY, 31 OCTOBER 2022

5.30PM

**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 Antonella Celi Cr Kerri McCafferty Cr Debra Mar
Watson	Cr Paul Mercurio

SENIOR LEADERSHIP TEAM

Mr John Baker Ms Jo Bradshaw Ms Sam Stanton Mr Mike McIntosh	Chief Executive Officer Acting 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 5.39pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr Race)

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.

1.2 Vale – John Adams

John was born on 26 September, 1954, to Jack and Peg Adams of 26 Glanfield Street, Northcote. It was a very happy and loving household that evolved to include four more siblings, Michael, Julie, Mark and Phillip.

He was born with a displaced hip that put him hospital for long periods of time from a young age. At one stage the Sun newspaper did a photo shoot and an article on him sitting up in bed reading the Sporting Globe from cover to cover. This was at an age when most kids were just beginning to learn to read.

John attended St Joseph's Primary School, Northcote and progressed to St Thomas', Clifton Hill, later finishing his secondary education at St Joseph's North, Melbourne.

After formal schooling John worked for the Melbourne Metropolitan Board of Works (MMBW). There, John had a desk with three drawers – the top drawer was for work purposes, however; drawers two and three were for Northcote United Cricket Club business and Northcote VFA Football Club business. He always kept an MMBW document close at hand in case his boss walked by. Most of his work days however, were spent on cricket or football matters!

John started the Northcote United Cricket Club, his legacy remains strong in the form of a successful club with five senior sides plus juniors. A club that simply would not have existed without his drive and determination.

This drive and determination was applied to his role on the Mornington Peninsula Shire's Disability Advisory Committee (DAC) where he was a vocal advocate for disability access and contributed in a valued and meaningful way for many years. He will be sorely missed.

The DAC and the Mornington Peninsula Shire would like to offer their condolences to John's family and friends and express great gratitude for his valued input and contributions over the many years.

Vale, John Adams

1.3 Presentation

Violinist Louise Turnbull provided a solo performance. Louise has been awarded the top Mornington Peninsula Shire prize in the 2022 Peninsula Music Society's Bursary Program which is exclusively for local primary and secondary music students. The 2022 Bursary Program comprised an audition by interview and performance before an independent panel of leading Melbourne musicians. Bursary winners performed and were presented with their awards on 9 October. The Mayor presented the Mornington Peninsula Shire prizes. The Peninsula Music Society's Bursary Program has operated since 1998 and provided well over \$100,000 to support young, local music students like Louise.

ATTENDANCE

Cr Mar left the meeting at 5.53pm and did not return due to technical problems.

2 PROCEDURAL MATTERS

Present

Mayor, Cr Anthony Marsh (Chairperson)
Cr Susan Bissinger
Cr Antonella Celi
Deputy Mayor, Cr Lisa Dixon
Cr David Gill
Cr Steve Holland
Cr Debra Mar (until 5.53pm)
Cr Kerri McCafferty
Cr Despi O'Connor
Cr Sarah Race

Mr John Baker, Chief Executive Officer

2.1 Apologies

Cr Paul Mercurio (Leave of Absence)

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 the previous Council Meeting held on 18 October 2022, be confirmed.

COUNCIL DECISION

Moved: Cr Dixon
Seconded: Cr Race

That the recommendation be adopted.

Carried Unanimously

2.4 Councillor Briefing Sessions

Councillor Briefing Sessions – 11 October 2022

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 11 October 2022.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr O'Connor

That the recommendation be adopted.

Carried Unanimously

2.5 Council Decision Register

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2022 (Attachments 1-4) as at 24 October 2022.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

2.6 Petitions and Joint Letters

RECOMMENDATION

That Council receives and notes the above petition.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr McCafferty

That the recommendation be adopted.

Carried Unanimously

2.7 Public Question Time

Nil.

3 MANAGEMENT REPORTS

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

3.1 Quarterly Community Report July - September 2022

RECOMMENDATION

That the Quarterly Community Report July – September 2022 (Attachment 1) be received and noted.

COUNCIL DECISION

Moved: Cr Race

Seconded: Cr O'Connor

That the recommendation be adopted.

Carried Unanimously

3.2 Preparation for State and Federal Government Capital Grant Programs

RECOMMENDATION

That Council:

1. Endorses the following two applications to the Regional Tourism Investment Fund (RTIF), should the RTIF open and be offered to Mornington Peninsula Shire:
 - Peninsula Trail – Mornington to Moorooduc Pathway
 - Peninsula Trail – Whitecliffs Missing Link.

1a. Matches the funding of successful RTIF projects in its 2023-2024 and subsequent years' Capital Works Programs. This matched dollar amount would be according to the specified RTIF funding ratio, plus any additional amount required to reach the total project cost if there is a capped amount of RTIF funding available.
2. Endorses the following three applications to the Enabling Tourism Fund (ETF), should the ETF open and be offered to Mornington Peninsula Shire:
 - Peninsula Trail Links – Preliminary Concept Design
 - Performing Arts Centre – Business Case and Concept Development
 - The Briars Master Plan – Site Investigations.

2a. Matches the funding of successful ETF projects in its 2023-2024 and subsequent years' Capital Works Programs. This matched dollar amount would be according to the specified ETF funding ratio, plus any additional amount required to reach the total project cost if there is a capped amount of ETF funding available.
3. Agrees that:
 - An Unscheduled Council Meeting will be arranged should grant activity differ from what is anticipated and result in significant changes to this recommendation, and if a quorum can be obtained.
 - If this is not achievable, that the Chief Executive Officer (CEO) will act accordingly to achieve an outcome that does not obligate Council to any additional funding towards matching grants outside of that already proposed in current and/or future years' Capital Works Programs.
 - The CEO will act under the advisement of the Mayor and Deputy Mayor and will keep Council informed of any changes.

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr Holland

That the recommendation be adopted.

Carried Unanimously

PLANNING & INFRASTRUCTURE

3.3 Sorrento Coastal and Marine Management Plan (2018) - Councillor Review

RECOMMENDATION

That Council resolves to adopt Option C of the report and not change the Sorrento Coastal and Marine Management Plan 2018.

MOTION

Moved: Cr Bissinger
Seconded: Cr Holland

That Council resolves to amend the Sorrento Coastal Marine Management Plan (SCMMP) with the following amendments:

1. Replace the Monterey Cyprus Pines with Moreton Bay Figs in the area between the Baths and the toilet block.
2. Remove the newly planted coastal banksias and reinstate the informal parking spaces on Point Nepean Road between Bowen Road and St Pauls Road.
3. Deletion of all reference to detailed designs for subsequent Masterplans (Sorrento Foreshore Masterplan 1, Websters Corner, Western Sister and Sullivan Bay), and refer to a briefing of Councillors.

Lost

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Race

That the recommendation be adopted.

AMENDMENT

Moved: Cr Holland
Seconded: Cr Dixon

That implementation of the adopted Sorrento Coastal and Marine Management Plan (2018) (SCMMP) be paused pending a public review and consultation process to commence immediately.

Lost

The Substantive Motion was Put

Vote by Division (Requested by Cr Holland)

For: Cr Gill, Cr O'Connor, Cr Race, Cr McCafferty and Cr Celi

Against: Cr Holland, Cr Dixon, and Cr Marsh

Carried

For clarity the Council decision is repeated below

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Race

That the recommendation be adopted.

Carried

ATTENDANCE

Cr Bissinger left the meeting at 6.50pm prior to final voting on this item and did not return.

3.4 Solar Incentivisation Program for Tenants

RECOMMENDATION

That Council endorses the implementation of the Solar Incentivisation Program for Tenants which utilises the existing Sustainable Energy Fund as the funding mechanism.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr McCafferty

That the recommendation be adopted.

Carried Unanimously

ADJOURNMENT OF MEETING

The meeting adjourned at 7.17pm for a short recess.

RESUMPTION OF MEETING

The meeting resumed at 7.31pm.

3.5 Planning Scheme Amendment C270morn – Rezoning land located outside the Urban Growth Boundary from SUZ2 to GWZ – Adoption

RECOMMENDATION

That Council:

1. Receives and considers the Panel Report for Amendment C270morn to the Mornington Peninsula Planning Scheme ('Amendment C270morn') dated 13 October 2022 as at Attachment 1.
2. Adopts Amendment C270morn pursuant to section 29 (1) of the *Planning and Environment Act 1987* (the Act), generally in accordance with Attachment 2 to 9 of this report. This includes the following changes to the exhibited amendment recommended by the Planning Panel Report (as at Attachment 1 to this report):
 - A. Rezone Site 2 (foreshore land adjacent 60-70 Kunyung Road) from Special Use Zone – Schedule 2 to Public Park and Recreation Zone instead of Public Conservation and Resource Zone.
 - B. Delete Site 4 (60 Hearn Road, Mount Martha) from the amendment.
 - C. Amend Planning Scheme Map 21 to align the boundary of the Green Wedge Zone 3 with the centreline of Lot 3 TP889533.
3. Submits the adopted Amendment C270morn to the Minister for Planning for approval pursuant to section 31(1) of the Act generally in accordance with Attachment 2 to 9 of this report.
4. Advises the Minister for Planning that Council does not accept the Planning Panel's recommendation to delete the rezoning of Site 1 (60-70 Kunyung Road, Mount Eliza) from Amendment C270morn.
5. Gives written notice of Council's decision on Amendment C270morn to all:
 - A. Submitters to the amendment
 - B. Landowners and occupiers affected by the amendment
 - C. Individuals that have requested to be provided updates of the amendment.
6. Authorises the Director of Planning and Infrastructure to make editorial and administrative changes to Attachments 2 to 9 to this report as required.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Holland

That the recommendation be adopted.

Carried Unanimously

OFFICE OF THE CEO

3.6 Instruments of Appointment and Authorisation

RECOMMENDATION

1. 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 *Land Act 1958*.
 - B. The member of Council staff referred to in Attachment 2 be appointed under the *Planning and Environment Act 1987*.
 - C. The Instruments comes into force upon the resolution of Council

COUNCIL DECISION

Moved: Cr McCafferty

Seconded: Cr Holland

That the recommendation be adopted.

Carried Unanimously

3.7 Instruments of Delegation**RECOMMENDATION**

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

1. That Council adopts the Instrument of Delegation from Council-to-Council Officers 31 October 2022 as shown in Attachment 2.
2. That the instrument comes into force immediately upon the resolution of Council.
3. That on the coming into force of the instrument, the previous Instrument of Delegation from Council-to-Council Officers dated 3 May 2022 is revoked.

COUNCIL DECISION

Moved: Cr McCafferty
Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

3.8 Gulf to Peninsula Partnership

RECOMMENDATION

That Council establishes a Friendly Council Partnership with Roper Gulf Regional Council ('Gulf to Peninsula Partnership').

COUNCIL DECISION

Moved: Cr McCafferty

Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

4 COUNCILLORS AND DELEGATES REPORTS

Communities that Care (CTC) (Cr Celi)

On behalf of the Mornington Peninsula Shire (Shire) Cr Celi extended a congratulations to the 2022 Frankston Mornington Peninsula Local Learning and Employment Network (FMPLLEN) Victorian Certificate of Applied Learning (VCAL) students who received their student excellence awards.

On Wednesday, 26 October, the FMPLLEN held their VCAL Annual Awards night to celebrate and acknowledge over 48 students from 22 schools who received their excellence awards in recognition of their individual commitment and achievements in their chosen vocational course.

Cr Celi attended the awards with fellow Councillor Despi O'Connor to represent the Shire who was a gold sponsor of the event and along with other local sponsors, helped make the Awards night a very special celebration for the students and their families.

Cr Celi gave a special thanks to the FMPLLEN Board and Committee for their commitment over the many years towards helping young people who struggle with mainstream education to access the VCAL program, a program that is an invaluable pathway into an applied learning style that helps students achieve qualified vocational outcomes and go on to succeed in securing future employment opportunities.

Although the VCAL will face a significant reform in 2023 as the Transition to the Victorian Certificate of Education (VCE) Vocational Major and the Victorian Pathways Certificate are introduced into the school VCE curriculum, Cr Celi has no doubt that the services provided by the FMPLLEN will continue to be needed in our region to provide ongoing support to our local students.

Once again congratulations to all VCAL students for receiving their award and also to Bayside Christian College for receiving the Best Service Provider Award.

Health and Wellbeing Committee (Cr Celi)

On 12 October a hybrid meeting was held by the Mornington Peninsula Shire's Health and Wellbeing Committee with a strong turnout of stakeholder members from the community and public health service sector.

The meeting also welcomed special guest speaker Jodie Belyea, Founder of the Women's Spirit Project to talk about the Spirit of Transformation Program. The Spirit of Transformation Program is an initiative run by women to help women at risk. The program utilises an evidence based physical health and wellbeing strength based program that includes the famous Frank to Schanck 60km, three day walk which is held on 18-20 November. Cr Celi encourage the community to come on board and support the Women's Spirit Project and the amazing work they do.

In line with the Council and Wellbeing Plan 8 Health Priorities the Committee also received updates on the:

- Council's role in building up community resilience and recovery during an emergency response on the Peninsula.
- Current health promotions being undertaken by Peninsula Health with value based messages for climate change and health.

4.0 (Cont.)

- The emerging issue of tackling the uptake of vaping in schools by providing resources and prevention strategies with the establishment of a Vaping Network for Schools to provide this support.
- The committee also heard from Belgravia Leisure about their 'Simply the Best Summer Jobs' campaign whereby Belgravia will help qualify employees. Belgravia is also working closely with Chisholm TAFE to set up free qualifications for young people in lifeguarding and swim teaching. It's wonderful to hear of such excellent employment initiatives that would benefit our locals.

There were many other updates but one in particular is the update from the Shire's Climate Change team on the findings of Healthy Homes and Energy Smart Research Project undertaken by the State Government that involved a first ever randomised control study of 1,000 social housing participants to assess the quality of life improvements during a Winter/Summer season for tenants after energy efficient home quality improvements were made.

The results of the study were impressive with evidence suggesting:

- Improved quality of life and health outcomes for tenants.
- A significant reduction in their power bills.
- Over 43% reported experiencing better health than in the year previous to the study.

It was an impressive research piece. More information can be found at:

<https://www.sustainability.vic.gov.au/research-data-and-insights/research-reports/the-victorian-healthy-homes-program-research-findings>

Cr Celi thanked the Healthy Communities Officers for arranging the meeting and thanked all committee members for attending and sharing their information and updates.

5 NOTICES OF MOTION

5.1 Notice of Motion 375 (Cr Gill)

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Holland

1. That Council considers the financial implications to ratepayers and to our community of being the committee of management for the State Government over any Crown land in this municipality in preparations for the forward 2023-2024 Council Budget. These considerations are to include potential additional revenue to Council that could be derived from this land.
2. That a briefing agenda item outline how Council could relinquish all or some of its official committee of management roles over Crown land where Council is not recuperating the cost for State Government responsibilities.

Carried Unanimously

6 URGENT BUSINESS

Nil.

7 CONFIDENTIAL ITEMS

Advice to the Public

All reports, information and recommendations contained in 'Section 7 – Confidential Items' of this Agenda have been designated by the Chief Executive Officer as confidential pursuant to section 66 (2) (a) of the *Local Government Act 2020*.

MEETING CLOSED TO THE PUBLIC

The Council may resolve that the meeting be closed to members of the public in accordance with section 66 (5) (a) of the *Local Government Act 2020* if the meeting is discussing any of the following:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- (b) Security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- (c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.
- (d) Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- (e) Legal privileged information, being information to which legal professional privilege or client legal privilege applies.
- (f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- (g) Private commercial information, being information provided by a business, commercial or financial undertaking that:
 - (i) Relates to trade secrets.
 - (ii) If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- (h) Confidential meeting information, being the records of meetings closed to the public under section 66 (2) (a).
- (i) Internal arbitration information, being information specified in section 145.
- (j) Councillor Conduct Panel confidential information, being information specified in section 169.
- (k) Information prescribed by the regulations to be confidential information for the purposes of this definition.
- (l) Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

RECOMMENDATION

That Council considers the confidential report listed below in a meeting closed to the public in accordance with section 66 (2) (a) of the *Local Government Act 2020*:

7.2 Chief Executive Officer Annual Performance and Remuneration Review

This matter is considered to be confidential under section 3 (1) (f) of the *Local Government Act 2020*, as it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

7.1 Appointment of Independent Member - Chief Executive Officer Employment and Remuneration Committee

Report Withdrawn – To be heard at a later date.

7.2 Chief Executive Officer Annual Performance and Remuneration Review

RECOMMENDATION

1. That Council receives and endorses the outcomes of the review of the Chief Executive Officer's Annual Performance and Remuneration Review as set out in Confidential Attachments 1, 2, 3, 4 and 5.
2. That the following recommendations from the external facilitator, Ms Topsy Petchey of Tepee Pty Ltd, be adopted by Council:
 - A. That the final Summary Report be signed by the Mayor and the Chief Executive Officer as the formal and agreed summary of the Mornington Peninsula Shire Council Chief Executive Officer's Performance Review for the 2021-2022 review period.
 - B. That all documentation relating to the Chief Executive Officer's Performance Review is retained with the Chief Executive Officer's Contract of Employment by People and Culture.
 - C. That the Independent Consultant liaise with Councillor Support and the Office of the Chief Executive Officer on behalf of the Chief Executive Employment and Remuneration Committee to establish dates for the 2022-2023 Chief Executive Officer performance review process.

Part B

1. That Council resolves that this report and Attachments 1, 2, 3, 4 and 5 to this report be retained as confidential items pursuant to section 3 (1) (f) of the *Local Government Act 2020* as they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
2. That Council resolves that the resolution be made public.

COUNCIL DECISION

Moved: Cr Holland
Seconded: Cr Celi

That the recommendation be adopted.

Carried Unanimously

MEETING RE-OPENED TO THE PUBLIC

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr Dixon

That the meeting be re-opened to the public at 8.41pm.

Carried

8 MEETING CLOSE

As there was no further business, the meeting closed at 8.42pm.

Confirmed this 22nd day of November 2022

.....
Mayor, XXX, Chairperson - Council