



**MORNINGTON  
PENINSULA**  
*Shire*

**MINUTES**

**PLANNING SERVICES COMMITTEE MEETING**

**MONDAY, 24 OCTOBER 2022**

**5.30PM**

**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 Jo Bradshaw Ms Sam Stanton Mr Mike McIntosh</b>	<b>Chief Executive Officer Acting Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure</b>
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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 O'Connor)

*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

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

### 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 Planning Services Committee Meeting held on 12 September 2022, be confirmed.

#### COMMITTEE DECISION

Moved: Cr Marsh

Seconded: Cr Race

That the recommendation be adopted.

**Carried Unanimously**

### 2.4 Deputations

The following submitters spoke to item 4.1 Planning Scheme Amendment C219morn Housing and Neighbourhood Character Strategy – Post-exhibition Report:

- John and Hade Gedye, Submitter.
- Jennifer McNish, Submitter.
- Robert Malpeli, Submitter.

### **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*, every submission at Attachment 1 and the supplementary submissions at Attachments 3 and 23 received in response to amendment C219morn.
2. Notes and endorses the summary of submissions and Mornington Peninsula Shire (Shire) officers' 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 submissions including supplementary submissions 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 4.
  - B. Revised Instruction Sheet at Attachment 5.
  - C. Revised zoning maps at Attachment 6.
  - D. Revised Design and Development Overlay (DDO) deletion maps at Attachment 7.
  - E. Revised DDO maps at Attachment 8.
  - F. Revised Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) and Clause 16.01-1L (Housing supply – Mornington Peninsula) at Attachment 9.
  - G. Revised Schedules to the General Residential Zone (GRZ) at Attachment 10.
  - H. Revised Schedules to the Neighbourhood Residential Zone (NRZ) at Attachment 11.
  - I. Revised Schedules to the Low Density Residential Zone (LDRZ) at Attachment 12.
  - J. Revised Schedules to the DDO at Attachment 13.
  - K. Revised Schedules to the Neighbourhood Character Overlay (NCO) at Attachment 14.
  - L. Revised Schedules to specific Operational Provisions at Attachment 15.

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4.1 (Cont.)

- M. A document that summarises the potential post-exhibition changes to amendment C219morn at Attachment 16.
  - N. All other documents at Attachments 17 to 22.
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 officers' response at Attachment 3 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.

**UPDATED RECOMMENDATION**

That the Planning Services Committee:

1. Receives, notes, and considers, in accordance with section 22 of the *Planning and Environment Act 1987*, every submission at Attachment 1 and the supplementary submissions at Attachments 3 and 23 received in response to amendment C219morn.
2. Receives, notes, and considers, in accordance with section 22 of the *Planning and Environment Act 1987*, late submission 316 received on 24 October 2022.
3. Notes and endorses the summary of submissions and Shire officers' responses to submissions in relation to amendment C219morn at Attachment 2.
4. 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*.
5. Refers all submissions including supplementary submissions and late submission 316 in relation to amendment C219morn to the planning panel.
6. 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 4.
  - B. Revised Instruction Sheet at Attachment 5.
  - C. Revised zoning maps at Attachment 6.
  - D. Revised Design and Development Overlay (DDO) deletion maps at Attachment 7.
  - E. Revised DDO maps at Attachment 8.

**4.1 (Cont.)**

- F. Revised Clause 15.01-5L (Neighbourhood character – Mornington Peninsula) and Clause 16.01-1L (Housing supply – Mornington Peninsula) at Attachment 9.
  - G. Revised Schedules to the General Residential Zone (GRZ) at Attachment 10.
  - H. Revised Schedules to the Neighbourhood Residential Zone (NRZ) at Attachment 11.
  - I. Revised Schedules to the Low Density Residential Zone (LDRZ) at Attachment 12.
  - J. Revised Schedules to the DDO at Attachment 13.
  - K. Revised Schedules to the Neighbourhood Character Overlay (NCO) at Attachment 14.
  - L. Revised Schedules to specific Operational Provisions at Attachment 15.
  - M. A document that summarises the potential post-exhibition changes to amendment C219morn at Attachment 16.
  - N. All other documents at Attachments 17 to 22.
7. 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 officers' response at Attachment 3 and adopted Council policy.
8. Notes that the exhibition of amendment C219morn incorporated changes in accordance with the conditions of authorisation provided by the Minister for Planning.
9. 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.

**COMMITTEE DECISION**

**Moved: Cr Holland**

**Seconded: Cr Race**

**That the updated recommendation be adopted.**

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

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

Against: Cr Dixon, Cr Bissinger and Cr Marsh

**Carried**

**4.2 Amendment C239morn to the Mornington Peninsula Planning Scheme - Heritage Overlay for Fenton Hall, Merricks North and former Camp Buxton, Shoreham - consideration of panel report**

**RECOMMENDATION**

That the Planning Services Committee:

1. Receives and considers the Planning Panel report for Amendment C239morn to the Mornington Peninsula Planning Scheme dated 9 August 2022 as at Attachment 1 to this report.
2. Adopts the amended Camp Buxton Citation by Landmark Heritage, dated September 2022 as at Attachment 2 to this report.
3. Adopts the amended Fenton Hall Citation by Landmark Heritage, dated September 2022 as at Attachment 3 to this report.
4. Adopts Amendment C239morn to the Mornington Peninsula Planning Scheme, with the changes recommended by the Planning Panel Report, to apply a Heritage Overlay (HO543) to Fenton Hall at 181 Bittern-Dromana Road, Merricks North and revise the Heritage Overlay (HO127) over land at 39-45 Marine Parade and part of 47-57 Marine Parade Shoreham, pursuant to section 29 (1) of the *Planning and Environment Act 1987* generally in accordance with Attachments 2-12 to this report.
5. Submits the adopted Amendment C239morn to the Mornington Peninsula Planning Scheme to the Minister for Planning for approval pursuant to section 31 (1) of the *Planning and Environment Act 1987* generally in accordance with Attachments 2-12 to this report.
6. Notifies all submitters to Amendment C239morn to the Mornington Peninsula Planning Scheme in writing of the Committee's decision.
7. Authorises the Director - Planning and Infrastructure to make editorial changes and administrative changes to Attachments 2-12 to this report as required.

**COMMITTEE DECISION**

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

**That the recommendation be adopted.**

**AMENDMENT**

**Moved: Cr Bissinger**  
**Seconded: Cr Marsh**

2. Adopts the amended Camp Buxton Citation by Landmark Heritage, dated September 2022 as at Attachment 2 to this report with the exclusion of the outbuildings.

4.2 (Cont.)

**PROCEDURAL MOTION**

Moved: Cr Bissinger  
Seconded: Cr Marsh

Cr Bissinger sought leave to withdraw amendment.

**Carried**

**The Substantive Motion was put and Carried Unanimously**

For clarity the Committee decision is repeated below:

**COMMITTEE DECISION**

Moved: Cr Gill  
Seconded: Cr O'Connor

That the Planning Services Committee:

1. Receives and considers the Planning Panel report for Amendment C239morn to the Mornington Peninsula Planning Scheme dated 9 August 2022 as at Attachment 1 to this report.
2. Adopts the amended Camp Buxton Citation by Landmark Heritage, dated September 2022 as at Attachment 2 to this report.
3. Adopts the amended Fenton Hall Citation by Landmark Heritage, dated September 2022 as at Attachment 3 to this report.
4. Adopts Amendment C239morn to the Mornington Peninsula Planning Scheme, with the changes recommended by the Planning Panel Report, to apply a Heritage Overlay (HO543) to Fenton Hall at 181 Bittern-Dromana Road, Merricks North and revise the Heritage Overlay (HO127) over land at 39-45 Marine Parade and part of 47-57 Marine Parade Shoreham, pursuant to section 29 (1) of the *Planning and Environment Act 1987* generally in accordance with Attachments 2-12 to this report.
5. Submits the adopted Amendment C239morn to the Mornington Peninsula Planning Scheme to the Minister for Planning for approval pursuant to section 31 (1) of the *Planning and Environment Act 1987* generally in accordance with Attachments 2-12 to this report.
6. Notifies all submitters to Amendment C239morn to the Mornington Peninsula Planning Scheme in writing of the Committee's decision.
7. Authorises the Director - Planning and Infrastructure to make editorial changes and administrative changes to Attachments 2-12 to this report as required.

**Carried Unanimously**

## **5 STATUTORY PLANNING REPORTS**

Nil.

## **6 NOTICES OF MOTION**

Nil.

## **7 URGENT BUSINESS**

### **7.1 Response to the Planning Scheme Amendment C270morn Panel Report**

Cr Gill sought leave to introduce an item of Urgent Business.

**Moved: Cr Gill**  
**Seconded: Cr Marsh**

**That the Committee agrees to introduce an item of Urgent Business**

**Carried Unanimously**

### **COMMITTEE DECISION**

**Moved: Cr Gill**  
**Seconded: Cr Marsh**

**That Council will consider its response to the Planning Scheme Amendment C270morn Panel Report at the Council Meeting on Monday 31 October 2022.**

**Carried Unanimously**

## **8 CONFIDENTIAL ITEMS**

Nil.

## **9 MEETING CLOSE**

As there was no further business, the meeting closed at 6.47pm

**Confirmed this 28<sup>th</sup> day of November 2022**

.....  
**Cr Kerri McCafferty, Chairperson - Planning Services Committee**