



**MORNINGTON
PENINSULA**
Shire

MINUTES

PLANNING SERVICES COMMITTEE MEETING

MONDAY, 18 JULY 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 Pauline Gordon Mr Nathan Kearsley Mr Mike McIntosh	Chief Executive Officer Director – Community Strengthening Acting Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure
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RECORDING

Please note that this Planning Services Committee 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 5.33pm

Appointed Chairperson – Cr Kerri McCafferty

1.1 Acknowledgement of Country

Read by Cr Race

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.

2 PROCEDURAL MATTERS

Present

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

Mr Mike McIntosh, Acting 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 previous Planning Services Committee Meeting held on 20 June 2022, be confirmed.

COMMITTEE DECISION

Moved: Cr Celi
Seconded: Cr Mar

That the recommendation be adopted.

Carried

2.4 Deputations

The following submitters spoke to Planning Scheme Amendment C219morn Housing and Neighbourhood Character Strategy – Post-exhibition Report:

- Jade Gedye

That a two-minute extension be granted to Ms Gedye.

- Peter Joyce

That a one-minute extension be granted to Mr Joyce.

- Doug Smith
- Robert Williams
- Barend Frielink, representing Nepean Conservation Group

That a one-minute extension be granted to Mr Frielink.

- Lyle Ridout

That a one-minute extension be granted to Mr Ridout.

3 STRATEGIC PLANNING REPORTS

Nil.

4 PLANNING SCHEME AMENDMENT REPORTS

4.1 Planning Scheme Amendment C219morn Housing and Neighbourhood Character Strategy - Post-exhibition Report

RECOMMENDATION

That the Planning Services Committee:

1. Receives, notes, and considers in accordance with section 22 of the *Planning and Environment Act 1987*, all submissions received in response to Amendment C219morn at Attachment 1.
2. Notes and endorses the summary of submissions and Shire officer responses to submissions in relation to Amendment C219morn at Attachment 2.
3. Requests that the Minister for Planning appoint a Planning Panel to consider all submissions in relation to Amendment C219morn referred in accordance with section 23 of the *Planning and Environment Act 1987*.
4. Refers all submission in relation to Amendment C219morn to the Planning Panel.
5. Endorses the following documents, which include those that have been revised to accommodate potential post-exhibition changes, for the purpose of Council's advocacy position before the Planning Panel:
 - A. Revised Explanatory Report at Attachment 3.
 - B. Revised Instruction Sheet at Attachment 4.
 - C. Revised zoning maps at Attachment 5.
 - D. Revised Design and Development Overlay (DDO) deletion maps at Attachment 6.
 - E. Revised DDO maps at Attachment 7.
 - F. Revised Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) and Clause 16.01-1L (Housing supply – Mornington Peninsula) at Attachment 8.
 - G. Revised Schedules to the General Residential Zone (GRZ) at Attachment 9.
 - H. Revised Schedules to the Neighbourhood Residential Zone (NRZ) at Attachment 10.
 - I. Revised Schedules to the Low-Density Residential Zone (LDRZ) at Attachment 11.
 - J. Revised Schedules to the DDO at Attachment 12.
 - K. Revised Schedules to the Neighbourhood Character Overlay (NCO) at Attachment 13.
 - L. Revised Schedules to specific Operational Provisions at Attachment 14.

4.1 (Cont.)

- M. A document that summarises the potential post-exhibition changes to Amendment C219morn at Attachment 15.
6. Delegates authority to the Director of Planning and Infrastructure to determine the form of Council's submissions to the Planning Panel, with the assistance of legal representatives and expert advice, including negotiating proposed changes to the endorsed version of Amendment C219morn in order to resolve matters between Council and submitters generally in accordance with the Shire officer response at Attachment 2 and adopted Council policy.
 7. Notes that the exhibition of Amendment C219morn incorporated changes in accordance with the conditions of authorisation provided by the Minister for Planning.
 8. Writes to submitters to thank them for their submission to Amendment C219morn and advise of Council's decision identified in 1, 3 and 4 above.

MOTION

Moved: Cr O'Connor
Seconded: Cr Race

That the recommendation be adopted.

Vote by Division (Requested by Cr McCafferty)

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

Against: Cr Holland, Cr Marsh, Cr Dixon, Cr Mar, Cr McCafferty, Cr Gill and Cr Bissinger

Lost

COMMITTEE DECISION

Moved: Cr Holland
Seconded: Cr Marsh

That item 4.1 (Planning Scheme Amendment C219morn Housing and Neighbourhood Character Strategy – Post-exhibition Report) be deferred for consideration at the Planning Services Committee Meeting to be held on 12 September 2022.

Prior to consideration, Council requests:

1. **The presentation of case studies to Councillors that highlight the significant changes to both the planning/building process and permit controls. Each Councillor will be permitted to select or define up to three properties/developments/scenarios.**
2. **That feedback is sought from both internal and external stakeholders in relation to C219's effect on housing affordability on the Mornington Peninsula. In addition to officers, the Mayor will be authorised to extend the opportunity to provide feedback to stakeholders of his/her choosing.**
3. **That an in-person and recorded town hall forum be convened to more widely canvass community sentiment. The date, time and format of this meeting will be determined by the Mayor in consultation with the Chief Executive Officer.**

4.1 (Cont.)

4. That officers commence the development of a 'Frequently Asked Questions' document to be added to the Building and Planning section of our website and extend the opportunity to Councillors to add questions to the list.

Vote by Division (Requested by Cr Holland)

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

Against: Cr O'Connor and Cr Celi

Carried

Attendance

Cr Race left the meeting at 7.18pm prior to consideration of this item and did not return.

ADJOURNMENT OF MEETING

Moved: Cr Holland

Seconded: Cr Dixon

That the Planning Services Committee Meeting be adjourned at 7.40pm for a short recess.

Carried

RESUMPTION OF MEETING

Moved: Cr Holland

Seconded: Cr Marsh

That the Planning Services Committee Meeting be resumed at 7.49pm.

Carried

4.2 Amendment C271morn and C282morn - Planning Scheme Amendment Exhibition Outcomes

RECOMMENDATION

That the Planning Services Committee:

1. Receives, notes, and considers in accordance with section 22 of the *Planning and Environment Act 1987*, all submissions received in response to Amendments C271morn and C282morn as at Attachment 1.
2. Notes and endorses the summary of submissions and Shire officer responses to submissions in relation to Amendments C271morn and C282morn at Attachment 2.
3. Requests that the Minister for Planning appoint a Planning Panel to consider submissions in relation to Amendment C271morn referred in accordance with section 23 of the *Planning and Environment Act 1987*.
4. Refers all submissions in relation to Amendment C271morn to the Planning Panel.
5. Endorses the following documents, which include those that have been revised to accommodate potential post-exhibition changes, for the purpose of Council's advocacy position before the Planning Panel:
 - A. Revised Explanatory Report at Attachment 3.
 - B. Revised Schedules 14, 15, 54, 55, 56 and 57 to the Design and Development Overlay (DDO) at Attachment 4.
 - C. Revised Schedule 6 to the Erosion Management Overlay (EMO6) at Attachment 5.
 - D. Revised Schedule 4 to the Land Subject to Inundation Overlay (LSIO4) at Attachment 6.
 - E. Revised LSIO maps at Attachment 7.
6. Delegates authority to the Director of Planning and Infrastructure to determine the form of Council's submissions to the Planning Panel, with the assistance of legal representatives and expert advice, including negotiating proposed changes to the endorsed version of Amendment C271morn in order to resolve matters between Council and submitters generally in accordance with the officer's response at Attachment 2 and adopted Council policy.
7. Notes that the exhibition of Amendment C271morn and C282morn incorporated changes in accordance with the conditions of authorisation provided by the Minister for Planning.
8. Notifies all submitters to Amendment C271morn to the Mornington Peninsula Planning Scheme in writing of the Committee's decision.
9. Adopts Amendment C282morn to the Mornington Peninsula Planning Scheme pursuant to section 29(1) of the Act, generally in accordance with Attachment 8 to this report.

4.2 (Cont.)

10. Submits the adopted Amendment C282morn to the Mornington Peninsula Planning Scheme to the Minister for Planning for approval pursuant to section 31(1) of the Act generally in accordance with Attachment 8 to this report.
11. Notifies all submitters to Amendment C282morn to the Mornington Peninsula Planning Scheme in writing of the Committee's Decision.
12. Authorises the Director of Planning and Infrastructure to make editorial changes and administrative changes to Attachment 8 to this report as required prior to submitting Amendment C282morn to the Mornington Peninsula Planning Scheme to the Minister for Planning for approval.

COMMITTEE DECISION

Moved: Cr Gill
Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

5 STATUTORY PLANNING REPORTS

Nil.

6 NOTICES OF MOTION

6.1 Notice of Motion 350 (Cr Gill)

COMMITTEE DECISION

Moved: Cr Gill
Seconded: Cr Holland

That Council agrees with and advocates for the concept of Tiny Houses and that officers be asked to provide information and planning proposals seeking ways to make Tiny Houses into a viable and successful alternative housing form on the Mornington Peninsula.

Carried Unanimously

7 URGENT BUSINESS

Under Council's Governance Rules, no business may be admitted as urgent business unless it:

1. Relates to a matter which has arisen since distribution of the Agenda.
2. Cannot because of its urgency, be reasonably listed in the Agenda of the next Council Meeting.
3. Councillors by a majority vote, vote in favour of a matter being dealt with as urgent business.

Nil.

8 CONFIDENTIAL ITEMS

Nil.

9 MEETING CLOSE

As there was no further business, the meeting closed at 8.10pm

Confirmed this 15th day of August 2022

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Cr Kerri McCafferty, Chairperson - Planning Services Committee