



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 17 DECEMBER 2024

6:30 PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

Beek Beek	Cr Kate Roper
Benbenjie	Cr Max Patton
Briars	Cr Anthony Marsh
Brokil	Cr Patrick Binyon
Coolart	Cr David Gill
Kackeraboite	Cr Stephen Batty
Moorooduc	Cr Bruce Ranken
Nepean	Cr Andrea Allen
Tanti	Cr Paul Pingiaro
Tootgarook	Cr Cam Williams
Warringine	Cr Michael Stephens

EXECUTIVE TEAM

Mr Bulent Oz	Acting Chief Executive Officer
Ms Tanya Scicluna	Director – Community Strengthening
Ms Sam Stanton	Director – Corporate Strategy and Business Improvement
Ms Renae Littlejohn	Director – Planning and Environment
Mr Davey Smith	Director – Assets and Infrastructure
Mr Mark Schubert	Acting Chief Financial Officer

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 6.36pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr Max Patton)

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 Anthony Marsh (Chairperson)
Cr Andrea Allen
Cr Stephen Batty
Cr Patrick Binyon
Cr David Gill
Cr Max Patton
Cr Paul Pingiaro
Cr Bruce Ranken
Cr Kate Roper
Cr Michael Stephens
Cr Cam Williams

Mr Bulent Oz, Acting Chief Executive Officer

2.1 Apologies

Nil.

2.2 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the *Local Government Act 2020*

Cr Allen, declared a General, Conflict of Interest in regards to item 4.8 – CN2767 Rye Foreshore – Park and Promenade Tender Recommendation Report, as one of the tenderers is known to Cr Allen.

Cr Patton, declared a Material, Conflict of Interest in regards to items 5.1 – Notice of Motion 465 (Cr Gill) – Visitor Paid Parking, 5.6 – Notice of Motion 470 (Cr Ranken) – Visitor Paid Parking, and 6.1 – Hand Beach Cleaning Trial, as the decisions may impact Cr Patton's primary employer.

Cr Pingiaro, declared a General, Conflict of Interest in regards to items 5.1 – Notice of Motion 465 (Cr Gill) – Visitor Paid Parking, and 5.6 – Notice of Motion 470 (Cr Ranken) – Visitor Paid Parking, as he owns a business that may be impacted.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meeting held on the 3 and 11 December 2024, be confirmed.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Batty

That the recommendation be adopted.

Carried Unanimously

2.4 Petitions

RECOMMENDATION

That Council receives and notes the listed petition:

1. Reduction in speed limits along the C777 between Somerville and Flinders.

COUNCIL DECISION

Moved: Cr Patton
Seconded: Cr Binyon

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 the 26 November 2024.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Ranken

That the recommendation be adopted.

Carried Unanimously

2.6 Council Decision Register

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2024 (Attachments 1-6) as at 10 December 2024.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Patton

That the recommendation be adopted.

Carried

2.7 Public Question Time

QUESTION WITH NOTICE

Tip Fees and Charges

Simon, a resident of Rye, asked the following question:

At Mornington Peninsula Shire why can't we use cash at the Rye tip?

Council advised that during COVID, cash was no longer accepted at the sites to reduce transmission risks between gatehouse staff and customers, ensuring continued service. This also minimized theft, hold-ups, or break-ins due to large cash amounts at isolated locations with independent staff.

Additionally, there were operational efficiencies for both the community and gatehouse staff:

- Faster transactions reduced delays and improved the overall experience, especially during peak periods, with less customer frustration.
- Staff no longer had to manage cash, increasing efficiency.

Given these safety and operational benefits, the decision was made to remain cash-free, as eftpos/credit card payment issues have been rare.

Dust suppression program

Mary Iles, a resident of Flinders asked the following question:

Why has the council increased the dust suppression price per lineal meter to \$9.71 for residents where other councils are charging half this amount for the service. IE \$3.50 per lineal meter in Yarra Ranges Shire and \$4.00 per lineal meter in Cardinia Shire. Please advise the tender criteria which resulted in this price to residents.

Council advised that it recognises that like so many goods and services across the board, the rising cost of materials and labour has pushed up the cost of delivering this service. The rate the Shire pays to the contractor for this service is identical to that charged to residents.

The opt-in dust suppression program forms a small part of a much larger Roads Corridor Maintenance contract, which was awarded to Fulton Hogan earlier this year. The tender process was extremely thorough, with a high priority placed on addressing several key areas of concern raised by our community, such as potholes, roadside drains and road resurfacing.

While the cost of dust suppression is higher, overall the contract is better for our community in terms of cost-effectiveness, sustainability and level of service. We believe the new contract will deliver significantly improved outcomes for the community as a whole.

AFL/AFLW pre – matches 2026

Dale Stohr, a resident of Crib Point, asked the following question:

Does the Mornington Peninsula Shire have plans to advocate to host AFL or AFLW pre-season or practice football matches on the Mornington Peninsula in 2026?

Council advised that the AFL have a venue selection criteria for accommodating AFL and AFLW preseason matches. Council focuses on providing local and district standard facilities whereas AFL preseason competitions generally require a significantly higher standard.

Council do however work with the AFL on an annual basis to facilitate AFL and AFLW training, clinics and school visits throughout the shire, with 2024 sessions held in Rosebud and Mornington.

Review use of council land for events

Andrew Coghill, a resident of Moorooduc, asked the following question:

Does this council intend to review, prevent the use of council owned land zoned PCRZ for events which will cause short, medium and long term damage to these environments?

Council advised that in accordance with the planning scheme, events on public land are a permissible use of land zoned PCRZ. Further to this, all events within Shire owned and managed land are required to comply with both Council's Event Permitting process and Councils Events Policy, which is currently under review.

With specific regard to events proposed to be held in the Briars Sanctuary, at its meeting on 19th March 2024, Council resolved that:

1. No events other than those activities that have low impact in keeping with caring for and the welfare of wildlife will be held within the Wildlife Sanctuary at the Briars
2. Any new activities that may be held within the Wildlife Sanctuary are required to comply with all relevant Acts and have approval of the Shire.

Peninsula Trail cost and impact on vegetation

Andrew also asked the following question:

To enable the community to provide informed feedback, can the council provide preliminary information on the costs and vegetation impacts for each proposed alignment along the railway line of the Peninsula Trail- Moorooduc to Mornington section. This section will cost considerably more to install due to the costs associated with crossing the rail line, suggested by council officers to increase the cost of this proposed alignment by millions of dollars

Council advised that the project team is developing a draft Masterplan that outlines the highest-scoring route options for the Peninsula Trails project, considering factors such as cost, biodiversity, and constructability at a high level. Officers have engaged with key authorities like DEECA, Parks Vic, DOTP, and Melbourne Water to assess potential challenges and opportunities. Specific information such as the cost of rail crossings, and vegetation impacts will be completed in future investigations.

Parking tickets at schools

Sari Howard, a resident of Blairgowrie asked the following question:

Can the council stop issuing parking tickets as a form of revenue collecting in Kerferd Avenue, Sorrento where there is not enough parking to collect our children. In current financial hardship times how are the Council supporting local communities and families?

Council advised that parking congestion during school drop-off and pick-up times is a common issue at schools across the Peninsula, including Sorrento Primary School. However, this does not exempt drivers from adhering to Road Rules.

Kerferd Road has various parking controls on the school side, including accessibility spaces, two-minute zones, bus zones, and no stopping zones. The western side of Kerferd Road has no restrictions except near the school crossing. Parents are encouraged to park legally, even

if it means walking a short distance from available parking spots, such as those on Ocean Beach Road, located less than 250 meters from the school gate.

Council enforces parking restrictions around schools to ensure the safety of all road users, prioritizing the protection of children.

Birdrock Beach

Sharon Forrest, a resident of Mount Martha, asked the following question:

The Birdrock Beach Action group has received 1,065 community signatures, to date, requesting that the stairway access to Birdrock Beach, Mount Martha, be repaired asap and access restored. Note that we were led to believe that the repairs would be considered for the 2024/2025 budget, but the repair project itself was never even submitted for consideration. How can our wider community engage in the budget process to ensure priority is given to the stair repairs?

Council advised that proposals for repairs were submitted in the 2023/2024 financial year budget, however with very limited funds available this project was not endorsed in the final budget.

The Shire is Committee of Management for this area and continues to manage assets across the Coast within the budget constraints.

This project has been resubmitted for 2025/2026 budget and we are seeking Coastal Protection and Risk (CPAR) grant funding from the department of Energy Environment and Climate Action (DEECA) to assist with the costs.

To reinforce the importance of this project you can also engage with the online community budget process, that will commence soon.

Catering at Council meetings

Dean Hurlston, asked the following question:

What is the approximate cost per public Council meeting for Councillor and Staff meals, and beverages?

Council advised that after reviewing information from recent Ordinary Council Meetings, we can provide an estimate for the cost of meals, refreshments, and beverages for Councillors and staff at public meetings.

On average, the cost per person at these events comes to about \$30. With attendance typically around 19 per meeting, of which 11 are Councillors. Taking this into account, the estimated cost for meals, refreshments, and beverages at each meeting would be approximately \$570.

QUESTION WITHOUT NOTICE

The following questions were received without notice, a written response to these questions will be provided to the submitters and will be published on the website.

Food Van's on Green Wedge

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

Can a food van trade on green wedge? If no, why was my previous enquiry ignored?

Location of Unscheduled Council Meeting

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

Last Wednesday, I came down to the second unscheduled Council Meeting after confirmation given by three officers that the doors would be open at Rosebud. What's going on?

3 COUNCILLORS AND DELEGATES REPORTS

Triple A Housing Committee (Cr Gill)

Association of Bayside Municipalities (Cr Marsh)

4 MANAGEMENT REPORTS

PLANNING & ENVIRONMENT

4.1 Planning Permit Application P23/2107 - 170 Devonport Drive Fingal - Use and development of a car park

Deputations

- Greg Wilson
- Elizabeth Stigter
- Teresa Madwgick
- Andrea McNeill-Donaldson
- Rod Neville
- Michael Stephens
- Jacob McGarry
- Karl Vaitiekunas

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 P23/2107 for:

Planning scheme clause	Matter for which the permit has been granted
35.04-1 Green Wedge Zone (GWZ4)	A permit is required to use the land for a car park.
35.04-5 (GWZ4)	A permit is required to construct or carry out a building or works associated with a use in section 2 of clause 35.04-1.
42.01-2 Environmental Significance Overlay (ESO15)	A permit is required to construct a building or construct or carry out works.
42.01-2 (ESO23)	A permit is required to construct a building or construct or carry out works.

be supported and that a Notice of Decision to Grant a Permit be issued subject to the following conditions:

Amended Plans

1. Before the use and development 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 and be generally in accordance with the plans submitted

4.1 (Cont.)

with the application identified as Car Parking Layout plan, Revision 2, prepared by Urbis, dated 4 October 2023 but modified to show:

- a) Locations of barriers to prevent damage to existing vegetation, such as timber bollards, fencing or logs.
- b) A two-metre buffer distance from the edge of any retained native vegetation patches and any proposed vehicle parking.
- c) A Parking and Traffic Management Plan in accordance with Condition 9.
- d) Method of clearly delineating the staff car park bays is from one another and from the access aisles.
- e) Number of parking spaces amended to show a maximum of 454 spaces (106 staff car spaces and 348 overflow car spaces).
- f) The location of lighting.

Layout not Altered

2. The layout and extent of the use on the endorsed plan must not be altered or modified without the consent of the Responsible Authority.

Works

3. No works including any change to the natural or existing condition or topography of the land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil is to occur.

Car Park Use

4. Access to the staff and overflow car park is to be via Springs Lane only.
5. No patrons or any other persons other than staff employed in the Geothermal Health and Relaxation Centre, Residential Hotel and Group Accommodation use at 140 Springs Lane, Fingal may utilise the designated staff car park.
6. The operation of the overflow car park must only be utilised when the car parking at 140 Springs Lane, Fingal reaches capacity.
7. A maximum of 106 staff cars and 348 overflow patron cars are permitted on the subject site at any one time.
8. The car park must only be used in conjunction with the approved Geothermal Health and Relaxation Centre, Residential Hotel and Group Accommodation use operating at 140 Springs Lane.
9. The car park must cease to be used in the event that the Geothermal Health and Relaxation Centre, Residential Hotel and Group Accommodation use at 140 Springs Lane, Fingal ceases to operate.

Traffic Management

10. Before the use or development starts, a Traffic and Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part

4.1 (Cont.)

of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:

- a) The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site.
- b) The use of traffic controllers during the operation of the overflow carpark and their roles.
- c) Measures to discourage patron car parking close to vegetation.
- d) Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time.
- e) Measures to prevent the use of the overflow car park when it is not in operation.
- f) Maintenance of car parking areas.

11. The staff parking area and access lanes must be kept for these purposes at all times.

Amenity

12. Noise levels emanating from the premises must not exceed those required to be met under the relevant State Environment Protection Policy (SEPP) to the satisfaction of the Responsible Authority.
13. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

Signage

14. Signs not greater than 0.3 square metres must be provided, directing drivers to the area set aside for car parking. The signs and their location and maintenance must be to the satisfaction of the Responsible Authority.

Fire Danger

15. In the event of a Code Red Fire Danger Rating for the Central Fire District, the approved car park must not be used.

Permit Expiry

16. This permit will expire if one of the following circumstances applies:
 - a) The development is not completed within four years of the date of this permit
 - b) The use is not started within two years of the date of this permit
 - c) The use is discontinued for a period of two years or more.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

4.1 (Cont.)

Part B

That Council resolves that Attachment 8 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, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Ranken

That Council, being the 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 P23/2170 not be supported and that a Notice of Decision to refuse to grant a permit be issued subject to the following clauses:

Planning Scheme Clause	Matters for which the permit has been refused
35.04-1 Green Wedge Zone (GWZ4)	To use the land for a car park.
35.04-5 (GWZ4)	To construct or carry out a building or works associated with a use in section 2 of Clause 35.04-1
42.01-2 Environmental Significance Overlay (ESO15)	To construct a building or construct or carry out works.
42.01-2 (ESO23)	To construct a building or construct or carry out works.

Grounds of Refusal:

1. The proposal is unacceptable having regard to the Municipal Planning Strategy and Planning Policy Framework of the Mornington Peninsula Planning Scheme including Clauses 11.01-1R (Green Wedges – Metropolitan Melbourne) and 14.01-1S (Protection of agricultural land), by virtue of its failure to demonstrate appropriate justification for the introduction of a car park.
2. The proposed car park is inconsistent with the Objectives and Decision Guidelines of the Clause 35.04 - Green Wedge Zone – Schedule 4 of the Mornington Peninsula Planning Scheme for reasons including:
 - A. The proposed car park will not provide substantial benefits to agriculture on the land.

4.1 (Cont.)

- B. The car park has the potential to fragment agricultural land and impact the agricultural potential of the subject site.
 - C. The car park has the potential to cause amenity impacts to the adjoining property including noise, light and traffic.
3. The development of the car park will cause environmental impacts to the land that would be contrary to the Objectives and Decision Guidelines of Clause 42.01 – Environmental Significance Overlay Schedule 15 and 23 of the Mornington Peninsula Planning Scheme.
 4. The proposal fails to demonstrate appropriate traffic management procedures to ensure the safe management of the car park.

Carried Unanimously

ADJOURNMENT OF MEETING

That the meeting be adjourned at 8.12pm for a short recess.

RESUMPTION OF MEETING

That the meeting be resumed at 8.21pm.

4.2 Planning Scheme Amendment C256morn & CP22/002 - Post-Panel Decision

RECOMMENDATION

That Council:

1. Receives and considers the Planning Panel Report for Amendment C256morn to the Mornington Peninsula Planning Scheme and Planning Permit CP22/002, dated 18 September 2024 (as at Attachment 1 to this report), in accordance with sections 27 and 96F of the *Planning and Environment Act 1987* (the Act).
2. Adopts Amendment C256morn to the Mornington Peninsula Planning Scheme, with the changes as recommended by the Planning Panel Report pursuant to section 29 (1) of the *Planning and Environment Act 1987* generally in accordance with Attachments 2 and 3 to this report.
3. Submits the adopted Amendment C256morn to the Mornington Peninsula Planning Scheme together with the prescribed information to the Minister for Planning for approval pursuant to section 31(1) of the Act.
4. Recommends to the Minister that Planning Permit CP22/002 at Attachment 4 is granted in accordance with section 96G of the Act and submits the proposed permit CP22/002 to the Minister in accordance with section 96H of the Act.
5. Approves the Development Plan prepared in accordance with the proposed amended Schedule 21 to the Development Plan Overlay at Attachment 5.
6. Authorises the Director of Planning and Environment to make administrative and/or editorial changes to Attachments 2-5 to this report if required.
7. Notifies the proponent and all submitters to Amendment C256morn and Planning Permit CP22/002 in writing of Council's decision.

COUNCIL DECISION

Moved: Cr Batty

Seconded: Cr Gill

That the recommendation be adopted.

Carried Unanimously

4.3 Planning Application P23/0311 - 105-113 Point Nepean Road, 3-5 Kangerong Avenue and Part 8 Joan Avenue, Dromana also known as Kangerong Holiday Park - Development of 69 dwellings, vegetation removal and alter access to a Transport Zone 2

RECOMMENDATION

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 P23/2644 for:

Planning scheme clause	Matter for which the permit has been granted
32.08-7 General Residential Zone 1 (GRZ1)	A permit is required to construct two or more dwellings on a lot.
42.01-2 Environmental Significance Overlay (ESO25)	A permit is required to construct a building or construct or carry out works.
42.01-2 (ESO25)	A permit is required to remove, destroy or lop any vegetation, including dead vegetation.
52.29-2	A permit is required to create or alter access to a road in a Transport Zone 2.

would have been supported and advise the VCAT that a Notice of Decision to Grant a Permit would 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 number of bedrooms in at least 13 dwellings, including TH22, TH23, TH24, TH56 and TH57, reduced to contain no more than two bedrooms each.
 - b) South east facing upper floor habitable room windows of TH22, TH23 and TH24 to be screened or obscure glazed to comply with Standard B22 of Clause 55.04-6. Annotations must be shown on floor plans and elevations.
 - c) South east facing upper floor windows of TH57 screened or obscure glazed to comply with Standard B22 of Clause 55.04-6. Annotations must be shown on floor plans and elevations.
 - d) All upper floor habitable room window screening measures shown and annotated on both the floor plans and elevations.
 - e) Correct numbering and labelling of elevations and navigation panes.
 - f) Annotations for removal of all redundant vehicle crossings to be shown on all the proposed development plans.

4.3 (Cont.)

- g) Vehicle crossings of TH56 and TH57 being a minimum 3 metres wide at the property boundary. Dimensions to be shown on the plans.
- h) A minimum 2.1 metre headroom clearance for all the car parking spaces within garages in accordance with Clause 52.06-9 Design Standard 2 – Car Parking Spaces. Dimensions to be shown on the Sections.
- i) A pram crossing on Kangerong Avenue to connect the proposed development with the public footpath on the western side of Kangerong Avenue.
- j) The Environmentally Sustainable Design (ESD) initiatives specified in the Sustainable Management Plans prepared by GIW Environmental Solutions Revision C and dated 27 April 2023 (or any subsequent revision to the satisfaction of the Responsible Authority) shown and/or annotated on the development plans or additional plan. The plans must include but not be limited to:
 - i. The commitments listed on page 7 of the report
 - ii. Double glazing or better
 - iii. Bicycle spaces annotated on the plans
 - iv. All garages provided with a 10amp General Purpose Outlet (GPO) for use of elective vehicle charging
 - v. Water storage tanks for roof water collection and with connection to landscaping irrigation and toilets.
- k) A Tree Management and Protection Plan (TMPP) prepared by a Level V Australian Qualification Framework (AQF) Arborist in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites. The TMPP must include all retained trees on the subject site, road reserve or adjoining land whose Tree Protection Zones (TPZ) fall within the proposed development footprint (including any associated buildings, works, excavation or fencing). The TMPP must demonstrate how the trees will be protected during all stages of development and include:
 - i. recommendations as to any design modifications; special construction methods or special construction materials required to ensure the trees will be protected and remain viable
 - ii. a Tree Protection Plan (TPP) – (drawing, specification and certification procedure).
- l) Amended plans to show any design modifications; special construction methods or special construction materials required to comply with the recommendations resulting from condition 1(i) above.
- m) A detailed Landscape Masterplan prepared by a suitable landscape professional, which is generally in accordance with the Landscape Masterplan Report prepared by Tract but amended to show:
 - i. A survey (including botanical names) of all existing vegetation to be retained including Tree Protection Zones (TPZ), calculated in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites

4.3 (Cont.)

- ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant
- iii. Planting types, densities and locations to be generally in accordance with the submitted masterplan
- iv. At least 60% species selection by type and number must be indigenous to the local Ecological Vegetation Class (Coast Banksia Woodland) to the satisfaction of the Responsible Authority
- v. All trees must to be installed at a minimum height when planted of 1.5 metres and shrubs installed at a minimum pot size of 150millimetres (mm)
- vi. No trees with a mature height over five (5) meters are to be planted over proposed or existing easements
- vii. The provision of notes regarding site preparation, planting instructions, plant establishment procedures and any specific maintenance requirements.

n) Intended staging of the development.

Layout not altered

2. The approved development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Unless otherwise specified by a condition of this permit, consent is not required for any buildings or works which do not require a planning permit under the Mornington Peninsula Planning Scheme.

Colours/Materials

3. The materials and colours of the exterior finish of the development must be in accordance with the endorsed plans unless with the further permission of the Responsible Authority.

Finishes

4. Prior to the occupation of each stage of the development external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.

Disturbed Surfaces

5. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.

Protection of fauna

6. Prior to the removal of the vegetation, including fallen logs, hollow stumps or ground habitat; a suitably experienced person must inspect the vegetation for signs of habitation by fauna. If it is likely that fauna is occupying or nesting, a suitably qualified wildlife handler must be engaged and onsite during any vegetation removal works to ensure that no wildlife is harmed, and to capture and relocate any misplaced fauna.

4.3 (Cont.)

Vegetation removal

7. 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.

Landscaping

8. Prior to the occupation of each stage of the development (or other time agreed to in writing by the Responsible Authority) the landscaping works for each stage shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced as soon as practicable.

Tree protection

9. Prior to the commencement of any demolition, excavation or works; and during all stages of development, the Tree Protection Zones (TPZ), tree protection fencing, recommendations, design modifications, special construction methods, special construction materials and tree protection measures identified in the approved Tree Management and Protection Plan (TMPP) must be implemented, complied with and certified to the satisfaction of the Responsible Authority.
10. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.
11. No trenching or soil excavation is to occur within the Tree Protection Zones of retained trees during development unless shown on the endorsed plans, without the prior written consent of the Project Arborist and the Responsible Authority.

Outdoor lighting

12. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

Screening

13. Prior to the occupation of each stage of the development, all required privacy screening devices and fencing shown on the endorsed plans must be installed and completed to the satisfaction of the Responsible Authority.

Engineering Plans

14. After the endorsement of Condition 1 plans and before any works associated with the development starts, a signed and completed 'Checklist for Development Engineering Plan Approval' along with engineering plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and shall be emailed to devengadmin@mornpen.vic.gov.au in pdf format.

The plans must show:

- a. All areas of the development being drained by means of an underground drainage system to retain a post-development 1% Annual Exceedance Probability storm event for the critical storm duration. Discharge from the site must be limited to an equivalent pre-development flow based on a 0.5

4.3 (Cont.)

- Exceedances per Year storm event for the critical storm duration and be connected to the existing Council underground drainage system within the property and / or Point Nepean Road via a minimum 150 mm diameter drainage pipe and pits.
- b. All surface areas of private open spaces being drained by a minimum 100 mm diameter drainage pipe connected to the storm water system.
 - c. A drainage system on the site being designed to ensure storm water runoff exiting the site meets the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
 - d. A drainage surcharge route within the development to avoid inundation of any dwellings.
 - e. Details, including levels, of the common driveway, visitor parking areas and driveways of TH56 and TH57 within the site.
 - f. Details of the line marking of visitor parking bays.
 - g. The reinforced concrete vehicle crossing to the common driveway being a minimum width of 6.1 metres at the property boundary.
 - h. The design of all vehicle movements entering and exiting the property being in a forward direction.
 - i. Reinforced concrete vehicular crossings to Council standards, with all redundant vehicle crossings and vehicle laybacks being removed and replaced with kerb and channel, including reinstatement of the footpath and nature strip fronting the site.
 - j. Sight distance for vehicles and pedestrians not being unduly restricted at the exit from site by fencing or landscaping works.
 - k. Tree Protection Zones (TPZs) impacted by the works, or as shown on any other development plans and documents.
 - l. Drainage works designed to avoid TPZs where possible.
 - m. Proposed methodologies for complying with AS4970-2009 (Protection of trees on development sites) for any works that are required within TPZs.
 - n. Details including location and construction of a pram crossing on Kangerong Avenue to connect the proposed development with the public footpath on the western side of Kangerong Avenue.
15. Before the approval of engineering plans, drainage computations and documentation are required for:
- a. The proposed drainage system.
 - b. The consideration of any drainage catchment external to the development that may drain to the proposed drainage system.

4.3 (Cont.)

- c. A Sounding and Tracking Observatory for Regional Meteorology (STORM) or Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Report, if applicable.
16. Prior to the approval of engineering plans, the applicant must:
- a. Demonstrate to the Responsible Authority that water quality features will be implemented in accordance with clause 53.18 of the planning scheme.
- and/or
- b. Subject to the approval of the Responsible Authority, pay Mornington Peninsula Shire the monetary contribution calculated in accordance with the Shire's In-Lieu Stormwater Treatment Developer Contribution Scheme.

Construction Management Plan

17. Prior to the commencement of any works, a project-specific Major Construction Management Plan (CMP) must be endorsed by the Responsible Authority. This CMP is to be based on the standard Major CMP template found on the Mornington Peninsula Shire's website. When approved, the CMP will be endorsed and form part of the Planning Permit. The endorsed CMP must be implemented to the satisfaction of the Responsible Authority prior to, and during the works.

Construction Traffic Management Plan

18. Prior to the commencement of works for this development a project specific Traffic Management Plan (TMP) must be submitted to Council for approval. The TMP must then be implemented to the satisfaction of the Responsible Authority prior to and during construction of the subdivision works.

Drainage works

19. Before internal drainage works commence, all external drainage works must be completed in accordance with approved engineering plans, and to the satisfaction of the Responsible Authority.
20. Before the occupation of each stage of the development all drainage works associated with the relevant stage of the development must be constructed in accordance with approved engineering plans, and to the satisfaction of the Responsible Authority.
21. The owner must operate and maintain the drainage works including the on-site storm water detention and treatment system at their cost and must allow the system to be inspected by an authorised officer of the Responsible Authority from time to time. The owner must not modify the on-site storm water detention and treatment system without prior written approval from the Responsible Authority.

Vehicle crossings, driveways, pram crossing and parking areas

22. Before the occupation of each stage of the development, vehicle crossings, areas set aside for the parking of vehicles, driveways and footpaths for the relevant stage as shown on the endorsed plans must be constructed in accordance with approved engineering plans, surfaced with reinforced concrete and drained to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
23. Before the initial occupation of the first stage of the development, the pram crossing on Kangerong Avenue to connect the proposed development with the public footpath on

4.3 (Cont.)

the western side of Kangerong Avenue as shown on the endorsed plans must be constructed in accordance with approved engineering plans, surfaced with reinforced concrete and drained to the satisfaction of the Responsible Authority.

24. All disused or redundant vehicle crossings must be removed and the area reinstated with nature strip, kerb and channel, and footpath to the satisfaction of the Responsible Authority.

Section 173 Agreement

25. Prior to the occupation of the first stage of the development the owner of the land must enter into an agreement with the Responsible Authority, pursuant to section 173 of the *Planning and Environment Act 1987*. This agreement must be registered by the Responsible Authority pursuant to section 181 of the *Planning and Environment Act 1987* on the title of the subject land prior to the commencement of any works.

This agreement must provide for:

- a. The liability associated with the waste, recyclables and green waste management for the development being vested with the Owner or Owners Corporation, and for the Owner or Owners Corporation to undertake the management of private collections for the development in accordance with an endorsed Waste Management Plan.

The agreement is to remain extant for the life of the development at this property.

The agreement must be executed prior to the occupation of the first stage of the development and all costs relating to the preparation of the agreement are to be borne by the Applicant.

Head, Transport for Victoria Conditions

26. Prior to commencement of the use, any disused or redundant vehicle crossing must be removed, and the area reinstated to the kerb and channel, at no cost to the Head, Transport for Victoria and to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development

27. Prior to the occupation each stage of the development, the Sustainable Management Plan prepared by GIW Environmental Solutions Revision C and dated 27 April 2023 (or any subsequent revision to the satisfaction of the Responsible Authority) must be approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit.
28. The approved development must be undertaken in accordance with the recommendations and requirements of the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority, except where alterations to stormwater management and detailed drainage design (including STORM / MUSIC reports) are approved under Condition 15 of this permit.

Contamination

29. The approved development must be undertaken in accordance with the Environmental Audit Statement from the Environment Protection Authority (EPA) relevant to 107-109 and 111 Point Nepean Road, Dromana.

Expiry

4.3 (Cont.)

30. This permit will expire if:

- a) The first stage of development is not commenced within four years of the date of this permit.
- b) The last stage of development is not completed within six 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 12, 13, 14, 15, 16, 17 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Moved: Cr Binyon
Seconded: Cr Williams

ADJOURNMENT OF MEETING

That the meeting be adjourned at 8.43pm to allow Cr Gill time to prepare a possible Amendment.

RESUMPTION OF MEETING

That the meeting be resumed at 8.48pm.

COUNCIL DECISION

That the recommendation be adopted.

Carried

OFFICE OF THE CEO

4.4 Draft Lease and Licence Policy - Endorsement to proceed with public exhibition

RECOMMENDATION

1. That Council endorses the draft Lease and Licence Policy for public exhibition for a period of eight weeks from 3 February 2025 to 30 March 2025.
2. That following the consultation period, a report be tabled at a future Council meeting for consideration of the community feedback and final draft of the Lease and Licence Policy for adoption.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Roper

That the recommendation be adopted.

Carried Unanimously

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.5 Draft Public Briefing Protocol

RECOMMENDATION

That Council endorses the Public Briefing Protocol (Attachment 1).

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Williams

That the draft Public Briefing Protocol (Attachment 1) be put out for public consultation for a period of 4 weeks from mid-January and be brought back to a Council Meeting by early March.

Carried Unanimously

4.6 2025 Council Meeting Timetable

RECOMMENDATION

That Council adopts the 2025 Meeting Timetable (Attachment 1) with the following options:

1. All evening meetings to commence at 6.30pm.
2. Four Community Council Meetings in the following locations:
 - A. Peninsula Community Theatre, Mornington
 - B. Flinders Community Hall, Flinders
 - C. Tyabb Community Hall, Tyabb
 - D. Blairgowrie Community Hall, Blairgowrie
3. X online meetings to be held via Zoom.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Roper

That Council adopts the 2025 Meeting Timetable (Attachment 1) with the following options:

1. All evening meeting to commence at 6.30pm.
2. Four Community Council Meetings in the following locations:
 - A. Peninsula Community Theatre, Mornington
 - B. Flinders Community Hall, Flinders
 - C. Tyabb Community Hall, Tyabb
 - D. Blairgowrie Community Hall, Blairgowrie
3. That one in every four meetings be dedicated to Planning items, if required.
4. That no Council Meetings be planned as on-line meetings.

Carried

ASSETS & INFRASTRUCTURE

4.7 Carpentry and after hours support tender recommendation

RECOMMENDATION

That Council,

- 1) Having considered all tender submissions, hereby accepts the tender submission received from Tender 4, with an estimated price of \$XXX plus \$XXX GST being for CN2848 Carpentry services and after-hours support for building maintenance.
- 2) Approves a contingency sum for this Contract (set out in confidential Attachment 3 of this report) in addition to the estimated contract price.
- 3) Delegates the execution and administration of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

Part B

- 1) That Council resolves that Attachments 2 and 3 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.
- 2) That Council resolves that the identity of the successful tenderer be retained as confidential pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* until such time as the contract has been executed and unsuccessful tenderers notified.

COUNCIL DECISION

Moved: Cr Ranken

Seconded: Cr Batty

That Council,

- 1) **Having considered all tender submissions, hereby accepts the tender submission received from Eastern Property Services Pty Ltd, with an estimated price of \$6,313,552.94 plus \$631,355.30 GST being for CN2848 Carpentry services and after-hours support for building maintenance.**
- 2) **Approves a contingency sum for this Contract (set out in confidential Attachment 3 of this report) in addition to the estimated contract price.**
- 3) **Delegates the execution and administration of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.**

Part B

- 1) **That Council resolves that Attachments 2 and 3 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.**

4.7 (Cont.)

- 2) That Council resolves that the identity of the successful tenderer be retained as confidential pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* until such time as the contract has been executed and unsuccessful tenderers notified.

Carried Unanimously

4.8 CN2767 Rye Foreshore - Park and Promenade Tender Recommendation Report

Having disclosed a conflict of interest Cr Allen, left the meeting at 9.20pm and returned to the meeting at 9.22pm, after the matter had been finalised. Cr Allen, took no part in the discussion or voting on this item.

RECOMMENDATION

That Council:

1. Having considered all tender submissions, hereby accepts the tender submission received from Tenderer 2 for the lump sum value of \$XXX plus \$XXX GST being for CN2767 - Rye Foreshore - Park & Promenade Construction.
2. Approves the tender options recommended to be included within the project scope.
3. 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.
4. 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 Attachment 1 to this report be retained as a confidential item, pursuant to section 3 (1) (g) 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 reasonably expose the business, commercial or financial undertaking to disadvantage.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Williams

That Council:

1. Having considered all tender submissions, hereby accepts the tender submission received from Maw Civil Pty Ltd for the lump sum value of \$2,602,572.65 plus \$260,257.27 GST being for CN2767 - Rye Foreshore - Park & Promenade Construction.
2. Approves the tender options recommended to be included within the project scope.
3. 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.
4. 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 Attachment 1 to this report be retained as a confidential item, pursuant to section 3 (1) (g) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business,

4.8 (Cont.)

commercial or financial undertaking that if released, would reasonably expose the business, commercial or financial undertaking to disadvantage.

Carried Unanimously

5 NOTICES OF MOTION

5.1 Notice of Motion 465 (Cr Gill) - Visitor Paid Parking

Having disclosed a conflict of interest Cr Pingiaro, left the meeting at 9.22pm and returned to the meeting at 9.58pm, after the matter had been finalised. Cr Pingiaro, took no part in the discussion or voting on this item.

Having disclosed a conflict of interest Cr Patton, left the meeting at 9.22pm and returned to the meeting at 9.57pm, after the matter had been finalised. Cr Patton, took no part in the discussion or voting on this item.

MOTION

That pursuant to the previous Council decision to postpone a paid parking decision until further consultation:

1. Council give priority to the consultation process.
2. Council makes public any compensation claims by any claimants while abiding by applicable disclosure and confidentiality regulations.

Moved: Cr Gill
Seconded: Cr Roper

That the Motion be voted on in parts.

Part 1

That pursuant to the previous Council decision to postpone a paid parking decision until further consultation:

1. Council give priority to the consultation process.

Vote by Division (Requested by Cr Roper)

For: Cr Gill, Cr Stephens, Cr Binyon and Cr Roper

Against: Cr Williams, Cr Allen, Cr Ranken, Cr Batty and Mayor, Cr Marsh

Lost

Part 2

COUNCIL DECISION

That pursuant to the previous Council decision to postpone a paid parking decision until further consultation:

1. Council makes public any compensation claims by any claimants while abiding by applicable disclosure and confidentiality regulations.

Vote by Division (Requested by Cr Gill)

For: Cr Gill, Cr Stephens, Cr Allen, Cr Binyon, Mayor, Cr Marsh and Cr Roper

5.1 (Cont.)

Against: Cr Williams, Cr Ranken and Cr Batty

Carried

ALTER THE ORDER OF BUSINESS

That the item listed at 5.6 on the agenda be considered after the item listed as 5.1.

5.2 Notice of Motion 466 (Cr Batty) - Citizens Panel**Attendance**

Cr Roper left the meeting at 10.14pm and did not return.

Cr Williams left the meeting at 10.14pm.

RESUMPTION OF MEETING

That the meeting be resumed on Wednesday, 18 December at 7.34pm.

MOTION

The Council immediately abolish the costly Citizen's Panel, noting the significant burden of well over \$150,000 to ratepayers, and that Councillors are elected to undertake this task.

Moved: Cr Batty

Seconded: Cr Pingiaro

Attendance

Cr Williams returned to the meeting at 7.40pm.

COUNCIL DECISION

Vote by Division (Requested by Cr Gill)

For: Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty and Mayor, Cr Marsh

Against: Cr Gill, Cr Stephens, Cr Binyon and Cr Patton

Carried

5.3 Notice of Motion 467 (Cr Gill) - Community Halls - Fees and Charges**ALTER THE ORDER OF BUSINESS****Moved: Cr Batty****Seconded: Cr Allen**

That the item listed at 5.3 on the agenda be considered after the item listed as 7.1.

MOTION

1. That introducing nominal fees and charges for community and not for profit groups for the use of Council halls, meeting rooms and other bookable spaces for community purposes, be referred to the annual budget for consideration.
2. That consideration also be given to maximising community and not for profit use of Shire managed halls.
3. In considering the 2024/2025 budget process, that Council take into account the significant feedback received through Community Facilities Infrastructure Strategy 2024-2034, and Community Facility Hire Policy with regard to maximizing the use of community halls and minimizing associated fees and charges for community and Not For Profit groups.

COUNCIL DECISION**Moved: Cr Gill****Seconded: Cr Patton**

That during the 2025/2026 Budget process, consideration be given to:

1. **Introducing nominal fees and charges for community and not-for-profit groups for using Council halls, meeting rooms and other bookable spaces used for community purposes.**
2. **Maximising community and not-for-profit use of Shire-managed halls.**
3. **The significant feedback received through Community Facilities Infrastructure Strategy 2024-2034 and Community Facility Hire Policy regarding maximising the use of community halls while minimising any associated fees and charges.**

Carried Unanimously

ADJOURNMENT OF MEETING

That the meeting be adjourned at 10.14pm to be resumed at 7.30pm on Wednesday, 18 December online via Zoom.

5.4 Notice of Motion 468 (Cr Pingiaro) - Affordable Housing Development Contributions Strategy

MOTION

That Council resolves to:

1. Abandon the Affordable Housing Development Contributions Strategy and scheme.
2. Retain the remaining budget for reallocation at the mid-year budget review.

COUNCIL DECISION

Moved: Cr Pingiaro

Seconded: Cr Allen

That the Motion be adopted.

Vote by Division (Requested by Cr Gill)

For: Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty and Mayor, Cr Marsh

Against: Cr Gill, Cr Stephens, Cr Binyon and Cr Patton

Carried

5.5 Notice of Motion 469 (Cr Patton) - Planning Application PA2403185**ALTER THE ORDER OF BUSINESS**

Moved: Cr Patton
Seconded: Cr Stephens

That the item listed at 5.5 on the agenda be considered after the item listed as 5.6.

MOTION

1. That the Mayor writes to planning Minister, the Hon. Sonia Kilkeny MP, expressing Council and resident concern with the proposed development at Arthur's seat, planning application number PA2403185.
2. That the Mayor Requests a meeting with the minister, proponents and the full set of plans and supporting documents to facilitate a considered Council response to the matter.

COUNCIL DECISION

Moved: Cr Patton
Seconded: Cr Gill

1. **That the Mayor writes to planning Minister, the Hon. Sonia Kilkeny MP, expressing Council and resident concern with the proposed development at Arthur's seat, planning application number PA2403185.**
2. **That the Mayor Requests a meeting with the minister, proponents and the full set of plans and supporting documents to facilitate a considered Council response to the matter.**
3. **That the Mayor requests any public notice of the application under section 52 of the *Planning and Environment Act 1987* provides more than the minimum 14 days of time to submit an objection or submission, based on the nature, scale and context of the application.**

Carried Unanimously

ALTER THE ORDER OF BUSINESS

Moved: Cr Roper
Seconded: Cr Williams

That the item listed at 7.1 on the agenda be considered after the item listed as 5.5.

5.6 Notice of Motion 470 (Cr Ranken) - Visitor Paid Parking

Having disclosed a conflict of interest Cr Pingiaro, left the meeting at 9.22pm and returned to the meeting at 9.58pm, after the matter had been finalised. Cr Pingiaro, took no part in the discussion or voting on this item.

Having disclosed a conflict of interest Cr Patton, left the meeting at 9.22pm and returned to the meeting at 9.57pm, after the matter had been finalised. Cr Patton, took no part in the discussion or voting on this item.

MOTION

That Council requests a report to be presented to Council at the first Council Meeting in January 2025 to consider:

1. Abandoning the implementation of Visitor Paid Parking indefinitely.
2. Discontinuing the development of any associated policies, frameworks, or initiatives.
3. Reallocating any remaining budget allocated to Visitor Paid Parking as part of the 2025/2026 mid-year budget review.

COUNCIL DECISION

Moved: Cr Ranken

Seconded: Cr Gill

That the Motion be adopted.

Vote by Division (Requested by Cr Ranken)

For: Cr Gill, Cr Williams, Cr Allen, Cr Ranken, Cr Batty and Mayor, Cr Marsh

Against: Cr Stephens, Cr Binyon and Cr Roper

Carried

EXTENSION OF MEETING TIME

Moved: Cr Gill

Seconded: Cr Roper

That the meeting time be extended to 10.30pm.

Carried Unanimously

6 URGENT BUSINESS

Having disclosed a conflict of interest Cr Patton, left the meeting at 8.17pm and returned to the meeting at 8.44pm, after the matter had been finalised. Cr Patton, took no part in the discussion or voting on this item.

6.1 Hand Beach Cleaning Trial

That the Motion regarding Hand Beach Cleaning Trial be treated as Urgent Business.

COUNCIL DECISION

Moved: Cr Pingiaro

Seconded: Cr Batty

Vote by Division (Requested by Cr Gill)

For: Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, and Mayor, Cr Marsh

Against: Cr Gill and Cr Stephens

Carried

COUNCIL DECISION

Moved: Cr Pingiaro

Seconded: Cr Williams

That a report be brought to the first Council Meeting in 2025 to consider:

- 1. Ending the hand beach cleaning trial with immediate effect,**
- 2. Reinstate the mechanical rake method as soon as possible, pending a further resolution,**
- 3. Prepare a report for council by April 2025, exploring a hybrid/ combined approach using hand and innovative mechanical methods, informed by community and broad industry consultation.**

Vote by Division (Requested by Cr Marsh)

For: Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty and Mayor, Cr Marsh

Against: Cr Gill, Cr Stephens and Cr Binyon

Carried

CONFIDENTIAL ITEM

RECOMMENDATION

That Council considers a confidential item of urgent business relating to the Acting Chief Executive Officer appointment 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) (f) of the *Local Government Act 2020* as it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

COUNCIL DECISION

Moved: Cr Batty

Seconded: Cr Pingiaro

That the recommendation be adopted.

Carried Unanimously

6.2 Acting Chief Executive Officer Contract

That the motion regarding the Acting Chief Executive Officer Appointment be treated as Urgent Business.

COUNCIL DECISION

Moved: Cr Batty

Seconded: Cr Ranken

That the recommendation be adopted.

Carried Unanimously

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*.

Attendance

Cr Gill left the Meeting at 10.03pm.

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 Australia Day Local Awards Winners 2025

This matter is considered to be confidential under Section 3(1) (f) of the *Local Government Act 2020*, as they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

COUNCIL DECISION

Moved: Cr Roper

Seconded: Cr Patton

That the recommendation be adopted.

Carried Unanimously

Attendance

Cr Gill returned to the meeting at 10.04pm.

7.1 Australia Day Local Awards Winners 2025

RECOMMENDATION

1. That the 2025 Australia Day Local Awards be presented as part of the Mornington Peninsula Shire 2025 Australia Day celebrations and awarded to the winning nominees as per the Selection Panel recommendations in the following categories
 - A. Citizen of the Year – Ms Denise Palmer
 - B. Young Citizen of the Year – Ms Phoebe Lambden
 - C. Community Event of the Year – Tyabb Air Show 2024
 - D. Lifetime Achievement Award – Ms Nina and Mr Colin Blythe
 - E. Community Inspiration Award – Mr Barry Randall
2. That the successful nominees be advised by telephone and, subject to verbal acceptance of the Award, be invited to attend the Australia Day Citizenship Ceremony held by Mornington Peninsula Shire Council on 26 January 2025.
3. That all nominees receive a letter under the Common Seal of Council, acknowledging their valuable contribution and service to the community.
4. That the Australia Day Local Awards Selection Panel Terms of Reference (Attachment 6) be reviewed by the Committee in 2025 and a recommendation made to Council for proposed amendments.

Part B

1. That Council resolves that the report and Council decision remain confidential items pursuant to section 3 (1) (f) of the *Local Government Act 2020* until such time as, subject to the acceptance by all successful nominees, and no earlier than 26 January 2025.
2. That Council resolves that Attachments 1, 2, 3, 4 and 5 to this report be retained as confidential items pursuant to section 3 (1) (f) of the *Local Government Act 2020* as they contain personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Gill

That the recommendation be adopted.

Carried Unanimously

MEETING RE-OPENED TO THE PUBLIC

Moved: Cr Patton
Seconded: Cr Williams

That the meeting be re-opened to members of the public at 10.10pm.

Carried Unanimously

8 MEETING CLOSE

As there was no further business, the meeting closed at 8.55pm on Wednesday, 18 December 2024

Confirmed this 28th day of January, 2025



.....
Mayor, Cr Anthony Marsh, Chairperson - Council