



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 8 AUGUST 2023

10.00AM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

Briars	Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor
Cerberus	Cr Lisa Dixon
Nepean	Cr Susan Bissinger Cr Sarah Race
Red Hill	Cr David Gill
Seawinds	Cr 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 Mr Bulent Oz	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure Chief Financial Officer
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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

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 10.00am

Appointed Chairperson – Mayor, Cr Steve Holland

1.1 Acknowledgement of Country

(Read by Cr Debra Mar)

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 Anthony Marsh
Cr Despi O'Connor

Ms Tanya Scicluna, Acting Chief Executive Officer

2.1 Apologies

Cr Sarah Race (Apology)
Cr Kate Roper (Apology)

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 25 July 2023, be confirmed.

COUNCIL DECISION

Moved: Cr O'Connor
Seconded: Cr Dixon

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 18 July 2023.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr O'Connor

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 31 July 2023.

COUNCIL DECISION

Moved: Cr Mar
Seconded: Cr Celi

That the recommendation be adopted.

Carried

2.6 Public Question Time

Questions from the public shall be dealt with at commencement of the meeting.

The aim of public question time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Questions with or without notice can be submitted.

Questions with notice are to be received in writing by 12.00pm the Friday prior to the relevant Council Meeting and can be lodged via the Shire's website. Questions received by this time will be provided with a considered response prepared by the relevant Shire officer and read by the Chief Executive Officer (CEO) at the Council Meeting.

Questions without notice must be lodged in person no later than 15 minutes prior to the commencement of the meeting. The question will be read by the CEO and taken on notice with a written response forwarded to the person asking the question within 7 days of the Council Meeting and published on the Shire's website.

This segment does not substitute for appeal or other formal business procedures with the Council.

QUESTIONS WITH NOTICE

Electronic Sign on Nepean Highway, Mornington

Ms Tucker, a resident of Mount Eliza, asked the following question:

Question:

Why was the Electronic billboard located at a Mornington site approved? It is a traffic hazard.

Council advises that:

Council originally opposed the erection of the billboard but VCAT overruled that decision. The permit later lapsed, prompting another permit application to be submitted to Council in September last year. As this was identical to the application VCAT had previously approved, Council advertised the permit application and subsequently approved it in line with the precedent set by VCAT. No objections were received.

This is yet another example of the wishes of Council and the community being ignored by VCAT. Local planning issues are best decided by locals and their elected representatives, but increasingly the State Government is overriding local communities.

QUESTIONS WITHOUT NOTICE

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

Tree Management

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

Question:

Yet more healthy trees cut down at Bluescope Ltd, more burning of tress everywhere. When is this and other councils going to promote agroforestry and a better tree management program?

3 COUNCILLORS AND DELEGATES REPORTS

Friends of Los Palos (Cr Simon Brooks)

Book Reading Event: *'Timor Leste to Australia: Seven families, three generations tell their stories'*

As delegate to the Friends of Los Palos, Cr Brooks attended the Library Week event book reading at the Mornington Library last Wednesday, 3 August 2023. The event was organised by the Friends of Los Palos in partnership with the Mornington Peninsula Shire (the Shire).

The Shire continues to assist the Friends in their role in Timor-Leste assisting the local community in areas such as building, scholarships and health. Four guests presented to the group; outlining their involvement in collating the stories and publishing the book as well as speaking to their stories within the book; *'Timor Leste to Australia: Seven families, three generations tell their stories'*.

The book is a result of a series of stories gathered by students who attended Gleneagles Secondary College in Endeavour Hills. They interviewed various Timorese families within the community with the end result of having the book published. Two of the drivers of this project, Lyn Moller and Jan Trezise, a teacher and principal from the school initiated the project and spoke to the audience on their as well as their broader involvement with the Timorese through the friends group based in Casey, *Friends of Emera*.

We then heard from two Timorese men who both left Timor Leste following the sudden exit from its then colonies by Portugal in 1974. The vacuum created led to internal unrest and the opportunistic invasion of Timor Leste by Indonesia in 1975. Jose Florind was 16 when he and his family fled Timor Leste in the back of a truck. He evacuated to West (Indonesian) Timor due to the unrest and observed first hand the Indonesians organising their invasion, before eventually leaving for Portugal and later Australia.

Pedro Battista evacuated to Portugal where he joined the army for a while before deciding to relocate to Australia where he had family. Both men had close friends and family killed during the civil unrest and by the Indonesian occupiers. Both displayed a generosity of spirit to Australia for their lives here and are both advocates for their homeland, including supporting good governance, education and responsible economic development. This is despite the Australian Government's decidedly mixed form on how it has treated Timor Leste.

Cr Brooks purchased a copy of the book and presented it to the Mornington Peninsula Shire Council. It is signed by Jose and Pedro and is well worth a read. Cr Brooks hopes the Shire will place it in the library for others to read. At the end of this month the Friends of Los Palos is undertaking its first visit to Los Palos post-COVID-19 to follow-up on its 'Specs for Los Palos' program where they will undertake eyesight tests and dispensing of glasses for the younger members of the community, led by Optometrist Colleen Hammond.

Cr Brooks will present a report on the trip following their return.

Community Consultative Committee on Gambling (Cr Despi O'Connor)

As a member of the Community Consultative Committee on Gaming for the shire Cr O'Connor shared the impact of gambling for the last financial year. The loses across the Mornington Peninsula are significantly higher than prior to COVID-19. Recent figures were released on Friday, 28 July 2023. You can see these figures for yourself at the Victorian Gambling Casino Control Commission - www.vgccc.vic.gov.au.

3 (Cont.)

The total losses across the peninsula have increased over the past 20 years. Impacted by covid for two years, but now the increases are markedly higher than pre covid, where the average across the past 20 years was a staggering \$80M.

2020-2021	\$ 49,342,514.79
2021-2022	\$ 67,412,975.05
2022-2023	\$ 90,344,068.26

To put this in some perspective,

		Per day	per machine (820)
2022-2023	\$90,344,068.26	\$247,518.00	\$110,175.69

For anyone needing support please contact Gamblers Helpline on 1800 858 858 or online at www.gamblershelponline or www.gamblershelp

Mornington Peninsula Koala Conservation Group (Cr Debra Mar)

Cr Mar took an enthused group of 10 secondary school students from Peninsula Specialist College to a private property in Red Hill to plant trees. Not only did they learn about native tree species, koalas and wildlife, they got their hands and boots dirty to reach the goal of planting 400 trees. Everyone enjoyed a morning tea and chatter afterwards.

Cr Mar is organising a tour to French Island with the group to learn about koalas and will engage with Parks Victoria in talks. The group will be applying for some grants including some at the Shire.

Dirk Jensen met with some members of the Western Port Biosphere Foundation to discussed opportunities to collaborate on projects in 2024. The group also reached out to members asking if they know of any 'wildlife crossing' hotspots on the Peninsula to map out where to place wildlife signage as we head into spring.

Western Port Biosphere – Council Liaison Committee (Cr Debra Mar)

Now that all councils including our Shire, City of Casey, Cardinia Shire and Bass Coast Shire have passed Notice of Motions to further protect the Western Port Bay and surrounding catchments, a letter will be written jointly to the State Environment Minister and Climate Action, Energy and Resources requesting a strategic framework be put in place by the State Government.

Furthermore, the City of Casey met with Minister Ingrid Stitt a couple of weeks ago and she took the opportunity to discuss the protection of Western Port Bay. Stephen Chapple, Regional Director from the Department of Energy, Environment and Climate Action (DEECA) who also attended, proposed a visit to Western Port with his officers to meet with the Biosphere Foundation to clarify their intention for a strategic framework with a view to potentially support and apply for funding from the Commonwealth Government later this year.

Coastal erosion around Phillip Island and storm action that is causing sand dune movement has local communities concerned and are requesting reinforcements to this area.

The Mornington Peninsula Shire Natural Systems team is holding an event at Seawinds Hub to bring Friends Groups together as an opportunity to network amongst volunteers and to learn from others.

Cardinia Shire Council is still working on the relocation of bandicoots and are looking at having the bandicoot as the ambassador for Koo Wee Rup. Local volunteers are also monitoring an increase of bat population in the area.

Western Port Biosphere Foundation (Cr Debra Mar)

The Foundation had their quarterly board meeting last week and the following was discussed:

- UNESCO periodic review was successful which sets up the biosphere for another 10 years of protection.
- The Foundation's position is to support the Yes vote.
- A report was distributed by the Australian Marine and Coastal Council which needs discussion about communicating climate change and impacts on coastal communities.
- And former Executive Officer of the Foundation received a community Inspiration Award for her contribution to the environment, advocacy work to safe-guard Western Port and district and addressing the impacts of climate change on Western Port at the UNESCO conference in South Korea.

Disability Advisory Committee (Cr Susan Bissinger)

4 MANAGEMENT REPORTS

COMMUNITY STRENGTHENING

4.1 Draft Sports Club Management Policy

RECOMMENDATION

That Council adopts the draft Sports Club Management Policy.

Moved: Cr Celi
Seconded: Cr O'Connor

AMENDMENT

Moved: Cr Gill
Seconded: Cr Brooks

That Council adopt the draft Sports Club Management Policy with the following amendments:

- A. Add a new dot point to section 2.0 INTENT, "To allow new and innovative sports to develop".
- B. In section 2.0 INTENT, after the words – clubs contributing a fee based on the quality, standard and level of facility use add "and the ability to pay".
- C.
 - i. At clause 5.4.3 at the end of the fourth dot point add the words "at least" before the words '2 years'.
 - ii. Add the words at "at least" to the fifth dot point before the words '2 years'.

At the request of the Mayor the amendment was voted on in parts

- A. **Add a new dot point to section 2.0 INTENT, "To allow new and innovative sports to develop".**

Carried Unanimously

- B. In section 2.0 INTENT, after the words – clubs contributing a fee based on the quality, standard and level of facility use add "and the ability to pay".

Vote by Division (Requested by Cr Gill)

For: Cr Gill, Cr Bissinger and Cr Mar

Against: Cr O'Connor, Cr Marsh, Cr Dixon, Cr Brooks, Cr Celi and Cr Holland

Lost

4.1 (Cont.)

- C. i. At clause 5.4.3 at the end of the fourth dot point add the words “at least” before the words ‘2 years’.
- ii. Add the words at “at least” to the fifth dot point before the words ‘2 years’.

Vote by Division (Requested by Cr GIII)

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

Against: Cr O'Connor and Cr Celi

Carried

The Amendment became part of the Substantive Motion.

The Substantive Motion was then put.

Vote by Division (Requested by Cr Gill)

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

Against: Cr Gill

Carried

For clarity the Council decision is repeated below.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr O'Connor

That Council adopt the draft Sports Club Management Policy with the following amendments:

- A. Add a new dot point to section 2.0 INTENT, “To allow new and innovative sports to develop”.
- B. i. At clause 5.4.3 at the end of the fourth dot point add the words “at least” before the words ‘2 years’.
- ii. Add the words at “at least” to the fifth dot point before the words ‘2 years’.

Carried

4.2 State Government Best Start Best Life reform

RECOMMENDATION

That Council resolves to:

1. Note that:
 - A. Participation in kindergarten has numerous positive benefits for children's social, emotional and developmental outcomes as well as broader community and economic benefits
 - B. Kindergarten, including implementation of the 2019 reform 'Funded Three-Year-Old Kindergarten Expansion', and 2022 Best Start, Best Life reform including 'Free Kindergarten and Pre-Prep' is the responsibility of the State Government
 - C. Council supports the broad intention of the State Government's kindergarten reforms which aim to provide children with access to 15 hours of Three-year-old and 30 hours of Four-year-old 'Pre-Prep' prior to commencing school
 - D. Families and children across the Mornington Peninsula access kindergarten in a range of settings, including not for profit and private sessional kindergarten and long day care (childcare) services, some of which are currently run out of Council facilities
 - E. Council has historically committed significant investment in those facilities used for kindergarten and has continued negotiations with the State Government to progress some projects which will support elements of the implementation of the reform
 - F. The funding and resources required to further develop, upgrade and maintain those Council facilities currently used for the purpose of kindergarten to continue to deliver the State Government's kindergarten reforms is beyond Council's remit and ongoing financial capacity.
2. Advocate for the State to prioritise kindergartens on school sites (KOSS) across the Shire where current facilities and services are unable to accommodate the reform and cannot maintain current places OR accommodate new demand, and that these facilities are the responsibility of the State to develop, manage and maintain.
3. Authorise the Chief Executive Officer or appropriate delegate to continue negotiations with the Department of Education and Victorian School Building Authority regarding any further Building Blocks Funding or Partnership Agreement on the basis that:
 - A. The State Government fully funds all infrastructure project costs
 - B. Council takes ownership of any community assets on Council land for the community's benefit into the future
 - C. The State Government fully funds the replacement, where feasible, of not fit for purpose Council facilities, to sustain supply on the existing site, or identifies alternative facilities, or prioritises a kindergarten on school site (KOSS) to maintain current places and accommodate new demand.
4. Confirm that until such time as a satisfactory Building Blocks Funding or Partnership Agreement is executed between Council and the State Government, Council will

4.2 (Cont.)

maintain its status quo position and request that officers prepare a further report addressing Council's ongoing capacity to service its capital infrastructure.

COUNCIL DECISION

Moved: Cr O'Connor

Seconded: Cr Celi

That the recommendation be adopted.

Carried Unanimously

5 NOTICES OF MOTION

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

5.1 Notice of Motion 410 (Cr Gill) - Coastal Advisory Groups

MOTION

That usual Coastal Advisory Group (CAG) meetings continue during the deferment period decided by Council for further consultation about changes to the governance of these community advisory groups on coastal matters.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Mar

Vote by Division (Requested by Cr Gill)

For: Cr Gill, Cr Dixon, Cr Bissinger and Cr Brooks

Against: Cr O'Connor, Cr Marsh, Cr Mar, Cr Celi and Cr Holland

Motion Lost

ADJOURNMENT OF MEETING

That the meeting be adjourned for a short recess at 11.23am.

RESUMPTION OF MEETING

That the meeting be resumed at 11.33am.

5.2 Notice of Motion 411 (Cr Gill) - Proposed Banning of Commercial Kangaroo Harvesting

MOTION

That Council advocates for the banning of commercial kangaroo harvesting in the Mornington Peninsula Shire to the Victorian Government, relevant Ministers and Departments.

UPDATED NOTICE OF MOTION

That Council in addition to the resolution regarding kangaroo harvesting adopted on 30 May 2023 advocates for the urgent banning of commercial kangaroo harvesting on the Mornington Peninsula by using the background information supplied to alert our community of the issues and to further inform the State Government of the urgent need to protect the viability of kangaroos on the Peninsula.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Mar

That the updated Notice of Motion be adopted.

Vote by Division (Requested by Cr Gill)

For: Cr Gill, Cr O'Connor, Cr Marsh, Cr Mar and Cr Brooks

Against: Cr Dixon, Cr Bissinger, Cr Celi and Cr Holland

Carried

5.3 Notice of Motion 412 (Cr Gill) - Paid Parking at Flinders

MOTION

That Council investigates discontinuing the Flinders Pier vicinity as a paid parking pilot project because of the detrimental effect on local businesses and a lack of space for parking to make this a meaningful trial.

Moved: Cr Gill

Seconded: Cr Marsh

Vote by Division (Requested by Cr Gill)

For: Cr Gill and Cr Celi

Against: Cr O'Connor, Cr Marsh, Cr Dixon, Cr Bissinger, Cr Mar, Cr Brooks and Cr Holland

Motion Lost

5.4 Notice of Motion 413 (Cr Marsh) - Billboards and Signage**MOTION**

That officers of the Mornington Peninsula Shire's Strategic Planning team prepare a report for the Council Meeting on 22 August 2023 to explore options for a strategic planning response to the potential proliferation of billboards and similar intrusive signage across the Mornington Peninsula.

Moved: Cr Marsh

Seconded: Cr Gill

COUNCIL DECISION

That officers of the Mornington Peninsula Shire's Strategic Planning team prepare a report for the Council Meeting on 5 September 2023 to explore options for a strategic planning response to the potential proliferation of billboards and similar intrusive signage across the Mornington Peninsula.

Moved: Cr O'Connor

Seconded: Cr Brooks

Carried Unanimously

6 URGENT BUSINESS

Nil.

7 CONFIDENTIAL ITEMS

Nil.

8 MEETING CLOSE

As there was no further business, the meeting closed at 12.49pm.

Confirmed this 22nd day of August, 2023

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Mayor, Cr Steve Holland, Chairperson - Council