



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 2 MAY 2023

6.30PM

**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 Simon Brooks Cr Antonella Celi Cr Debra Mar
Watson	Cr Kate Roper

EXECUTIVE TEAM

Mr John Baker Ms Tanya Scicluna 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 is available on the Shire's website.

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1 OPENING AND WELCOME

Meeting opened at 6.33pm

Appointed Chairperson – Mayor, Cr Steve Holland

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

Mayor, Cr Steve Holland (Chairperson)
Cr Simon Brooks
Cr Antonella Celi
Cr Lisa Dixon
Cr David Gill
Deputy Mayor, Cr Debra Mar
Cr Anthony Marsh
Cr Despi O'Connor
Cr Sarah Race
Cr Kate Roper

Mr John Baker, Chief Executive Officer

2.1 Apologies

Cr Susan Bissinger

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 4 April 2023, be confirmed.

COUNCIL DECISION

Moved: Cr O'Connor

Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

ATTENDANCE

Cr Marsh entered the meeting at 6.36pm.

2.4 Petitions and Joint Letters

RECOMMENDATION

That Council receives and notes the above petition.

COUNCIL DECISION

Moved: Cr Marsh

Seconded: Cr Celi

That the recommendation be adopted.

Carried Unanimously

2.5 Councillor Briefing Sessions

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 28 March 2023.

COUNCIL DECISION

Moved: Cr Dixon

Seconded: Cr Race

That the recommendation be adopted.

Carried Unanimously

2.6 Council Decision Register

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2023 (Attachments 1-5) as at 21 April 2023.

COUNCIL DECISION

Moved: Cr Roper

Seconded: Cr Celi

That the recommendation be adopted.

Carried

2.7 Public Question Time

LGBTIQA+ Action Plan

Sean Mulcahy, a resident of Ballarat North asked the following question:

Given the recent attacks on Peninsula Pride, will Council work with the LGBTIQA+ Collaborative to develop an LGBTIQA+ Action Plan for the municipality?

Ms Kate Hills, Team Leader – Community Wellbeing provided the following answer:

The Mornington Peninsula Shire (Shire) has a long-standing commitment to protecting and promoting the health and wellbeing our LGBTIQA+ communities. This is highlighted in our Council and Wellbeing Plan under Strategic Objective 3.3.4 “Engage with LGBTIQA+ community members and deliver programs to support them”.

The Shire plays a leadership role in promoting diversity and inclusion, further the Shire’s Community Inclusion and Community Wellbeing team have recently developed a proposal for the development of an Inclusion Strategy. The intention of the Strategy is to incorporate key actions for LGBTIQA+, culturally and linguistically diverse, positive ageing, disability inclusion, early years and young people and families under one framework.

The Shire also works in partnership with other Councils and key stakeholders to deliver LGBTIQA+ specific programs such as youth rainbow programs, rainbow story time and capacity building training as well as events and campaigns such as Midsumma, IDAHOBIT, Pride Formal and Wear It Purple.

In relation to particular groups and individuals recently threatening to protest or disrupt upcoming LGBTIQA+ programs, events and activities, the Shire will continue to support our LGBTIQA+ community by delivering these much needed services and events and take a zero tolerance approach to all forms of discrimination and any behaviour that puts community members or staff at risk.

Food Truck Permit

We received two public questions from Nicholas Tate, a resident of Sorrento in relation to food truck permits. As the questions relate to a specific permit the questions have been summarised:

How does the Council issue Food Truck Permits on the Mornington Peninsula? Does the Council take into account similar businesses in the area when issuing permits?

Ms Gail Mifsud, Manager Commercial and Property Services has provided the following answer:

Permits are issued in accordance with the Council Food Truck Policy and the Community Amenity Local Law – 2022, Part 7 Council Land section 58. The Mornington Peninsula Shire carefully considers existing businesses when choosing appropriate locations for mobile vendors under our Food Truck Policy.

Protection of our Coastline

Ms Lisa Francis asked the following question:

Will Council recognise one of its greatest assets is our beautiful beaches and coastline and accordingly invest in their protection for the benefit of the community?

The question was not answered at the meeting and taken on notice. A written response will be provided to Ms Francis and a copy of the response will be loaded to the website with the minutes.

2.8 Presentations

Delys Sargeant Age-Friendly Awards

Presentations were made to the following award winners:

Senior Achiever Award – for a person aged 50 years and over

- John (Jack) Millege
- Billy Nye

PACE Community Award – Senior Achiever

- Jacquie Beddows

PACE Community Award – Intergenerational Award

- Oak Hill Gallery

3 MANAGEMENT REPORTS

OFFICE OF THE CEO

3.1 Consideration of Naming Proposal

RECOMMENDATION

That Council endorses the naming proposal to name a currently unnamed boardwalk in Rye the Pauline Powell Walk.

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr O'Connor

That the recommendation be adopted.

Carried Unanimously

ADJOURNMENT OF MEETING

That the meeting be adjourned at 6.58pm for a short break.

RESUMPTION OF MEETING

That the meeting be resumed at 7.07pm.

3.2 Policy Rescission

RECOMMENDATION

That Council rescinds the following policies:

1. Child Safe Policy (Attachment 1).
2. Official Advertising in Newspapers Policy (Attachment 3).
3. Financial Hardship Policy – COVID-19 (Attachment 4).
4. Food Safety Management Policy (Attachment 5).
5. Retention of Financial Records Policy (Attachment 6).
6. Rural Dwellings Policy (Attachment 7).
7. Common Seal Policy (Attachment 8).
8. Occupancy for Active Sports Reserves, Pavilions and Community Halls Policy (Attachment 9).

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

3.3 Instrument of Appointment and Authorisation

RECOMMENDATION

That Council 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 members of Council staff referred to in Attachment 1 be appointed under the *Planning and Environment Act 1987*.
- B. The Instruments come into force upon the resolution of Council.

COUNCIL DECISION

Moved: Cr Brooks

Seconded: Cr Mar

That the recommendation be adopted.

Carried Unanimously

COMMUNITY STRENGTHENING

3.4 Communities That Care Program Review

RECOMMENDATION

That Council:

1. Endorses the dissolution of the Communities That Care program.
2. Endorses the dissolution of the Communities That Care Advisory Committee of Council.
3. Supports the recommended plan to replace Communities That Care with new survey tools and capacity building workshops for local community, enabling community organisations to better plan and implement strategies to support young people and their families.
4. Formally notify Communities That Care Limited that Mornington Peninsula Shire will not renew the Communities That Care agreement for 2023.
5. Acknowledges and thanks the Committee and Communities That Care Limited for the contribution made to support young people and their families on the Mornington Peninsula.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Dixon

That the recommendation be adopted.

Carried Unanimously

4 COUNCILLORS AND DELEGATES REPORTS

Mornington Liquor Industry Accord (Cr Despi O'Connor)

On Wednesday 19 April, Cr O'Connor and Mayor Holland joined local police, business owners, Chamber of Commerce representatives and Mornington Peninsula Shire (Shire) staff at the Mornington Liquor Accord.

'Liquor Accord' as defined in section 146A of the *Liquor Control Reform Act 1998*, means a code of practice or a written agreement that affects the supply of liquor, the opening and closing of premises or other aspects of the management of or conduct of business on licences premises for the purpose of minimising harm arising from the misuse and abuse of alcohol.

Local police are pleased to report a decrease in incidents related to our licenced premises compared to the same period last year, in part due to the success of a wonderful alliance between police and the community through the liquor accord.

Cr O'Connor congratulated all business owners in Mornington and the Chamber of Commerce and their commitment to the safety of visitors and residents to Mornington.

Mornington Police are calling on residents and businesses with CCTV to register with police. If residents have cameras covering driveways, front yards, streets or rear lane ways or security doorbells that activate when pressed then Mornington Police would like to add these to a secure database.

Contact Mornington Police via email, MORNINGTON.UNI@police.vic.gov.au or call 5970 4900. All they need is a contact name, address, contact number, camera locations and how long the footage is stored. CCTV cameras help in crime prevention, and the solving of crimes. We can all be part of the solution. Your footage could help solve a crime.

South East Councils Climate Change Alliance (SECCCA) (Cr Sarah Race)

On 27 April Cr Race and Cr Brooks attended the SECCCA Regional Forum and Planning Day, where SECCCA members got together to reflect and discuss SECCCA's vision and purpose for the next few years. It was an inspiring, motivating and successful day and the Shire was lucky to host the event at the Safety Beach Sailing Club.

Metropolitan Transport Forum (MTF) (Cr Sarah Race)

On 5 April Cr Race attended the monthly MTF meeting. The main presentation was from Peter Kartsidimas, Director Networks and Planning, Infrastructure Victoria who presented a Bus Discussion Paper. He explained buses are a transport priority for the State Government. Melissa Horne is the Minister responsible for active transport.

Cr Race reported that she was privileged to be elected to the 2023 MTF Executive.

Friends of Lospalos (Cr Simon Brooks)

During April Cr Brooks attended two meetings of the Friends of Lospalos. For those not aware this group originated within the Shire as an initiative of Councillors who wanted to assist the East Timorese as they emerged from the trauma of occupation to one of independence. The Committee has several ex-Mayors, Councillors and ex-Council officers as members and is now an incorporated association with charitable status, previously being a section 86 committee of Council (abolished through the *Local Government Act 2020*). A memorandum of understanding has been negotiated with the Shire.

4 (Cont.)

The group employs a local who helps liaise with the community and local officials and also helps with delivering some of the projects. The idea is to build capacity and self-reliance within the community through these projects.

The group has delivered many projects over the years. These projects seek to help the local community with basics we take for granted such as clean water, physical infrastructure (including a bridge and three community meeting houses), scholarships and health services. Their recent major project has, and continues to provide eye testing and glasses for the community through their 'Specs for Lospalos' program. This has been very successful and welcomed by the community.

The group is planning to visit Lospalos again this August to provide a similar service for the children in the community.

On a local level the group has promoted Lospalos and Timor-Leste through a variety of events in the past. The group has also facilitated the sale of locally produced coffee to help support the Timor-Leste economy. The Shire hosted the local Governor and other officials several years ago.

Friends of Lospalos has an upcoming event in July in partnership with our Library in Mornington as part of Book Week where expatriate Timorese will do a book reading from publications describing their experiences in Timor-Leste and their journey into a new life in Australia.

5 NOTICES OF MOTION

5.1 Notice of Motion 393 (Cr Gill)

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr O'Connor

1. That Council calls on the Australian Government to put a spotlight on the unaffordability of housing across Australia by declaring a housing crisis and recognise the need for each local government area to have a fair share of social and affordable housing and homelessness assistance to provide:
 - A. A National Housing Strategy
 - B. A better deal for renters
 - C. Immediate relief for Australians in chronic rental stress
 - D. A plan to end homelessness by 2030
 - E. Actively support the Everybody's Home Campaign to fix Australia's housing system.
2. That Council sends this motion to all local MPs, Federal and State Housing Ministers, the Prime Minister of Australia and Premier of Victoria and send widely to all local media outlets, daily papers, radio stations and the television outlets and include our own social media.
3. That the Council representative who attends the Municipal Association of Victoria state conference vote in favour of Motions 35 and 39 that both call on higher levels of government to intervene in the housing crisis.

Carried Unanimously

5.2 Notice of Motion 394 (Cr Gill)

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr O'Connor

That following the Council workshop a report be brought to Council by the end of June 2023, that reviews the implementation of the Bike Safe Strategy, in particular the effectiveness of stakeholder engagement and advocacy.

Carried

5.3 Notice of Motion 395 (Cr Gill)

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Marsh

That a report be brought to Council by the end of July 2023 that identifies how Council can best support minor community capital works projects. This may include minor maintenance and repair or low cost new projects \$30,000 and under.

Carried Unanimously

5.4 Notice of Motion 396 (Cr Marsh)**MOTION****Moved: Cr Marsh****Seconded: Cr Dixon**

That Council resolves that:

1. Officers present a report to the Council Meeting on 30 May 2023 detailing:
 - A. Expenditure and progress on the development of the Mornington Peninsula Coastal Strategy over the past two budgets and a timeframe for completion.
 - B. What tangible actions are proposed as part of the Mornington Peninsula Coastal Strategy (or otherwise) to improve the amenity, access and infrastructure along the Mornington Peninsula coastline.
 - C. Any relevant coastal projects (capital or operational) that need funding for consideration in the 2023/2024 Budget.
2. It will strongly advocate to the Victorian State Government for funding to restore and preserve Mornington Peninsula beaches that degraded significantly in recent years, including but not limited to Shire Hall Beach, Mount Martha North Beach, Mount Martha South Beach, Rosebud Beach, Sorrento Beach, and Portsea Beach.
3. It will publish in its annual report the quantum and purpose of spending on coastal assets and infrastructure projects with appropriate detail to inform the community of Council funding and prioritisation of this critical issue.
4. Acknowledge the significant community interest in this issue, including the two petitions rejected as they were not explicitly addressed to the Mornington Peninsula Shire (Shire) for Portsea Beach and Mount Martha North Beach, even though the Shire is a significant stakeholder and advocate on behalf of our community.

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

2. That Council strongly advocates to the Victorian State Government for funding for mitigation and adaptation works for Mornington Peninsula beaches that have degraded significantly in recent years, and will continue to bear the brunt of climate change including but not limited to Shire Hall Beach, Mount Martha North Beach, Mount Martha South Beach, Rosebud Beach, Sorrento Beach, and Portsea Beach.

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

5.4 (Cont.)

For clarity the Council Decision is repeated below.

COUNCIL DECISION

Moved: Cr Marsh

Seconded: Cr Dixon

That Council resolves that:

- 1. Officers present a report to the Council Meeting on 30 May 2023 detailing:**
 - A. Expenditure and progress on the development of the Mornington Peninsula Coastal Strategy over the past two budgets and a timeframe for completion.**
 - B. What tangible actions are proposed as part of the Mornington Peninsula Coastal Strategy (or otherwise) to improve the amenity, access and infrastructure along the Mornington Peninsula coastline.**
 - C. Any relevant coastal projects (capital or operational) that need funding for consideration in the 2023/2024 Budget.**
- 2. It will strongly advocate to the Victorian State Government for funding for mitigation and adaptation works for Mornington Peninsula beaches that have degraded significantly in recent years, and will continue to bear the brunt of climate change including but not limited to Shire Hall Beach, Mount Martha North Beach, Mount Martha South Beach, Rosebud Beach, Sorrento Beach, and Portsea Beach.**
- 3. It will publish in its annual report the quantum and purpose of spending on coastal assets and infrastructure projects with appropriate detail to inform the community of Council funding and prioritisation of this critical issue.**
- 4. Acknowledge the significant community interest in this issue, including the two petitions rejected as they were not explicitly addressed to the Mornington Peninsula Shire (Shire) for Portsea Beach and Mount Martha North Beach, even though the Shire is a significant stakeholder and advocate on behalf of our community.**

Carried Unanimously

5.5 Notice of Motion 397 (Cr Mar)

This Notice of Motion was withdrawn prior to the meeting.

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*:

7.1 Waste Contracts Extension - Collection & Recyclables Processing Services

This matter is considered to be confidential under section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Mar

That the recommendation be adopted.

Carried Unanimously

MEETING RE-OPENED TO THE PUBLIC

Moved: Cr Gill

Seconded: Cr Roper

That the meeting be re-opened to the public at 8.14pm.

Carried Unanimously

8 MEETING CLOSE

As there was no further business, the meeting closed at 8.14pm.

Confirmed this 9th day of May 2023

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Mayor, Cr Steve Holland, Chairperson - Council