



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 9 AUGUST 2022

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

SENIOR LEADERSHIP TEAM

Mr John Baker Ms Pauline Gordon 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 will be available on the Shire's website.

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1 OPENING AND WELCOME

Meeting opened at 10.01am

Appointed Chairperson – Deputy Mayor, Cr Lisa Dixon

1.1 Acknowledgement of Country

(Read by Cr Mar)

Mornington Peninsula Shire acknowledges and pays respect to the elders, families and ancestors of the Bunurong/BoonWurrung people, who have been the custodians of this land for many thousands of years. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong/BoonWurrung peoples' living culture continues to have a unique role in the life of this region.

1.2 Vale – Jane Garrett

On behalf of my Councillor colleagues, Shire staff and the broader community, I would like to pay my respects to the late Victorian MP Jane Garrett.

As the Member for Eastern Victoria in the Legislative Council, Jane's electorate included the Mornington Peninsula. As a consequence, Council worked with Jane on a number of outcomes that improved life for our community.

Elected as the Member for Brunswick in 2010, Jane served as a Parliamentary Secretary and Shadow Cabinet Secretary. Following her re-election in 2014, she joined the Cabinet as Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Emergency Services.

In 2018, she was elected as a Member for Eastern Victoria in the Legislative Council and appointed as Parliamentary Secretary for Jobs.

She was diagnosed with breast cancer in 2016 and had recently struggled with further health concerns.

Jane was a passionate advocate for the rights of working people and spent her career fighting for safer, secure jobs. Her commitment to education, equality and social justice for all was clear.

We take this opportunity to thank Jane for her dedication and commitment to improving life for those of us who live here on the Peninsula.

And we extend our condolences to her family, particularly her children Molly, Sasha and Max, and husband James.

Vale, Jane Garrett.

2 PROCEDURAL MATTERS

Present

Deputy Mayor, Cr Lisa Dixon (Chairperson)
Cr Susan Bissinger
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

Cr Antonella Celi
Mayor, Cr Anthony Marsh
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 26 July 2022, be confirmed.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr Holland

That the recommendation be adopted

Carried Unanimously

2.4 Councillor Briefing Sessions

Councillor Briefing Sessions – 19 July 2022

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 19 July 2022.

COUNCIL DECISION

Moved: Cr McCafferty

Seconded: Cr Race

That the recommendation be adopted.

Carried Unanimously

2.5 Council Decision Register

- Attachment(s)
1. Council Decision Register Summary 2019
 2. Council Decision Register Summary 2020
 3. Council Decision Register Summary 2021
 4. Council Decision Register Summary 2022

PURPOSE

Council has requested a Decision Register for all its Council resolutions to be maintained by Shire Team Leaders and Managers.

Attached are Summaries of the 2019-2022 Decision Registers (Attachments 1-4) as at 2 August 2022.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2022 (Attachments 1-4) as at 2 August 2022.

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr Race

That the recommendation be adopted.

Carreid Unanimously

2.6 Petitions and Joint Letters

RECOMMENDATION

That Council receives and notes the above petition and refers it back to the appropriate Shire officer for action, or to report back to Council on the matter.

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr McCafferty

That the recommendation be adopted

Carried Unanimously

2.7 Public Question Time

Transport Committee

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

Four years ago, a Transport Committee was set up consisting of Councillors and Politicians (i.e. Chris Brayne, MP David Morris and the Shire). Still we have poor transport and old bus shelters: What's going on?

The following response by was provided by John Baker – Chief Executive Officer:

We have it as a key part of our advocacy, certainly during the federal election but certainly going into the state election in November. There has been some investment in our transport network with a significant investment from the Department of Transport on bus stops and of course our new bus services 787, 887 and 781 which all had additional services added to them and of course a flexi ride service as well. Is that sufficient? I think Council has already agreed through the advocacy that it is not, but that's some of the investment that has been made to date and I know Council is very focused on going into the next election and making transport part of its key Advocacy Campaign.

Open Air Burning

Mr Crump asked another question:

A residence on Derrill Road, four huge fires burning healthy trees by another resident, having no idea of the impact it is having on the environment. I was told by the Shire, residents can burn on Friday, despite the fact that the Environment Protection Act 2021 has been constantly ignored. Why does this Council allow the continued destruction of the main oxygen producers of the world?

The following response by was provided by Peter O'Brien - Acting Manager Community Safety and Compliance:

Council open air burning restrictions are currently outlined in the Shire's General Purposes Local Law, which is being reviewed and updated as the Community Amenity Local Law. The Open Air Burning provisions of the Local Law are being reviewed later in 2022, with community input and feedback to be sought.

1 MANAGEMENT REPORTS

PLANNING AND INFRASTRUCTURE

3.1 Environmentally Sustainable Design Policy for Council Buildings and Civil Works 2022 Update

RECOMMENDATION

That Council adopts the updated Environmentally Sustainable Design (ESD) Policy for Council Buildings and Civil Works (Attachment 1), replacing the existing ESD Policy.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr McCafferty

That the recommendation be adopted.

Carried Unanimously

COMMUNITY STRENGTHENING

3.2 Compulsory Cat Desexing

RECOMMENDATION

That Council resolves:

1. In accordance with section 10A of the *Domestic Animals Act 1994* (the Act) that as of 5 October 2022 Council will not register a cat unless:
 - A. it is desexed; or
 - B. it is exempted under the Act from any requirement to be desexed.
2. That a copy of this resolution be published in the Victorian Government Gazette and in a newspaper circulating in the municipal district of the Council and to give effect to this resolution.

COUNCIL DECISION

Moved: Cr Holland
Seconded: Cr O'Connor

That the recommendation be adopted.

Carried Unanimously

OFFICE OF THE CEO

3.3 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 Holland
Seconded: Cr Mar

That the recommendation be adopted.

Carried Unanimously

3.4 Revision of the Councillor Expenses, Reimbursements, Resources and Facilities Policy

RECOMMENDATION

That Council approves the draft Councillor Expenses, Reimbursement, Resources and Facilities Policy (Attachment 3).

COUNCIL DECISION

Moved: Cr Mar
Seconded: Cr McCafferty

That the recommendation be adopted.

Carried Unanimously

4 COUNCILLORS AND DELEGATES REPORTS

Literacy Advisory Committee (Cr Debra Mar)

Storytime sessions are bursting at the seams with a record number of 71 toddlers sitting down for one session with parents at the Mornington Library. A contributing factor to the unprecedented numbers was the temporarily closing of the Frankston Library for renovations.

The outreach Storytime session for first time parents under the Ready Set Read program, has assisted first time parents in setting up a night time routine for bedtime reading for children.

The Sorrento Library Hub at the Sorrento Community Centre is serving library members on the Southern Peninsula with a drop off/pick up service with a browsing option for all type of books.

From a survey, our libraries received a satisfaction rating of 8.5 out of 10. Whilst this is a good rating there are improvements and services libraries are working on to meet community needs and standards. One of the services is the mobile library which is returning hopefully in the new year.

The refurbishment of the Somerville Library has been completed with positive feedback from members and visitors.

The Automatic Loan Renewals trial is working with a decrease in the number of overdue books.

As part of the Beyond Zero Waste Strategy and target to send zero waste to landfill by 2030 the Shire have introduced Recovery Stations into the Mornington, Rosebud, Hastings and Somerville libraries.

Items you can dispose of as a free service include

- Cables
- Mobile phones and cameras
- DVDs and CDs
- Videos, cassettes and cases
- X-rays
- Light globes
- Fluorescent tubes.

For more details go to the Mornington Peninsula Shire website.

So drop off your 'unwantables' and while you are there, venture into your library and explore what other services are on offer from our friendly, helpful staff. I think you will be pleasantly surprised.

5 NOTICES OF MOTION

5.1 Notice of Motion 356 (Cr Gill)

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Bissinger

That Management considers and reports to Council on the current effectiveness of 'Snap, Send, Solve' app responses to the public and also into after-hours emergency responses where lack of resources could be hindering timely and safe outcomes.

Carried

5.2 Notice of Motion 357 (Cr Gill)

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Race

That the substantive motion be voted on in parts

- 1. That Council writes to the Housing Minister and includes local Members of Parliament outlining the need for a review of existing frameworks where Holiday Rental Short Term Accommodation and Party Houses are the preferred option of many holiday house owners and often investment property owners to the detriment of longer term rental options.**

Vote by Division (Requested by Cr Bissinger)

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

Against: Cr Bissinger

Carried

- 2. That a report is presented to Council on 6 September that outlines the details and costs of writing to all non-residential property ratepayers asking them to consider putting their Mornington Peninsula dwellings onto the local rental market as an immediate solution to the housing crisis. Whilst also engaging with local Real Estate Agents to alert them to this communication and to seek their support.**

Vote by Division (Requested by Cr Race)

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

Against: Nil

Carried Unanimously

6 URGENT BUSINESS

PROCEDURAL MOTION

Moved: Cr Gill
Seconded: Cr McCafferty

That the below item be heard as Urgent Business

Carried Unanimously

6.1 Care Services

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Holland

That Council seeks assurances from the Federal Government that recently outsourced care services, haven't left vulnerable clients without vital home services and associated care, during the changeover period and into the future.

Carried Unanimously

ATTENDANCE

Cr McCafferty left the meeting at 11.30am.

Cr McCafferty returned to the meeting at 11.32am prior to consideration of this item.

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 Independent Member to the Audit and Risk Committee

This matter is considered to be confidential under Section 3 (1) f of the *Local Government Act 2020*.

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr McCafferty

That the recommendation be adopted.

Carried Unanimously

ATTENDANCE

Cr Mar left the meeting at 11.49am and did not return.

7.1 Appointment of Independent Member to the Audit and Risk Committee

RECOMMENDATION

That Council appoints David Fraser as Independent Member to the Mornington Peninsula Shire Audit and Risk Committee commencing 25 August 2022 for a three-year term, expiring 24 August 2025.

Part B

That Council resolves that the report and resolution are not confidential pursuant to section 3 (1) of the *Local Government Act 2020*.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr McCafferty

That the recommendation be adopted.

Carried Unanimously

MEETING REOPENED TO THE PUBLIC

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr McCafferty

That the meeting be re-opened to the public at 11.52am.

Carried

8 MEETING CLOSE

As there was no further business, the meeting closed at 11.54am

Confirmed this 23rd day of August 2022

.....
Deputy Mayor, Cr Lisa Dixon, Chairperson - Council