



**MORNINGTON  
PENINSULA**  
*Shire*

**MINUTES**

**COUNCIL MEETING**

**TUESDAY, 4 OCTOBER 2022**

**10.00AM**

**MUNICIPAL OFFICES  
BESGROVE STREET, ROSEBUD**

## MORNINGTON PENINSULA SHIRE COUNCIL

### WARDS AND COUNCILLORS

<b>Briars</b>	<b>Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor</b>
<b>Cerberus</b>	<b>Cr Lisa Dixon</b>
<b>Nepean</b>	<b>Cr Susan Bissinger Cr Sarah Race</b>
<b>Red Hill</b>	<b>Cr David Gill</b>
<b>Seawinds</b>	<b>Cr Antonella Celi Cr Kerri McCafferty Cr Debra Mar</b>
<b>Watson</b>	<b>Cr Paul Mercurio</b>

### SENIOR LEADERSHIP TEAM

<b>Mr John Baker Ms Pauline Gordon Ms Sam Stanton Mr Mike McIntosh</b>	<b>Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure</b>
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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 10.03am

Chairpersons – Deputy Mayor, Cr Lisa Dixon (10.03am until 10.58am)

Mayor, Cr Anthony Marsh (from 10.58am)

## 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 Anthony Marsh (Chairperson from 10.58am)  
Deputy Mayor, Cr Lisa Dixon (Chairperson from 10.03am until 10.58am)  
Cr Susan Bissinger  
Cr Antonella Celi  
Cr David Gill  
Cr Steve Holland  
Cr Debra Mar  
Cr Kerri McCafferty  
Cr Despi O'Connor  
Cr Sarah Race

Mr John Baker, Chief Executive Officer

### 2.1 Apologies

Mayor, Cr Anthony Marsh (until 10.58am)  
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 previous Council Meeting held on 6 September 2022, be confirmed.

#### UPDATED RECOMMENDATION

That the Minutes of previous Council Meetings held on 30 August and 6 September 2022 be confirmed.

#### COUNCIL DECISION

Moved: Cr Race  
Seconded: Cr Celi

That the updated recommendation be adopted.

**Carried Unanimously**

**2.4 Councillor Briefing Sessions**

**RECOMMENDATION**

That Council receives and notes the record of Councillor Briefing Sessions for 30 August and 13 September 2022.

**COUNCIL DECISION**

**Moved: Cr Race**

**Seconded: Cr Mar**

**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 26 September 2022.

**COUNCIL DECISION**

**Moved: Cr Celi**  
**Seconded: Cr Holland**

**That the recommendation be adopted.**

**Carried Unanimously**

## 2.6 Public Question Time

### Local Government

Mr Frederick Crump, a resident of Hastings, asked the following question:

*When Councillors came back into Local Government when councils amalgamated and the Commissioners stood down in 1999, during the Kennett regime. On completion of the Victorian Local Governance Association accreditation course, students were told by the former Minister for Local Government Alan Hunt, including the first Mayor of Moreland Council Mike Hill, that politics were going to be kept out of Local Government.*

*Any student belonging to any Political Party will resign from their respective parties and if successful at Local Government level, Councillors will fulfil their duties during their term of office. Other than serious illness, Councillors would step down to make way for a by-election. Why does this Council continuously flout the rules?*

Ms Pamela Vercoe, Manager – Governance provided the following response:

The Victorian Local Governance Association (VLGA) provide a suite of training courses including Governance and Decision Making, Media and Social Media Management and Diversity and Inclusion. The VLGA Accreditation Course from 1999 is no longer run.

The role of Council is defined under the *Local Government Act 2020* (the Act) and is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

Good governance is Council performing its role in accordance with the overarching governance principles and supporting principles as defined under section 9 of the Act.

Councillors are required to abide by the Councillor Code of Conduct which outlines the role of a Councillor and expected standards of conduct to be observed.

In addition, Councillors are required to complete the mandatory Local Government Candidate Training.

Councillors cannot be a candidate if:

- they are member of an Australian Parliament, including the Federal Parliament or a Member of Parliament in any state or territory of the Commonwealth of Australia
- they are employed by a Federal or State Member of Parliament as a Ministerial Officer, a Parliamentary Adviser or an Electorate Officer. Candidates may take leave from these roles in order to nominate.

Councillors who have stood for State election in recent times have taken a leave of absence to contest the election.

### Telecommunications Towers

Ms Jane Hellier, a resident of Somerville, asked the following question:

*As outlined in the Telecommunications Act 1997 new mobile telecommunications towers are not low impact facilities. They are high impact. Why is there such minimal community consultation for what is regarded by the Telecommunications Act 1997 as a high impact proposal? Why isn't the Mornington Peninsula Shire taking a greater leadership role in*

*planning the location of mobile towers with community with an emphasis on protecting residential and environmental significance areas?*

This question was taken on notice and a written response will be provided to Ms Hellier and published on the website.

### **Telecommunications Towers**

Ms Karyn Murray, a resident of Somerville, asked the following question:

*Are Council members aware that no-one in the scientific field is prepared to say definitively that mobile towers and electromagnetic fields are safe? How does this impact the Shire's planning for current and future mobile towers? If the Mornington Peninsula Shire is unable to provide residents with a clad tight guarantee that in the long term our health won't be impacted then mobile towers should not be located in residential areas. In this context, can members of the Council please respond as to how current planning applications for mobile towers within 15 metres of a resident's front gate will be managed by the Mornington Peninsula Shire?*

This question was taken on notice and a written response will be provided to Ms Murray and published on the website.

### **Proposed Telecommunications Tower**

Ms Karyn Murray, asked another question:

*In relation to the proposed mobile tower at the Bayport site in Somerville, why is the Mornington Peninsula Shire considering destroying land specifically designed as green wedge and environmentally significant, rather than retaining this land for future generations? Why is the Mornington Peninsula Shire allowing those who will benefit financially to dictate the location of mobile towers rather than through good public policy of co-designing the solutions with the community?*

This question was taken on notice and a written response will be provided to Ms Murray and published on the website.

### 3 MANAGEMENT REPORTS

#### PLANNING AND INFRASTRUCTURE

##### 3.1 Coastal Advisory Groups Proposed Term Extension

###### RECOMMENDATION

1. That Council resolves to extend the current term for 10 Coastal Advisory Groups from 31 October 2022 (Mount Eliza, Mornington, Mount Martha, Safety Beach, Rye, Sorrento, Portsea, Hastings) and 31 January 2023 (Rosebud, Flinders) until 30 April 2023.
2. At the end of the extended term (30 April 2023) a review of the purpose, structure and membership of the Coastal Advisory Groups will be undertaken, as per the Terms of Reference 10.1.

###### UPDATED RECOMMENDATION

1. That Council resolves to extend the current term for 10 Coastal Advisory Groups from 31 October 2022 (Mount Eliza, Mornington, Mount Martha, Safety Beach, Rye, Sorrento, Portsea, Hastings) and 31 January 2023 (Rosebud, Flinders) until 30 June 2023.
2. At the end of the extended term (30 June 2023), officers bring to Council a review of the purpose, structure and membership of the Coastal Advisory Groups, as per the Terms of Reference 10.1, the review to be presented to Council in March 2023.

###### COUNCIL DECISION

Moved: Cr O'Connor

Seconded: Cr Mar

That the updated recommendation be adopted.

###### AMENDMENT

Moved: Cr Bissinger

Seconded: Cr Celi

3. That a report is brought to Council as part of the review outlining outcomes and actions directly attributed to each of the 10 Coastal Advisory Groups since their inception, excluding community consultation exercises.

**Amendment Carried Unanimously**

###### AMENDMENT

Moved: Cr Gill

Seconded: Cr Holland

2. At the end of the extended term (30 June 2023), officers bring to Council a review of the purpose, structure and membership of the Coastal Advisory Groups, in

**order to ensure the continuation of these Advisory Groups, as per the Terms of Reference 10.1, the review to be presented to Council in March 2023.**

**Amendment Carried Unanimously**

**The Amendments became part of the substantive motion which was then put and Carried Unanimously**

For clarity the Council decision is repeated below

#### **COUNCIL DECISION**

**Moved: Cr O'Connor  
Seconded: Cr Mar**

- 1. That Council resolves to extend the current term for 10 Coastal Advisory Groups from 31 October 2022 (Mount Eliza, Mornington, Mount Martha, Safety Beach, Rye, Sorrento, Portsea, Hastings) and 31 January 2023 (Rosebud, Flinders) until 30 June 2023.**
- 2. At the end of the extended term (30 June 2023), officers bring to Council a review of the purpose, structure and membership of the Coastal Advisory Groups, in order to ensure the continuation of these Advisory Groups, as per the Terms of Reference 10.1, the review to be presented to Council in March 2023.**
- 3. That a report is brought to Council as part of the review outlining outcomes and actions directly attributed to each of the 10 Coastal Advisory Groups since their inception, excluding community consultation exercises.**

**Carried Unanimously**

### 3.2 Draft Hastings Foreshore Masterplan

#### RECOMMENDATION

That Council resolves to place the draft Hastings Foreshore Masterplan (Attachment 2) on public exhibition for six weeks from 7 October to 20 November 2022.

Moved: Cr O'Connor

Seconded: Cr Race

That the recommendation be adopted.

#### AMENDMENT

Moved: Cr Gill

Seconded: Cr Holland

#### Part B

That Council is not generally in favour of limitations on public access to the Hastings foreshore and will negotiate best outcomes for use by the public.

Vote by Division (Requested by Cr Gill)

For: Cr Gill, Cr Holland, Cr Race, Cr Mar, Cr McCafferty and Cr Marsh

Against: Cr O'Connor, Cr Dixon, Cr Bissinger and Cr Celi

**Carried**

**The Amendment became part of the substantive motion which was put and Carried Unanimously**

For clarity the Council decision is repeated below

#### COUNCIL DECISION

Moved: Cr O'Connor

Seconded: Cr Race

That Council resolves to place the draft Hastings Foreshore Masterplan (Attachment 2) on public exhibition for six weeks from 7 October to 20 November 2022.

#### Part B

That Council is not generally in favour of limitations on public access to the Hastings foreshore and will negotiate best outcomes for use by the public.

**Carried**

#### ATTENDANCE

Cr Marsh entered the Chamber at 10.58am and was present for voting on this item.

**ADJOURNMENT OF MEETING**

Meeting adjourned at 11.06am for a short recess.

**RESUMPTION OF MEETING**

The meeting resumed at 11.15am.

### 3.3 Merricks Station Ground Building Better Regions Fund Grant Variation

#### RECOMMENDATION

That Council seeks a variation to the existing Building Better Regions Fund Grant to remove the construction of the covered arena and deliver an alternative scope that includes the following range of items identified in the Merricks Station Ground Master Plan:

- Design of the upgrade to Merricks Station Ground Reserve.
- Installation of outdoor community gathering space including:
  - o Picnic shelter
  - o Accessible picnic tables
  - o Seats
  - o Bins
  - o Stretching/Fitness station
  - o Landscaping
  - o Granitic sand pavement
  - o Bike racks.
- Remove Pine trees
- Removal of Cypress trees
- Upgrade external clubhouse area – seating, accessible picnic tables, shade trees
- Upgrade public toilet facilities, including access
- Improve pedestrian access into the reserve
- Relocate and increase horse stalls size
- Improvements to drainage in the equestrian car parking area
- Installation of wayfinding signage
- New spectator seating with shade
- Equestrian arena improvements.

#### COUNCIL DECISION

Moved: Cr Gill  
Seconded: Cr Celi

**That Council seeks a variation to the existing Building Better Regions Fund Grant to remove the construction of the covered arena and deliver an alternative scope that**

includes the following range of items identified in the Merricks Station Ground Master Plan:

- Design of the upgrade to Merricks Station Ground Reserve.
- Installation of outdoor community gathering space including:
  - o Picnic shelter
  - o Accessible picnic tables
  - o Seats
  - o Bins
  - o Stretching/Fitness station
  - o Landscaping
  - o Granitic sand pavement
  - o Bike racks.
- Remove Pine trees
- Removal of Cypress trees
- Upgrade external clubhouse area – seating, accessible picnic tables, shade trees
- Upgrade public toilet facilities, including access
- Improve pedestrian access into the reserve
- Relocate and increase horse stalls size
- Improvements to drainage in the equestrian car parking area
- Installation of wayfinding signage
- New spectator seating with shade
- Equestrian arena improvements.

#### Part B

That Council continues to support the community in seeking full grant funding to build a covered roof for the arena as part of this year's State Election or through other appropriate external funding sources.

**Carried Unanimously**

## OFFICE OF THE CEO

### 3.4 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 Instrument of Appointment and Authorisation, Council resolves that:
  - A. The member of Council staff referred to in Attachment 1 be appointed and authorised under the *Planning and Environment Act 1987*.
  - B. The Instrument comes into force upon the resolution of Council.

#### COUNCIL DECISION

Moved: Cr O'Connor  
Seconded: Cr Race

That the recommendation be adopted.

**Carried Unanimously**

**3.5 Audit and Risk Committee Report on Operations - 25 February 2022 to 1 September 2022**

**RECOMMENDATION**

That Council receives and notes the report on Audit and Risk Committee Operations 25 February 2022 to 1 September 2022.

**COUNCIL DECISION**

**Moved: Cr Celi**  
**Seconded: Cr Race**

**That the recommendation be adopted.**

**Carried Unanimously**

**3.6 Draft Revised Councillor Code of Conduct**

**RECOMMENDATION**

That Council adopts the Councillor Code of Conduct shown at Attachment 3.

**MOTION**

Moved: Cr Gill

Seconded: Cr Mar

That Council defers this item until we have benchmarking data from other councils.

**Vote by Division** (Requested by Cr Gill)

For: Cr Gill

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

**Lost**

**COUNCIL DECISION**

Moved: Cr O'Connor

Seconded: Cr Race

That the recommendation be adopted.

**Carried Unanimously**

## CORPORATE STRATEGY AND BUSINESS IMPROVEMENT

### 3.7 Licence for Mornington Library Cafe

#### RECOMMENDATION

1. That Council resolves to enter into a Licence with Applicant no. 1 on the proposed terms outlined below:
  - A. Proposed Licensee: Applicant no. 1.
  - B. Licence Area: Part of Mornington Library at 8 Vancouver Street, Mornington of approximately 60 square metres, as shown in Attachment 1.
  - C. Permitted Use: Selling and serving of hot and cold beverages (non-alcoholic) and food that does not require any on-site cooking.
  - D. Term: Three years with two further options each of three years.
  - E. Licence Fee: \$XXX per annum exclusive of GST.
  - F. Licence Fee Review: Adjusted annually by 4% and market review with the exercising of each further option.
  - G. Insurance: \$20 million public liability insurance.
  - H. Security Deposit: Three months of annual licence fee.
  - I. Outgoings: Contents insurance and plate glass insurance, telephone and cleaning costs.
  - J. Repairs and Maintenance: All building maintenance and repairs, including the grease trap, shall be the responsibility of the Licensee.
2. Authorises the Chief Executive Officer to execute the Licence with the awarded Expression of Interest.

#### Part B

That Council resolves that Attachments 3, 4 and 5 to this report be retained as confidential items pursuant to sections 3 (1) (a) and (g) (ii) of the *Local Government Act 2020* as they contain Council business information which would prejudice the Council's position in commercial negotiations if prematurely released, and private commercial information, being information which if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

#### COUNCIL DECISION

**Moved:** Cr Race  
**Seconded:** Cr Dixon

1. That Council resolves to enter into a Licence with HappinessFirst Pty Ltd on the proposed terms outlined below:

- A. Proposed Licensee: HappinessFirst Pty Ltd.
  - B. Licence Area: Part of Mornington Library at 8 Vancouver Street, Mornington of approximately 60 square metres, as shown in Attachment 1.
  - C. Permitted Use: Selling and serving of hot and cold beverages (non-alcoholic) and food that does not require any on-site cooking.
  - D. Term: Three years with two further options each of three years.
  - E. Licence Fee: \$12,000 per annum exclusive of GST.
  - F. Licence Fee Review: Adjusted annually by 4% and market review with the exercising of each further option.
  - G. Insurance: \$20 million public liability insurance.
  - H. Security Deposit: Three months of annual licence fee.
  - I. Outgoings: Contents insurance and plate glass insurance, telephone and cleaning costs.
  - J. Repairs and Maintenance: All building maintenance and repairs, including the grease trap, shall be the responsibility of the Licensee.
2. Authorises the Chief Executive Officer to execute the Licence with the awarded Expression of Interest.

#### Part B

That Council resolves that Attachments 3, 4 and 5 to this report be retained as confidential items pursuant to sections 3 (1) (a) and (g) (ii) of the *Local Government Act 2020* as they contain Council business information which would prejudice the Council's position in commercial negotiations if prematurely released, and private commercial information, being information which if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

**Carried Unanimously**

#### ATTENDANCE

Cr McCafferty left the meeting at 12.09pm.

Cr McCafferty returned to the meeting at 12.11pm and was present for voting on this item.

**3.8 Performing Arts Centre/Precinct Needs Analysis and Feasibility Assessment****RECOMMENDATION**

1. That Council approves the commencement of a Business Case and Concept Development, involving further Community Engagement and investment attraction, for a Creative Cultural Precinct in Hastings, as per the recommendations from the Needs Analysis and Feasibility Assessment by Williams Ross Architects.
2. That Council endorses the investigation to activate the Southern Peninsula Arts Centre to promote community access and use of the facility, in partnership with Rosebud Secondary College.

**COUNCIL DECISION**

**Moved: Cr Gill**  
**Seconded: Cr Dixon**

1. **That Council approves the commencement of a Business Case and Concept Development, involving further Community Engagement and investment attraction, for a Creative Cultural Precinct in Hastings, as per the recommendations from the Needs Analysis and Feasibility Assessment by Williams Ross Architects.**
2. **That Council endorses the investigation to activate the Southern Peninsula Arts Centre to promote community access and use of the facility, in partnership with Rosebud Secondary College.**

**Part B**

1. **That the Performing Arts Centre/Precinct Needs Analysis report be referenced in future strategic discussions for Wannanue Place, Rosebud.**
2. **That Council undertakes a condition report of the Rosebud Memorial Hall to recommend the scope of works and capital cost to repair and upgrade the facility as a more effective performance and function venue.**

At the request of Cr Holland, the motion as voted on in parts

**Part 1**

1. **That Council approves the commencement of a Business Case and Concept Development, involving further Community Engagement and investment attraction, for a Creative Cultural Precinct in Hastings, as per the recommendations from the Needs Analysis and Feasibility Assessment by Williams Ross Architects.**
2. **That Council endorses the investigation to activate the Southern Peninsula Arts Centre to promote community access and use of the facility, in partnership with Rosebud Secondary College.**

**Vote by Division** (Requested by Cr Bissinger)

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

Against: Cr Holland and Cr Bissinger

Carried

**Part 2**

**Part B**

1. **That the Performing Arts Centre/Precinct Needs Analysis report be referenced in future strategic discussions for Wannanue Place, Rosebud.**

**Vote by Division** (Requested by Cr Celi)

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

Against: Cr Holland and Cr Bissinger

Carried

**Part 3**

**Part B**

2. **That Council undertakes a condition report of the Rosebud Memorial Hall to recommend the scope of works and capital cost to repair and upgrade the facility as a more effective performance and function venue.**

**Vote by Division** (Requested by Cr Bissinger)

For: Cr Gill, Cr O'Connor, Cr Dixon, Cr Bissinger, Cr Race, Cr Mar, Cr McCafferty, Cr Celi and Cr Marsh

Against: Cr Holland

Carried

For clarity the Council decision is repeated below:

**COUNCIL DECISION**

**Moved: Cr Gill**  
**Seconded: Cr Dixon**

1. **That Council approves the commencement of a Business Case and Concept Development, involving further Community Engagement and investment attraction, for a Creative Cultural Precinct in Hastings, as per the recommendations from the Needs Analysis and Feasibility Assessment by Williams Ross Architects.**
2. **That Council endorses the investigation to activate the Southern Peninsula Arts Centre to promote community access and use of the facility, in partnership with Rosebud Secondary College.**

**Part B**

1. **That the Performing Arts Centre/Precinct Needs Analysis report be referenced in future strategic discussions for Wannanue Place, Rosebud.**

2. That Council undertakes a condition report of the Rosebud Memorial Hall to recommend the scope of works and capital cost to repair and upgrade the facility as a more effective performance and function venue.

**Carried**

**ADJOURNMENT OF MEETING**

Meeting adjourned at 12.47pm for a short recess.

**RESUMPTION OF MEETING**

The meeting resumed at 1.09pm.

## 4 COUNCILLORS AND DELEGATES REPORTS

### **Koala Conservation Group (Cr Debra Mar)**

The Mornington Peninsula Koala Conservation Group held their Annual General Meeting last week at the Observatory at the Coolart Homestead Wetlands, surrounded by the sounds of nocturnal birds, wildlife and frogs. A pleasing number of members and guests were in attendance, including Councillor Despi O'Connor.

Financially the group is in a healthy and stable position to continue the tree planting and vegetation programs for 2023. Participating in sharing knowledge and educating on development strategies to help protect and support wildlife, actively replacing roadside wildlife signage and the importance to care for country.

The group secured two guest speakers involved in the wildlife outreach program from Zoos Victoria and Healesville Sanctuary who presented on wildlife awareness and the Victorian koala. The speakers shared knowledge of caring for injured wildlife, the importance of rehabilitation and the survival of animals when they are returned to the wild.

Since the group started in May 2019 their success is acknowledged by the huge number of trees and vegetation plantings, up to 55,000 plants since the group's inception. The level of engagement with other conservation groups locally and Victoria wide, the increase in membership numbers, the professionalism and the all inclusive approach and attitude under the leadership of president Dirk Jansen who is currently Mornington Peninsula Shire's Citizen of the Year.

### **Peninsula Advisory Committee for Elders (PACE) (Cr Debra Mar)**

There was an expo held on Friday 30 September at Camp Manyung. The expo's objective was to introduce outdoor activities to seniors and approach passive exercise in a positive light to promote health, wellbeing and confidence and just good fun. Joining in the fun was Cr Dixon and Cr O'Connor. Seniors had many choices to participate in activities such as archery, tree surfing, a giant swing and a demonstration of paddle boarding. All activities assisted in promoting balance, strength and ways to enjoy the outdoors through exercise. I will present my full PACE report at the next Council Meeting on 18 October 2022.

### **Victorian Local Governance Association (VLGA) (Cr Sarah Race)**

Discussions included:

- VLGA Strategic Plan.
- Asset Management Plans and the Shire's use of Citizens Panels.
- Integrity Agency Reports – None since our last governance meeting relevant to Local Government.
- *Local Government Legislative Amendment (Rating and Other Matters) Act 2022* – which received royal assent on the 9 August 2022.
- Culture Review:
  - How it is being received by the sector.
  - Peak body response.

- Life Cycle of the Council Term (council plans, asset management plans, budget etc.).
- State Election and impact on councils.

**Arts and Culture Advisory Panel (Cr Sarah Race)**

- Update on Performing Arts Centre consultation.
- Creative Economy Grants and Performing Arts Fund – process and applicants.
- Round table/other business – story slam at the Pig and Whistle (judged by Cr Mar).

**Association of Bayside Municipalities (ABM) (Cr Steve Holland)**

The ABM is an association of all the councils around Port Phillip Bay and they do a lot of fantastic work on policy and also provide an opportunity for Councillors and Council officers to meet and share knowledge.

In the lead up to a State Election the ABM is also taking on an advocacy role.

There are so many important coastal issues that need to be brought to the attention of the State Government. The Mornington Peninsula Shire has 10% of Victoria's coastline so our Shire is very much a trailblazer in this space and if there's a coastal issue we are certainly aware of it and our residents are very concerned with our coast and the Bay.

The ABM will be focusing on four strategic priorities in the lead up to the State Election in November:

1. They are asking for some State leadership and strategic investment in coastal climate change adaptation.
2. They would like the State Government to assist in improving safety, access and the shared use of Port Phillip Bay amongst all users.
3. They want the State Government to address the severe coastal asset management crisis because there is so much infrastructure including piers, sea walls and boardwalks around the Bay that has not been properly maintained. The State Government must allocate more money to work in this space.
4. Last but not least they would also like the State Government to help Local Government with the funding of traditional owner engagement.

The overarching message of the ABM's advocacy statement is that there is only one Port Phillip Bay, so let's look after it!

These four priorities are very important to the community and the Shire will join with ABM in advocating to all politicians and candidates in the lead up to the State Election on 26 November 2022.

They also call on the community to help make some noise and ensure that the politicians and candidates hear their concerns and also deliver more funding to the Mornington Peninsula.

## 5 NOTICES OF MOTION

### 5.1 Notice of Motion 362 (Cr Gill)

#### COUNCIL DECISION

Moved: Cr Gill  
Seconded: Cr Holland

1. That the Chief Executive Officer reports to Council on progress with boating and swimming zones to ensure safety for beach users.
2. That Labor Government MP Chris Brayne be asked to explain his position on the use of personal watercraft and whether he will publicly advocate to limit the unsafe, widespread use of jet skis in waters around the Mornington Peninsula.
3. That the Mayor writes to all local candidates, local Members of Parliament and relevant ministers seeking their support for increased safety measures relating to personal watercraft use.

#### AMENDMENT

Moved: Cr O'Connor  
Seconded: Cr Race

4. That Council receives an update on the Mornington Peninsula Shire's ongoing advocacy regarding beach user safety, and the impact of safety campaigns and initiatives led by Better Boating Victoria and Maritime Safety Victoria on the jet ski operator behaviour during peak Summer season.

**Carried Unanimously**

**The Amendment became part of the substantive motion which was put and Carried Unanimously**

For clarity the Council decision is repeated below.

**COUNCIL DECISION**

**Moved: Cr Gill**

**Seconded: Cr Holland**

- 1. That the Chief Executive Officer reports to Council on progress with boating and swimming zones to ensure safety for beach users.**
- 2. That Labor Government MP Chris Brayne be asked to explain his position on the use of personal watercraft and whether he will publicly advocate to limit the unsafe, widespread use of jet skis in waters around the Mornington Peninsula.**
- 3. That the Mayor writes to all local candidates, local Members of Parliament and relevant ministers seeking their support for increased safety measures relating to personal watercraft use.**
- 4. That Council receives an update on the Mornington Peninsula Shire's ongoing advocacy regarding beach user safety, and the impact of safety campaigns and initiatives led by Better Boating Victoria and Maritime Safety Victoria on the jet ski operator behaviour during peak Summer season.**

**Carried Unanimously**

5.2 Notice of Motion 363 (Cr Gill)

**COUNCIL DECISION**

**Moved: Cr Gill**

**Seconded: Cr McCafferty**

1. That Council recognises there is a storage and workshop space problem affecting the production of Performing Arts Events on the Mornington Peninsula.
2. That Council considers a storage and workspace grant program for our Arts and Culture sector in order to assist with events as the local arts industry struggles to recover from COVID related setbacks.
3. That all possibilities be considered including subsidising the use of private storage facilities and the building of new sheds on secure Council managed land.

**Vote by Division** (Requested by Cr Gill)

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

Against: Cr Holland, Cr Dixon and Cr Marsh

**Carried**

**5.3 Notice of Motion 364 (Cr Bissinger)****MOTION****Moved: Cr Bissinger****Seconded: Cr Holland**

- 1. This Council affirms that it does not support the narrowing of Point Nepean Road in Rye. This includes narrowing via the introduction of a 'sharrow' lane.**
- 2. That all current working drawings and information is immediately released to the public.**

At the request of Cr Holland, the motion as voted on in parts

**Part 1**

- 1. This Council affirms that it does not support the narrowing of Point Nepean Road in Rye. This includes narrowing via the introduction of a 'sharrow' lane.**

**Vote by Division** (Requested by Cr Bissinger)

For: Cr Holland, Cr Bissinger, Cr Mar and Cr Celi

Against: Cr Gill, Cr O'Connor, Cr Dixon, Cr Race, Cr McCafferty and Cr Marsh

**Lost****Part 2**

- 2. That all current working drawings and information is immediately released to the public.**

**Vote by Division** (Requested by Cr Bissinger)

For: Cr Holland, Cr Bissinger, Cr Mar, Cr McCafferty and Cr Marsh

Against: Cr Gill, Cr O'Connor, Cr Dixon, Cr Race and Cr Celi

**Tied****Carried on the casting vote of the Chair**

For clarity the Council decision is repeated below:

**COUNCIL DECISION****Moved: Cr Bissinger****Seconded: Cr Holland**

**That all current working drawings and information for Point Nepean Road, Rye is immediately released to the public.**

**Carried**

**5.4 Notice of Motion 365 (Cr Bissinger)****COUNCIL DECISION****Moved: Cr Bissinger****Seconded: Cr Holland**

- 1. That an enumerated list of the top 20 footpath projects across the Mornington Peninsula, as determined by the Shire's Footpaths and the Pedestrian Access Strategy, be published on the Shire's website, and updated every 6 months with the status of the project. The list should be published before 1 November 2022.**
- 2. That a review of the Footpaths and the Pedestrian Access Strategy commences before the end of the year, and returns to Council for amendment before 1 April 2023, incorporating the following priorities:**
  - residents' pedestrian safety**
  - residents' basic amenity**
  - the character of the area.**

**AMENDMENT****Moved: Cr Gill****Seconded: Cr O'Connor**

- 1. That a list of the top 20 footpath projects across the Mornington Peninsula, as determined by the Shire's Pedestrian Access Strategy, be published on the Shire's website, and updated at the start of each financial year with the status and funding of the project. The list should be published before 1 November 2022.**
- 2. That information on how footpath projects are prioritised is provided on the Shire's website before 1 November 2022.**

At the request of Cr Race, the Amendment was voted on in parts:

**Part 1**

- 1. That a list of the top 20 footpath projects across the Mornington Peninsula, as determined by the Shire's Pedestrian Access Strategy, be published on the Shire's website, and updated at the start of each financial year with the status and funding of the project. The list should be published before 1 November 2022.**

**Vote by Division** (Requested by Cr Bissinger)

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

Against: Cr Holland, Cr Bissinger and Cr Marsh

**Carried**

**Part 2**

- 2. That information on how footpath projects are prioritised is provided on the Shire's website before 1 November 2022.**

**Vote by Division** (Requested by Cr Bissinger)

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

Against: Cr Holland, Cr Bissinger and Cr Marsh

**Carried**

**The Amendments became the substantive motion which was put**

**Vote by Division** (Requested by Cr Bissinger)

For: Cr Gill, Cr Holland, Cr O'Connor, Cr Dixon, Cr Race, Cr Mar, Cr McCafferty,  
Cr Celi and Cr Marsh

Against: Cr Bissinger

**Carried**

For clarity the Council decision is repeated below

**COUNCIL DECISION**

**Moved: Cr Gill**

**Seconded: Cr O'Connor**

- 1. That a list of the top 20 footpath projects across the Mornington Peninsula, as determined by the Shire's Pedestrian Access Strategy, be published on the Shire's website, and updated at the start of each financial year with the status and funding of the project. The list should be published before 1 November 2022.**
- 2. That information on how footpath projects are prioritised is provided on the Shire's website before 1 November 2022.**

**Carried**

**5.5 Notice of Motion 366 (Cr Bissinger)**

**This item was withdrawn prior to the meeting.**

**5.6 Notice of Motion 367 (Cr Mar)****COUNCIL DECISION**

Moved: Cr Mar  
Seconded: Cr Race

1. That Council receives a report at its 20 December 2022 Council Meeting exploring the establishment of a South Eastern Councils Biodiversity Network consisting of Hobsons Bay, Melbourne, Port Phillip, Kingston, Frankston, Bayside and Mornington Peninsula.
2. The Network to be comprised of Councillors and Council officers from the network councils in the south eastern metropolitan area with the purpose of information sharing, collaboration in relation to joint projects, advocacy in relation to common objectives, work with State and Federal Governments on environmental initiatives and explore wildlife corridors and ecosystems across the region and engage with traditional owners within the region.

**Part B**

That if this Notice of Motion 367 is carried, we will wait until the end of October 2022 for the results from other councils' Notice of Motion, that wish to join the South Eastern Councils Biodiversity Network, that will allow the network to form.

**Part C**

That if there are not enough councils' Notice of Motion carried to form the South Eastern Councils Biodiversity Network then this Notice of Motion 367 will be null and void in its current form.

**Carried**

**ATTENDANCE**

Cr Bissinger left the meeting at 2.40pm and did not return.

## 6 URGENT BUSINESS

Cr Celi sought leave of Council to introduce an item of urgent business.

### COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Mar

That the below item be heard as urgent business.

Carried Unanimously

### 6.1 Roaming Food Truck Permit Extensions

#### COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr O'Connor

1. That the two current Roaming Food Truck Permits be granted an extension to operate until 30 April 2023.
2. That the fee to operate during the extension period be calculated as a pro-rata amount of the 2021/22 fee and payable by 30 November 2022.

Carried Unanimously

## 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*:

**7.1 Appointment of Selection Panel - Australia Day Local Awards**

This matter is considered to be confidential under section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information.

**COUNCIL DECISION**

**Moved:** Cr Dixon

**Seconded:** Cr Mar

**That the recommendation be adopted.**

**Carried Unanimously**

## 7.1 Appointment of Selection Panel - Australia Day Local Awards

### RECOMMENDATION

That Council:

1. Appoints Ms Margaret McInnes, Mr John Scott and Ms Jenny Mason to the Australia Day Local Awards Selection Panel for a period of two years effective immediately and ending 27 January 2024 with the option of reappointment of a further two-year term.
2. Reappoints current Australia Day Local Award Selection Panel members Mr Brett Holland, Mr Chris Coster, Ms Claire Thorn and Ms Elizabeth Woolcock for a final term of two years effective immediately and ending 27 January 2024.

Part B

That Council:

1. Resolves that the report and Attachment 1 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.
2. Resolves that the resolution of this report is not confidential pursuant to section 3 (1) of the *Local Government Act 2020*.

### UPDATED RECOMMENDATION

That Council:

1. Appoints Ms Margaret McInnes, Mr John Scott and Ms Jenny Mason to the Australia Day Local Awards Selection Panel for a period of two years effective immediately and ending 27 January 2024 with the option of reappointment of a further two-year term.
2. Reappoints current Australia Day Local Award Selection Panel members Mr Brett Holland, Mr Chris Coster, Mr Joe Siragusa, Ms Claire Thorn and Ms Elizabeth Woolcock for a final term of two years effective immediately and ending 27 January 2024.

Part B

That Council:

1. Resolves that the report and Attachment 1 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.
2. Resolves that the resolution of this report is not confidential pursuant to section 3 (1) of the *Local Government Act 2020*.

**COUNCIL DECISION**

Moved: Cr Dixon  
Seconded: Cr Celi

That the updated recommendation be adopted.

**Carried**

**MEETING RE-OPENED TO THE PUBLIC**

**COUNCIL DECISION**

Moved: Cr Celi  
Seconded: Cr McCafferty

That the meeting be re-opened at 3.02pm.

**Carried**

## **8 MEETING CLOSE**

As there was no further business, the meeting closed at 3.02pm.

**Confirmed this 18<sup>th</sup> Day of October 2022**

.....  
**Mayor, Cr Anthony Marsh, Chairperson - Council**