



**MORNINGTON  
PENINSULA**  
*Shire*

**MINUTES**

**COUNCIL MEETING**

**TUESDAY, 30 MAY 2023**

**6.30PM**

**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 Simon Brooks Cr Antonella Celi Cr Debra Mar</b>
<b>Watson</b>	<b>Cr Kate Roper</b>

### EXECUTIVE TEAM

<b>Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh Mr Bulent Oz</b>	<b>Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure Chief Financial Officer</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 will be available on the Shire's website.

Recording of persons in the public gallery is not intended but may occur incidentally. By attending this meeting you consent to being filmed at the meeting and the possible use of subsequent recordings in a live streaming or published video of the meeting.

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# 1 OPENING AND WELCOME

Meeting opened at 6.31pm

Appointed Chairperson – Mayor, Steve Holland

## 1.1 Acknowledgement of Country

(Read by Cr Race)

*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 Susan Bissinger  
Cr Simon Brooks  
Cr Antonella Celi  
Cr Lisa Dixon  
Cr David Gill  
Deputy Mayor, Cr Debra Mar  
Cr Despi O'Connor  
Cr Sarah Race  
Cr Kate Roper

Mr John Baker, Chief Executive Officer

### 2.1 Apologies

Cr Anthony Marsh

### 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 16 May 2023, be confirmed.

#### COUNCIL DECISION

Moved: Cr O'Connor  
Seconded: Cr Race

That the recommendation be adopted.

Carried Unanimously

## 2.4 Councillor Briefing Sessions

### RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 2 and 9 May 2023.

### COUNCIL DECISION

Moved: Cr Dixon  
Seconded: Cr Bissinger

That the recommendation be adopted.

Carried Unanimously

## 2.5 Council Decision Register

### RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2023 (Attachments 1-5) as at 19 May 2023.

### COUNCIL DECISION

Moved: Cr Roper  
Seconded: Cr Race

That the recommendation be adopted.

Carried

## 2.6 Public Question Time

### QUESTIONS WITH NOTICE

#### Crossovers

Mr Monahan, a resident of Hastings asked the following question:

Question:

*On the 24 May I called the Council because an NBN contractor had removed half of the adjoining crossover and was pouring concrete back into it without any reinforcement mesh or drilling into my driveway to stiffen the join of the crossovers. I called the Council and was basically told it was a civil matter between myself and the NBN contractor. Which I find a disgusting response seeing a resident can be fined for not following procedure but NBN contractor can do as they please. I have a heavy trailer that goes over the driveway and want this followed up because I will be holding the council responsible for damages.*

Council advises that the Asset Protection Team received a call on 25 May from Mr Monahan and as a result of that call an officer has been sent to inspect the works and if necessary take action to ensure the contractors working for NBN are carrying out all works to Council's standards.

#### Inclusion Strategy

Mr De Bartolo, a resident of Tootgarook asked the following question:

Question:

*Could the Shire please provide an update on the proposed development of an Inclusion Strategy?*

Council advises that the Shire plays a leadership role in improving diversity and inclusion across the Mornington Peninsula, with a particular focus on understanding and applying an intersectionality lens across key life span stages and priority population groups.

Currently, the Shire's approach for supporting key life span stages (early years, young people, older people) and priority population groups (people living with a disability, LGBTIQ+ community, culturally and linguistically diverse community and First Nations community) sits across a suite of Shire strategic plans. Council will be considering an opportunity in coming months to consider aligning efforts into a broader Inclusion Strategy. At this stage no decision has been made by Council.

#### Current Debt Level

Mr Tate, a resident of Sorrento asked the following question:

Question:

*How much does the Mornington Peninsula Shire Council currently owe in debt inclusive of borrowings? How does Council plan to service this and will this come at a cost in the implementation of higher charges to residents and local business?*

Council Advises that at the end of Quarter 3 2023, as stated in the Community Report, our current loan balance stands at \$36.8 million. As part of Council's long-term financial planning, debt servicing is accounted for. In the current financial year, \$4 million has been allocated towards principal repayments. This amount will decrease to \$3 million next year

and further decrease in subsequent years as some loans are fully paid off. Council's goal is to fully repay the last loan by the end of the 2039 financial year.

There are no additional charges imposed on residents and local businesses to fund the loan repayments. The servicing of these loans is covered by the operating budget. Council ensures that the cost of servicing the debt does not come at the expense of higher charges to our community.

### **Paid Parking**

Due to the overwhelming number of questions received in regards to item 4.8 Peninsula Parking Management - Visitor Paid Parking Pilot the questions were not read out at the meeting however the following response was provided.

Council understands the proposal to consider a visitor paid parking pilot at selected Council managed foreshore car parking locations has generated a great deal of interest and questions from our community.

### **What we have heard so far**

The emerging themes centre around resident permits and exemptions, the approach to community consultation, time limits and fees.

There have also been some very specific questions that we don't yet have answers to, but we will work through these questions with the community pending tonight's decision by Council.

A number of questions are answered in the Council report, such as the use of technology and apps rather than parking meters, and details on the length of the pilot.

A number of questions raised issues that are outside of the scope of this Pilot that will need to be considered separately such as improving pedestrian paths.

### **Why Visitor Paid Parking?**

- Council has been exploring all available options to better manage public parking around our foreshore areas.
- We have more than 7.5 million visitors a year increasing pressure on car parking and related infrastructure.
- Ratepayers are paying around \$8 million per year for the maintenance of foreshore-related Council infrastructure, such as car parks, pathways, public toilets, playgrounds, barbeques and furniture. As well as other services such as grass mowing, tree management and beach cleaning.
- This pilot is an opportunity for residents and visitors to the Peninsula to continue to share our beaches while more fairly distributing the costs of maintaining these areas.

### **Engagement and Community Consultation**

- Engagement starts now. While Council will tonight decide on whether to give this a go along with some broad business rules to get us started, it is your feedback and involvement that will be key to shape the Pilot and see how we can make it a success.
- Community influence and local knowledge will guide the implementation and help determine the specifics such as time restrictions, how businesses and their staff can be supported as well as refinements to the business rules.

- Engagement will be undertaken in many ways including our online engagement platform which will have a dedicated Shape Page which will contain more detailed information and an opportunity to capture community feedback, one on one meetings with stakeholders, and more broad community consultation as we refine the Pilot.

### **Resident Exemptions**

- Residents will not be charged to park at pilot sites but will be subject to any time restrictions that are put in place.
- Eligible households on the Peninsula will be able to access foreshore parking permits valid for the Pilot.
- Eligibility for ePermits will require evidence such as a utility bill, lease agreement, rates notice, vehicle registration linked to an address, etc.

### **How did Council decide on the Pilot locations?**

- While multiple locations across the Peninsula were considered, the three selected sites ranked highest when assessing key pilot control factors such as cost and ease of implementation, the range of business rules able to be tested and technology considerations.
- The three locations have been selected as they meet important criteria to enable a successful Pilot. The simple configuration of how cars enter and exit at Sunnyside and Flinders Pier provides the best environment to trial Vehicle Identification (VID) camera technology and software, while Schnapper Point allows us to test a broad range of business rules and impacts in a more complex situation.
- All three pilot locations are best suited to the set-up of VID cameras at the entry and exit points of their respective car parks.
- Other locations were excluded based on planned infrastructure works.

### **Time Restrictions**

- There is still a lot of work to be done to plan and finalise the Pilot and its implementation, and we don't have all the answers just yet.
- Timing restrictions will vary for each pilot location, and businesses and the community will be consulted in order to finalise parking controls.

### **Parking Fees**

- The fees proposed have been benchmarked against other councils around the bay.
- Our beaches are as valuable and highly sought after as those in Bayside and City of Port Philip and the proposed pricing reflects that.

### **Expected Revenue and Cost of the Pilot**

- A financial estimate is reliant on a number of dependencies, including pricing, percentage of visitors to residents, parking utilisation and time limit restrictions.
- We have undertaken high level scenario based financial modelling which anticipates that the revenue generated from the pilot will at a minimum cover the cost of implementation and managing the pilot.

- The revenue estimate will be more accurate after we finalise the Pilot parking controls, and real-time data is collected and analysed.
- The \$810,000 within the budget will cover the implementation of the Pilot, reviewing e-permits applications, administration and management, enforcement during the Pilot and collection of parking data.

### **Impact to Businesses**

- Consultation with businesses will be key as we shape the Pilot.
- We will be seeking feedback on timing restrictions, staff permits and other factors specific to business and location.
- It's significant to note that paid parking is an important parking management tool that encourages vehicle turnover.

### **QUESTIONS WITHOUT NOTICE**

#### **Libraries**

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

*In days gone by, libraries had a strict code of silence for people to read and study. Libraries have now become a madhouse. Will libraries ever revert to the good old days?*

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

#### **Glass Bottle Recycle Bin**

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

*The West Wimmera Shire two weeks ago, introduced another recycle bin for glass bottles only, at no further cost to ratepayers, will this Council follow suit?*

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

### 3 COUNCILLORS AND DELEGATES REPORTS

#### **Peninsula Advisory Committee for Elders (PACE) (Cr Dixon)**

As always PACE members have been busy. This month the group advertised for two new members to fill vacant positions. They received 20 applications to which all were of very high calibre. The difficulty was making the decision which has been made along with a couple being placed on the waiting list. We congratulate the new comers.

A new updated welcome kit is being formulated and will be presented to new members upon arrival.

PACE has set up a sub-committee to develop an agreed position on housing. This will include homelessness and consulting with the Triple A Housing Committee. The progress report so far was very comprehensive and I look forward to its completion.

The group is also very proactive in the awareness of scams, wills, power of attorney, and hoping to link this to World Elder Abuse Awareness Day (WEAAD).

Monthly guest speakers have been organised and high on the agenda is elder abuse.

There was mention of the Elder Abuse Action Australia (EAAA) Compass Website, a must to visit.

Council has organised Free interactive sessions – ‘Keeping yourself informed and safe during an emergency’. These are scheduled in October at all of our Libraries across the Peninsula.

Andrew Joseph, the Shire’s Resilience and Recovery Coordinator presented ‘The Pillowcase Program’ where children and elders learn how to react/respond to an emergency. You bring along a pillow case and place your special belongings in it, so it is ready to grab should you need to evacuate. Doing this activity with both ends of the spectrum helps with the important decision making, so nothing is overlooked.

A fabulous program.

There was also discussion around preparations for elder week.

Thank you must go to the very active PACE group and Shire support officers for the great work achieved.

#### **Municipal Association of Victoria (MAV) (Cr Dixon)**

The meeting commenced at 9:30am. There were to be 98 Motions, inclusive of 20 late submissions.

Seven motions were consolidated due to their similarity.

Sixty-two motions were debated and passed, should anyone be interested I have details beside each motion the percentage for/against, which is being submitted along with this brief report.

Topics were varied and mostly on point for all councils in attendance. The majority of motions were carried by 95%. Motion number 66 was the only one lost (Prayer).

**3.1 (Cont.)**

- Financial Sustainability – Cost shifting of responsibilities from the State and Federal Governments to Local Government. Outcome was to be a strong joint advocacy campaign led by MAV.
- Windfall gains tax.
- Reducing harm from Electronic Gaming Machines.
- Funding for Kindergarten Infrastructure.
- Circular Economy Market development.
- Critical local government skill shortages.
- Rate capping.
- Review of the Victorian Electoral Commission costs associated with the Electoral Structure Review Process.
- Review of Developer Contribution Schemes.
- Regulation of Social Media Bullying towards Candidates and Councillors, (of which I have been personally subjected to).
- Reporting of Childcare reimbursements.
- Electrification of swimming pools and community assets.
- Road betterment with disaster funding.
- Supporting building resilience to natural disasters.
- Affordable Housing.
- Create environmentally sustainable forms of transport.
- Improving public transport.
- Tree canopy mapping across Victoria.
- Benchmarking Cyber Security Incidents and Actions.
- Regulation on short stay accommodation.
- Management of Crown Land Recreation Facilities.
- Removal of prayer from Council Meetings. (This was the only motion lost, as it's not up to MAV, should be individual councils to make that decision.
- Hoon driving Regulation and more Police Presence.

Time for voting on motions was cut short in the morning due to a two hour workshop, conducted by Mosaic Lab on how can MAV better deliver and prioritise to its members.

There was a lot of discussion around security being vital now at Council Meetings. Cyber and verbal abuse has escalated. Very sad times.

**3.1 (Cont.)**

Cost shifting was another big discussion.

There was also mention of disappointment that this conference clashed with this year's Australian Local Government Women's Association (ALGWA) conference being hosted by the Mornington Peninsula Shire Council.

If you are interested in any of the motions and their resolutions I sincerely recommend you look out for the minutes.

My train trip from Frankston to the Central Business District went well. Only hiccup was the trip home, with a 2 hour layover at Frankston to wait for the Stony Point train. Fortunately, I had organised a lift.

**Australian Local Government Women's Association (ALGWA)** (Cr Mar, Cr O'Connor, Cr Celi, Cr Race, Cr Roper and Cr Holland)

## 4 MANAGEMENT REPORTS

### OFFICE OF THE CEO

#### 4.1 Adoption of the 2023/2024 Annual Budget

##### RECOMMENDATION

##### Part A

##### The Budget

That Council resolves, pursuant to section 94 of the *Local Government Act 2020*, to adopt the 2023/2024 Annual Budget.

##### Part B

##### Declaration of Rates and Charges – Amount to be Raised

- That it is intended to raise the amount of \$222,441,558 for the rating year commencing 1 July 2023 to 30 June 2024 by application of Rates and Charges detailed as follows:

Type or Class of Land	2023/2024 \$'000
General land	\$156,956
Vacant residential land/rural land	\$5,973
Vacant commercial land	\$84
Vacant industrial land	\$296
Mornington Peninsula Agricultural Rate land	\$2,264
Conservation Land Rate	\$1,163
Trust for nature land	\$16
Cerberus land	\$49
Steel works	\$840
Cultural and recreational land	\$173
Supplementary Rates	\$600
Heritage Rebate	\$(90)
Valuations objections	\$(100)
Total amount to be raised by General Rates	\$168,223
Waste Service Charge	\$46,421

## 4.1 (Cont.)

Green Waste Charge (optional)	\$7,797
Total Rates and Charges	\$222,442

## Basis of Valuation

2. That Capital Improved Value (CIV) be used as the basis for rating of all properties within the Mornington Peninsula Shire for 2023/2024.
3. That the determination of the 2023/2024 rates for all properties be based on 1 January 2023 levels of property valuations returned to Council on 31 May 2022 and as subsequently amended by supplementary valuations.

## General Rates

4. A General Rate be declared for the 2023/2024 financial year.
5. It be further declared that the General Rate be raised by the application of Differential Rates.

## Differential Rate Percentages

6. That each Differential Rate will be determined by multiplying the CIV of each rateable land (categorised by the characteristics described in the section 4.1 of Attachment 1), by relevant percentages indicated in table below:

Type or Class of Land	2023/2024 Cents/\$ Capital Improved Value (CIV)
General Rate for rateable general properties	0.12830
General Rate for rateable vacant residential properties	0.17962
General Rate for rateable vacant commercial properties	0.17962
General Rate for vacant industrial properties	0.17962
General Rate for rateable Mornington Peninsula Agricultural Rate properties	0.04490
General Rate for rateable Conservation Land Rate properties	0.09622
General Rate for Trust for Nature properties	0.04490

7. That units in Retirement Villages that are not on 'Strata Title' will receive a bulk discount to the CIV. The following discounts are applied for those units that are on:
  - A. Loan/Lease arrangement – ~20%
  - B. Loan/Licence arrangement – ~20%
  - C. Residents owning the unit and leasing the land ongoing – ~15%

**4.1 (Cont.)**

- D. Strata – no discount.
8. It be recorded that Council considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions, and that:
- 8.1 The respective objectives of each Differential Rate be those specified in the Statutory Disclosures within the 2023/2024 Budget as adopted
  - 8.2 The respective types or classes of land which are subject to each Differential Rate be those specified in the Statutory Disclosures within the 2023/2024 Budget as adopted
  - 8.3 The respective uses and levels of each Differential Rate in relation to those respective types or classes of land be those specified in the Statutory Disclosures within the 2023/2024 Budget as adopted.
  - 8.4 The relevant:
    - A. Uses of
    - B. Geographical locations of
    - C. Planning Scheme zonings of
    - D. Types of buildings on the respective types or classes of land be those identified in the Statutory Disclosures, within the attached 2023/2024 Budget as adopted.

**Curtilage on Properties Classified as Farmland and Conservation Land**

9. That pursuant to sections 158 and 158A of the *Local Government Act 1989*, the General Rate in the dollar on CIV for general properties be levied for the 2023/2024 rating year on the curtilage component of all properties classified as farmland and conservation land.

**Rebates**

10. That pursuant to section 169 of the *Local Government Act 1989*:
- 10.1 A Heritage Rebate of 25% (with a minimum of \$100) on the rates levied on the improvements of heritage properties listed in the Mornington Peninsula Planning Scheme
  - 10.2 A Heritage Rebate of 12.5% (with a minimum of \$50) on the rates levied on the improvements of properties within a designated heritage precinct that meet the criteria of the Heritage Rate Rebate for the 2023/2024 rating year.

**Services Charges**

11. An annual Waste Service Charge be declared for the collection and disposal of municipal refuse.
12. The annual Service Charge be the sum of \$446 for each rateable property with the only exceptions being:
- 12.1 Properties rated under the *Cultural and Recreational Lands Act 1963*

## 4.1 (Cont.)

- 12.2 Properties subject to the Western Port (Steel Works Rating) Act 1971.
13. An annual Service Charge be declared for the collection and disposal of refuse taking the form of green waste.
14. The annual Service Charge be the sum of \$150 for each service of one 240 litre green waste bin for each rateable land (or part) located within the eligible service areas in respect of which the owner has given notice to Council that the collection and disposal of green waste from the land is desired.

## Cultural and Recreation Lands Act

15. That pursuant to the provisions of the *Cultural and Recreation Lands Act 1963*, the following rates be levied on the listed properties for the 2023/2024 rating year:

Property No.	Property	Rates
12018	Sorrento Golf Club	\$34,328.93
136374	Portsea Golf Club	\$27,783.09
54951	Rosebud Country Club Ltd	\$20,597.35
61372	Mornington Country Golf Club	\$12,015.13
87869	Devil Bend Golf Club	\$5,638.17
123392	Flinders Golf Club	\$13,731.58
15902	Flinders Yacht Club	\$1,763.92
17439	Rosebud Yacht Club Inc	\$1,470.02
26463	Rye Sailing Club	\$1,675.76
28769	McCrae Yacht Club	\$1,895.46
39007	Sorrento Sailing Club	\$4,964.53
141024	Safety Beach Sailing Club	\$2,345.10
46705	Blairgowrie Yacht Squadron	\$3,515.28
78645	Mount Martha Yacht Club	\$1,979.35
78974	Somers Yacht Club	\$2,159.23
80020	Rosebud Motorboat Squadron	\$920.45
80912	Western Port Yacht Club	\$1,568.73
84465	Merricks Yacht Club	\$1,693.73
85013	Point Leo Boat Club	\$1,605.84
88027	Hastings Yacht Club	\$1,091.57
118429	Mornington Yacht Club	\$998.65

## 4.1 (Cont.)

111616	Davey's Bay Yacht Club	\$3,445.37
98964	Canadian Bay Club	\$2,546.58
88029	Western Port Angling Club	\$356.41
84471	Merricks Beach Residents Association	\$676.41
62833	Mornington Racing Club	\$19,973.21
89370	Peninsula Aero Club	\$2,916.08
Total		\$173,655.95

## Consequential

16. The rate of 10 per centum be specified as the Rate of Interest set by Council for the purpose of section 172 (2) of the *Local Government Act 1989* and be so set until a new rate is set in accordance with the *Local Government Act 1989*.
17. The Chief Executive Officer be authorised to levy and recover the General Rates and annual Service Charges in accordance with the *Local Government Act 1989*.

**COUNCIL DECISION**

**Moved:** Cr Celi

**Seconded:** Cr Mar

**That the recommendation be adopted.**

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

**For:** Cr Gill, Cr O'Connor, Cr Dixon, Cr Race, Cr Roper, Cr Mar, Cr Brooks, Cr Celi and Cr Holland

**Against:** Cr Bissinger

**Carried**

**PROCEDURAL MOTION**

**Moved:** Cr Gill

**Seconded:** Cr Celi

**That the item listed at 4.4 on the Agenda be considered before item 4.2.**

**Carried Unanimously**

## COMMUNITY STRENGTHENING

### 4.2 Community Investment Funding Grants, Subsidies, Sponsorship Guidelines and Budget 2023/2024 per theme

#### RECOMMENDATION

That Council:

1. Allocates funding to the identified Grants and Subsidies streams (Attachment 1) aligned to the Council and Wellbeing Plan themes as below:
  - A. Theme 1: \$268,050.00
  - B. Theme 2: \$996,800.00
  - C. Theme 3: \$2,589,472.00
  - D. Sponsorship Funding \$283,805.00
2. Delegates to the Chief Executive Officer (CEO) the rollout of Community Investment Funding for grants and subsidies included in Attachment 1.
3. Delegates to the CEO the rollout out of Community Investment Funding for Sponsorships as per Attachment 2 Sponsorship Guidelines.
4. Authorises the CEO to redistribute undersubscribed grants and/or subsidies and/or sponsorships within each theme to support oversubscribed applications as required.

#### COUNCIL DECISION

Moved: Cr Gill  
Seconded: Cr Celi

That the recommendation be adopted.

**Carried Unanimously**

**4.3 Open Air Burning Provisions - Community Amenity Local Law (Part 4)****RECOMMENDATION**

That Council:

1. Endorses and resolves to release the draft Community Amenity Local Law – Part 4 for public submissions.
2. Demonstrates commitment to a more climate change focussed outcome, and request that Mornington Peninsula Shire officers investigate and provide further advice on open air burning reduction strategies that can be implemented over the next 10 years.

**COUNCIL DECISION**

**Moved: Cr Gill**

**Seconded: Cr Celi**

That Council:

1. **Endorses and resolves to release the draft Community Amenity Local Law – Part 4 for public submissions.**
2. **Demonstrates commitment to a more climate change focussed outcome, and request that Mornington Peninsula Shire officers investigate and provide further advice on open air burning reduction strategies that can be implemented over the next two years.**

**Carried**

## PLANNING & INFRASTRUCTURE

### 4.4 P21/3473 - 2091 Mornington-Flinders Road, Flinders - Use and development of a dwelling, development of a shed, and vegetation removal

#### RECOMMENDATION

##### Part A

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, having considered all submissions received to date and all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P21/3473 for the use of the land for a dwelling, the development of a dwelling, shed, and water tanks, the creation of an access to a road in a transport zone 2, the removal of vegetation, and associated works in accordance with the endorsed plans, at 2091 Mornington-Flinders Road, Flinders, be supported, and that a Notice of Decision to Grant a Planning Permit be issued subject to the following conditions:

##### Amended plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - A. The dwelling, shed and associated works sited in accordance with 'Context Plan', Rev 2, prepared by Pleysier Perkins and dated 12 April 2023.
  - B. Domestic envelope updated to incorporate wastewater envelope in total area. Wastewater envelope size to be specific to proposal and not general location area.
  - C. External colour of the 5,000 litre water tank adjacent the farm shed. Tank must be same or similar colour as the farm shed.
  - D. Deletion of any annotations referring to water tanks where tanks are not proposed to be associated with the dwelling.
  - E. Head tank (water tank) height and diameter dimensions that correspond to capacity. Height must not exceed 3 metres.
  - F. Cut and fill plan updated with any earthworks associated with Head Tank.
  - G. The crossover being designed as per VicRoads Guideline Drawing GD4010 Typical Access to Rural Properties, with the detailed specifications based on the largest design vehicle which will access the development, as per condition 11 of this permit.
  - H. An amended Integrated Land Management Plan which is generally in accordance with the Land Management Implementation Report Version 2 dated 23 March 2022 and Land Management Plan dated 24 March 2023 prepared by Jane Burke Bush Restoration, but modified to show:

**4.4 (Cont.)**

- i. Correct inconsistencies to address being shown correctly as 2091 Mornington-Flinders Road, Flinders and not 2121 Mornington-Flinders Road.
  - ii. A re-vegetated riparian buffer of at least 30 metres either side of Spring Creek that is fenced and excludes livestock.
  - iii. Schedule to include weed cover actions covering all weeds, including environmental weeds, not just the specified Blackberry, Karamu and Spiny Rush.
  - iv. Schedule, report and plan to consistently indicate replanting of the riparian buffer including area in square metres, number and species of trees/vegetation.
  - v. Clarify the area to be replanted following inclusion of the riparian zone. Currently stated inconsistently within the report as 3200m<sup>2</sup> and on the plan the areas of the 'plots' do not equate to 3200m<sup>2</sup>.
  - vi. Delete planting along front fence (plot 1)
  - vii. Delete planting south-west of the dwelling (plot 2)
  - viii. Planting along the driveway (plot 6), adjacent to the south side of the dwelling, must be native species with a maximum mature height of 6 metres.
  - ix. Plot areas to be properly scaled and dimensioned to equate to the overall planting area following inclusion of the riparian buffer.
- I. Revegetation areas on development plans modified to reflect Integrated Land Management Plan.
  - J. An amended Farm Management Plan which is generally in accordance with the Farm Management Plan prepared by Meridian Agriculture dated 6 April 2022, but modified to show:
    - i. Amendments consistent with the Integrated Land Management Plan required above; and
    - ii. Amended stocking densities for cattle based on the reduced area available to cattle as a result of the riparian exclusion and replanting zone required to be shown in the Integrated Land Management Plan.

## Layout not altered

2. The layout of the land, the size and type of the buildings and works, including the materials of construction, on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
3. The use approved by this permit must not be altered without the consent of the Responsible Authority.

## Finishes

4. Prior to the initial occupation of the dwelling external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.

**4.4 (Cont.)**

## Materials and colours

5. The materials and colours of the exterior finish of the buildings must be in accordance with the Endorsed Plans unless with the further permission of the Responsible Authority.

## Vegetation removal

6. The extent of clearing of vegetation as shown on the endorsed plans must not be altered or modified without the consent of the Responsible Authority or unless a relevant exemption within the Planning Scheme applies.

## Disturbed Surfaces

7. All disturbed surfaces on the land must be revegetated and stabilised to the satisfaction of the Responsible Authority.

## Environmental Health

8. All sewage and sullage waste from the proposed development must be discharged into an on-site septic tank system which is approved by the Environment Protection Authority, retains all waste within the boundaries of the land, and is installed in accordance with Council's Wastewater Management Policy. This system must be maintained to the satisfaction of the Responsible Authority.
9. Works on the proposed dwelling or dwelling alterations must not commence until a permit to install the septic tank system is issued by Council's Environmental Health section.
10. Land application area (wastewater disposal field must be located no closer than 60 metres from any surface waters.

## Department of Transport

11. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved, the amended plans must be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and generally in accordance with the submitted plans but amended to show the crossover being designed as per VicRoads Guideline Drawing GD4010 Typical Access to Rural Properties, with the detailed specifications based on the largest design vehicle which will access the development.
12. Prior to the occupation of the development, the new crossover and driveway must be completed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
13. Prior to the occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
14. All vehicles must enter and exit the site in a forward direction at all times.

## Melbourne Water

15. The dwelling must be constructed with finished floor levels set no lower than 91.95 metres to Australian Height Datum (AHD), which is 300 millimetres above the applicable flood level of 91.65 metres to Australian Height Datum.

**4.4 (Cont.)**

16. The garage must be constructed with finished floor levels set no lower than 91.65 metres to AHD, which is at the applicable flood level.
17. New fencing and/or gates must be open-style (50% open), or standard timber paling fence, to allow the passage of floodwaters.
18. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
19. To maintain flood storage, and to allow the passage of floodwaters, imported fill must be kept to a minimum on the property. Ramping to the garages in this area should be as steep as permissible under the relevant building code.
20. All decking including stairs must be constructed with unenclosed foundations to allow for the passage of overland flows. Stairs up to the decking must contain no vertical risers.
21. All required setback areas must be set at natural surface levels and must remain free of any solid obstructions including solid fencing, raised landscaping, rain-water tanks or outbuildings like sheds to allow for flood flow. Hot water and heating and cooling units are permitted within this setback.
22. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
23. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:
  - A. Silt fencing
  - B. Access tracks
  - C. Spoil stockpiling
  - D. Trenching locations
  - E. Machinery/Plan Locations.

**Implementation of the Management Plans**

24. Prior to the initial occupation of the dwelling (or other such time as approved in writing by the Responsible Authority), the land owner/occupier must demonstrate commencement of the Land and Farm management plans as approved (or as varied by the written consent of the Responsible Authority) to the satisfaction of the Responsible Authority. Any damaged or ineffective stock fencing must be replaced as soon as possible. The areas set aside for vegetation regeneration must be used for no other purpose.
25. Every year, for three years, after the commencement of development, the permit holder must provide notification to the responsible authority of the management actions undertaken towards the implementation of the approved Farm Management Plan.

**4.4 (Cont.)**

Permit expiry

26. This permit will expire if either one of the following applies:

- i. The development is not completed within four years of the date of this permit.
- ii. The use is not commenced within four and a half years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Part B

That Council resolves that Attachment 6 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**Deputations**

- Mr Nicolas Derbyshire (Applicant)
- Ms Melinda Ryan (Town Planning & Co).

**MOTION**

Moved: Cr Gill

Seconded: Cr Mar

That Council refuses Planning Application P21/3473- 2091 Mornington-Flinders Road, Flinders on the following grounds:

1. The application has not adequately demonstrated that the use and development will not adversely result in the removal of productive agricultural land sought to be protected and conserved, which would be contrary to the outcomes sought by clause 14.01-1S (Protection of agricultural land), clause 11.03-5S (Distinctive areas and landscapes) and clause 35.04 (Green Wedge Zone).
2. The application has not adequately demonstrated that the development will not have a detrimental impact on the significant landscapes and scenic vantage points to be recognised and protected, which would be contrary to the outcomes sought by clause 11.03-5S (Distinctive areas and landscapes), clause 35.04 (Green Wedge Zone) and clause 42.03 (Significant Landscape Overlay –Schedule 5 - Scenic vantage points).

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

**For: Cr Gill, Cr Roper and Cr Mar**

**Against: Cr O'Connor, Cr Dixon, Cr Bissinger, Cr Race, Cr Brooks, Cr Celi and Cr Holland**

**Lost**

## 4.4 (Cont.)

**COUNCIL DECISION**

Moved: Cr Celi  
Seconded: Cr Bissinger

**Part A**

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, having considered all submissions received to date and all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P21/3473 for the use of the land for a dwelling, the development of a dwelling, shed, and water tanks, the creation of an access to a road in a transport zone 2, the removal of vegetation, and associated works in accordance with the endorsed plans, at 2091 Mornington-Flinders Road, Flinders, be supported, and that a Notice of Decision to Grant a Planning Permit be issued subject to the following conditions:

**Amended plans**

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - A. The dwelling, shed and associated works sited in accordance with 'Context Plan', Rev 2, prepared by Pleysier Perkins and dated 12 April 2023.
  - B. Domestic envelope updated to incorporate wastewater envelope in total area. Wastewater envelope size to be specific to proposal and not general location area.
  - C. External colour of the 5,000 litre water tank adjacent the farm shed. Tank must be same or similar colour as the farm shed.
  - D. Deletion of any annotations referring to water tanks where tanks are not proposed to be associated with the dwelling.
  - E. Head tank (water tank) height and diameter dimensions that correspond to capacity. Height must not exceed 3 metres.
  - F. Cut and fill plan updated with any earthworks associated with Head Tank.
  - G. The crossover being designed as per VicRoads Guideline Drawing GD4010 Typical Access to Rural Properties, with the detailed specifications based on the largest design vehicle which will access the development, as per condition 11 of this permit.
  - H. An amended Integrated Land Management Plan which is generally in accordance with the Land Management Implementation Report Version 2 dated 23 March 2022 and Land Management Plan dated 24 March 2023 prepared by Jane Burke Bush Restoration, but modified to show:
    - i. Correct inconsistencies to address being shown correctly as 2091 Mornington-Flinders Road, Flinders and not 2121 Mornington-Flinders Road.

**4.4 (Cont.)**

- ii. A re-vegetated riparian buffer of at least 30 metres either side of Spring Creek that is fenced and excludes livestock.
  - iii. Schedule to include weed cover actions covering all weeds, including environmental weeds, not just the specified Blackberry, Karamu and Spiny Rush.
  - iv. Schedule, report and plan to consistently indicate replanting of the riparian buffer including area in square metres, number and species of trees/vegetation.
  - v. Clarify the area to be replanted following inclusion of the riparian zone. Currently stated inconsistently within the report as 3200m<sup>2</sup> and on the plan the areas of the 'plots' do not equate to 3200m<sup>2</sup>.
  - vi. Delete planting along front fence (plot 1)
  - vii. Delete planting south-west of the dwelling (plot 2)
  - viii. Planting along the driveway (plot 6), adjacent to the south side of the dwelling, must be native species with a maximum mature height of 6 metres.
  - ix. Plot areas to be properly scaled and dimensioned to equate to the overall planting area following inclusion of the riparian buffer.
- I. Revegetation areas on development plans modified to reflect Integrated Land Management Plan.
  - J. An amended Farm Management Plan which is generally in accordance with the Farm Management Plan prepared by Meridian Agriculture dated 6 April 2022, but modified to show:
    - i. Amendments consistent with the Integrated Land Management Plan required above; and
    - ii. Amended stocking densities for cattle based on the reduced area available to cattle as a result of the riparian exclusion and replanting zone required to be shown in the Integrated Land Management Plan.

**Layout not altered**

- 2. The layout of the land, the size and type of the buildings and works, including the materials of construction, on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
- 3. The use approved by this permit must not be altered without the consent of the Responsible Authority.

**Finishes**

- 4. Prior to the initial occupation of the dwelling external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.

**4.4 (Cont.)****Materials and colours**

- 5. The materials and colours of the exterior finish of the buildings must be in accordance with the Endorsed Plans unless with the further permission of the Responsible Authority.**

**Vegetation removal**

- 6. The extent of clearing of vegetation as shown on the endorsed plans must not be altered or modified without the consent of the Responsible Authority or unless a relevant exemption within the Planning Scheme applies.**

**Disturbed Surfaces**

- 7. All disturbed surfaces on the land must be revegetated and stabilised to the satisfaction of the Responsible Authority.**

**Environmental Health**

- 8. All sewage and sullage waste from the proposed development must be discharged into an on-site septic tank system which is approved by the Environment Protection Authority, retains all waste within the boundaries of the land, and is installed in accordance with Council's Wastewater Management Policy. This system must be maintained to the satisfaction of the Responsible Authority.**
- 9. Works on the proposed dwelling or dwelling alterations must not commence until a permit to install the septic tank system is issued by Council's Environmental Health section.**
- 10. Land application area (wastewater disposal field must be located no closer than 60 metres from any surface waters.**

**Department of Transport**

- 11. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved, the amended plans must be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and generally in accordance with the submitted plans but amended to show the crossover being designed as per VicRoads Guideline Drawing GD4010 Typical Access to Rural Properties, with the detailed specifications based on the largest design vehicle which will access the development.**
- 12. Prior to the occupation of the development, the new crossover and driveway must be completed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 13. Prior to the occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 14. All vehicles must enter and exit the site in a forward direction at all times.**

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4.4 (Cont.)**Melbourne Water**

15. The dwelling must be constructed with finished floor levels set no lower than 91.95 metres to Australian Height Datum (AHD), which is 300 millimetres above the applicable flood level of 91.65 metres to Australian Height Datum.
16. The garage must be constructed with finished floor levels set no lower than 91.65 metres to AHD, which is at the applicable flood level.
17. New fencing and/or gates must be open-style (50% open), or standard timber paling fence, to allow the passage of floodwaters.
18. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
19. To maintain flood storage, and to allow the passage of floodwaters, imported fill must be kept to a minimum on the property. Ramping to the garages in this area should be as steep as permissible under the relevant building code.
20. All decking including stairs must be constructed with unenclosed foundations to allow for the passage of overland flows. Stairs up to the decking must contain no vertical risers.
21. All required setback areas must be set at natural surface levels and must remain free of any solid obstructions including solid fencing, raised landscaping, rain-water tanks or outbuildings like sheds to allow for flood flow. Hot water and heating and cooling units are permitted within this setback.
22. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
23. Prior to commencement of construction a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval, specifying relevant actions in a practical way to ensure that they are implemented effectively. The SEMP must include a site map detailing the location and design of all measures including the following:
  - A. Silt fencing
  - B. Access tracks
  - C. Spoil stockpiling
  - D. Trenching locations
  - E. Machinery/Plan Locations.

**Implementation of the Management Plans**

24. Prior to the initial occupation of the dwelling (or other such time as approved in writing by the Responsible Authority), the land owner/occupier must demonstrate commencement of the Land and Farm management plans as approved (or as varied by the written consent of the Responsible Authority) to the satisfaction of the Responsible Authority. Any damaged or ineffective stock

## 4.4 (Cont.)

fencing must be replaced as soon as possible. The areas set aside for vegetation regeneration must be used for no other purpose.

25. Every year, for three years, after the commencement of development, the permit holder must provide notification to the responsible authority of the management actions undertaken towards the implementation of the approved Farm Management Plan.

## Permit expiry

26. This permit will expire if either one of the following applies:

- i. The development is not completed within four years of the date of this permit.
- ii. The use is not commenced within four and a half years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

## Part B

That Council resolves that Attachment 6 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Vote by Division (Requested by Cr Bissinger)

For: Cr O'Connor, Cr Dixon, Cr Bissinger, Cr Race, Cr Brooks, Cr Celi and Cr Holland

Against: Cr Gill, Cr Roper and Cr Mar

Carried

## PROCEDURAL MOTION

Moved: Cr Dixon  
Seconded: Cr Brooks

That the item listed at 4.7 and 4.8 on the Agenda be considered before item 4.2.

Carried

**4.5 Heritage Review Area 4 & Other Heritage Matters - Consultation**

**RECOMMENDATION**

That Council undertakes community consultation on the heritage assessments, draft heritage citations and proposed revised Heritage Overlay mappings (at Attachments 1-8 of this report) with affected landowners, occupiers and the broader community before finalising them for Council adoption.

**COUNCIL DECISION**

**Moved: Cr Gill**  
**Seconded: Cr Roper**

**That the recommendation be adopted.**

**Carried Unanimously**

4.6 Response to Notice of Motion 396 (Cr Marsh)

**RECOMMENDATION**

That Council notes the contents of this report in response to Notice of Motion 396.

**COUNCIL DECISION**

Moved: Cr Race

Seconded: Cr Mar

That the recommendation be adopted.

**Carried Unanimously**

**PROCEDURAL MOTION**

Moved: Cr Celi

Seconded: Cr Dixon

That the meeting time be extended to 10.30pm.

**Carried Unanimously**

#### 4.7 CN2693 - Red Hill Recreation Reserve Pavilion Upgrade Tender Recommendation Report

##### RECOMMENDATION

That Council:

1. Having considered all tender submissions, hereby accepts the tender submission received from Baxter Projects for the lump sum value of \$2,642,545 plus \$264,254.50 GST being for CN2693 Red Hill Pavilion Upgrade which includes tender options 2, 4 and 5.
2. Approves the contingency sum identified within the confidential section of this report, which is not to be disclosed to the tenderer until and if required by a contract variation.
3. Delegates the execution of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

##### Part B

That Council resolves that Attachments 1 and 2 to this report be retained as confidential items pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as they contain private commercial information that if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

##### COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr O'Connor

That the recommendation be adopted.

**Carried Unanimously**

## CORPORATE STRATEGY & BUSINESS IMPROVEMENT

### 4.8 Peninsula Parking Management - Visitor Paid Parking Pilot

#### RECOMMENDATION

That Council:

1. Approves the commencement of a visitor paid parking pilot at the following locations:
  - Schnapper Point Foreshore carpark, Mornington
  - Sunnyside North Beach Foreshore carpark, Mount Eliza
  - Flinders Pier Foreshore carpark, Flinders.
2. Approve the following Business Rules and technology be incorporated into the Visitor Paid Parking Pilot:
  - A. Visitor paid parking will operate at a rate of \$6.20 per hour.
  - B. Residents will be able to apply for Foreshore Permits free of charge (for the purpose of the pilot a maximum of five per household), but must abide by the signed time restrictions.
  - C. Businesses within immediate proximity to the pilot locations can be considered for permits.
  - D. Fees will not apply to those with accessible (disabled) parking permits.
  - E. Sealed carparks, unsealed carparks, and unconstructed parking areas will be included.
  - F. Restrictions and fees will apply from 8.00am to 8.00pm all year-round.
  - G. Parking meters will not be installed, an app-based system will be used for payments. Cash payments will not be accepted.
  - H. VID Camera (license plate recognition) technology will be utilised for parking monitoring and enforcement.
  - I. Any net revenue from the pilot will be re-invested back into maintaining foreshore areas and infrastructure.
3. Approves the pilot running for a period of nine months prior to a final review being undertaken, and subsequent report being prepared, for Council to consider making visitor paid parking within foreshore areas permanent across the Peninsula.

#### COUNCIL DECISION

**Moved:** Cr O'Connor

**Seconded:** Cr Race

**That the recommendation be adopted.**

## 4.8 (Cont.)

**AMENDMENT****Moved: Cr Bissinger****Seconded: Cr Dixon**

Amend 2A and 2B accordingly

- A. Visitor paid parking will operate at a rate of \$5.00 per hour.
- B. Residents will be able to apply for Foreshore Permits free of charge (for the purpose of the pilot a maximum of two per household) but must abide by the signed time restrictions.

**Cr Bissinger requested that the motion be voted on in parts.**

- A. Visitor paid parking will operate at a rate of \$5.00 per hour.

**Vote by Division** (Requested by Cr Bissinger)**For: Cr Bissinger****Against: Cr Gill, Cr O'Connor, Cr Dixon, Cr Race, Cr Roper, Cr Mar, Cr Brooks, Cr Celi and Cr Holland****Lost**

- B. Residents will be able to apply for Foreshore Permits free of charge (for the purpose of the pilot a maximum of two per household) but must abide by the signed time restrictions.

**Vote by Division** (Requested by Cr Bissinger)**For: Cr Bissinger****Against: Cr Gill, Cr O'Connor, Cr Dixon, Cr Race, Cr Roper, Cr Mar, Cr Brooks, Cr Celi and Cr Holland****Lost****The Substantive Motion was then put.****Vote by Division** (Requested by Cr Celi)**For: Cr O'Connor, Cr Dixon, Cr Bissinger, Cr Race, Cr Roper, Cr Mar, Cr Brooks and Cr Holland****Against: Cr Gill and Cr Celi****Carried**

## 5 NOTICES OF MOTION

Notices of Motion must be received 10 clear business days prior to a meeting.

### 5.1 Notice of Motion 400 (Cr Gill)

#### MOTION

1. That Council investigates and also seeks assistance from governments about the number of Federal or State Government owned or controlled empty dwellings on the Mornington Peninsula and report to a public Council Meeting in June.
2. That Council investigates and also seeks assistance from the State Government about the number of State Government land parcels on the Mornington Peninsula that could be developed for affordable or crisis housing instead of being sold to the highest bidder according to government policy, and report to a public Council Meeting in June.

#### COUNCIL DECISION

**Moved: Cr Gill**  
**Seconded: Cr Race**

1. **That Council investigates and also seeks assistance from governments about the number of Federal or State Government owned or controlled empty dwellings on the Mornington Peninsula and report to a public Council Meeting in June.**
2. **That Council investigates and also seeks assistance from the State Government about the number of State Government land parcels on the Mornington Peninsula that could be developed for affordable or crisis housing instead of being sold to the highest bidder according to government policy, and report to a public Council Meeting in June.**
3. **That Council writes to Victorian Government Minister for Housing, the Hon Colin Brooks MP seeking:**
  - A. **The number of empty social housing dwellings on the Mornington Peninsula.**
  - B. **Commitments of State Government land on the Mornington Peninsula that could be developed for affordable or crisis housing.**
  - C. **Reassurance that existing social housing stock repairs are fast-tracked on the Mornington Peninsula and returned to use as soon as possible.**
  - D. **A commitment that the State Government plans to support crisis housing on the Mornington Peninsula, given the critical need and growing number of rough sleepers.**

**Carried Unanimously**

**5.2 Notice of Motion 401 (Cr Gill)**

**MOTION**

That Council policy emphasise an environmentally friendly outcome for cleaning of Council controlled beaches and take notice of Climate Crisis issues involved in some beach cleaning methodology.

**COUNCIL DECISION**

**Moved: Cr Gill**

**Seconded: Cr Brooks**

**That the Motion be adopted.**

**Carried Unanimously**

**5.3 Notice of Motion 402 (Cr Race)****MOTION**

1. That Council writes to the Hon. Lily D'Ambrosio MP, Coordinating Minister for the Department of Environment, Energy and Climate Action (DEECA), urging her to:
  - A. Exclude the Mornington Peninsula from the Gippsland Kangaroo Harvest Zone, to a non-harvest zone.
  - B. Request DEECA conduct kangaroo counts in outer municipalities of Melbourne, including the Mornington Peninsula, to gain a better understanding of local populations to ensure local extinction of kangaroos does not occur.
  - C. Ensure shooting competency tests are required for registered kangaroo shooters on a regular basis.
2. That copies be forwarded to the Hon. Ingrid Stitt MP, Minister for the Environment and the Hon Gayle Tierney MP, Minister for Agriculture and our local Federal and State Members of Parliament.

**COUNCIL DECISION**

**Moved: Cr Race**

**Seconded: Cr Mar**

**That the Motion be adopted.**

**Carried Unanimously**

## **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*.

**7.1 CN2734 - IT Services Panel - Microsoft Enterprise Agreement**

**RECOMMENDATION**

That Council considers the confidential report listed above in a meeting closed to the public in accordance with section 66 (2) (a) of the *Local Government Act 2020*:

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 Race**  
**Seconded: Cr Roper**

**That the recommendation be adopted.**

**Carried Unanimously**

**PROCEDURAL MOTION**

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

**That the Meeting be re-opened to the public.**

**Carried Unanimously**

## **8 MEETING CLOSE**

As there was no further business, the meeting closed at 10.22pm.

**Confirmed this 11<sup>th</sup> day of July**

.....  
**Mayor, Cr Steve Holland, Chairperson - Council**