



**MORNINGTON  
PENINSULA**  
*Shire*

**MINUTES**

**COUNCIL MEETING**

**TUESDAY, 28 MAY 2024**

**6:30PM**

**BALNARRING COMMUNITY HALL  
3035 FRANKSTON-FLINDERS ROAD,  
BALNARRING**

## 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 Derek Rotter Mr Bulent Oz</b>	<b>Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Environment Acting Director - 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 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 6.30pm

Appointed Chairperson – Mayor, Cr Simon Brooks

## 1.1 Acknowledgement of Country

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

Mr John Baker, Chief Executive Officer

### 2.1 Apologies

Cr Steve Holland (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 14 May 2024 be confirmed.

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

#### AMENDMENT

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

That 'subject to the corrections as noted' be added to the end of the motion.

**Carried Unanimously**

The Amendment became part of the Substantive Motion

**Carried**

**2.4 Councillor Briefing Sessions**

**RECOMMENDATION**

That Council receives and notes the record of Councillor Briefing Sessions for 7 May 2024.

**COUNCIL DECISION**

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

**That the recommendation be adopted.**

**Carried**

Cr Marsh and Cr Gill requested to have their opposition noted.

**2.5 Council Decision Register**

**RECOMMENDATION**

That Council receives and notes the Decision Register Summaries for 2019-2024 (Attachments 1-6) as at 20 May 2024.

**COUNCIL DECISION**

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

**That the recommendation be adopted.**

**Carried**

Cr Marsh requested to have his opposition noted.

## 2.6 Public Question Time

### QUESTIONS WITH NOTICE

#### Native Vegetation Offsets

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

*Given the rising costs in managing the Shire's bushland reserves, rising from a budgeted amount of \$3.6 million in 2021-22 financial year to \$5.9 million planned in 2025-26, could Council provide detail in the issues around the requirements under the Act preventing Council to create native vegetation offsets to cover these costs of managing native bushland, enabling millions of dollars from these offsets to be used to managed native bushland, moving millions of dollars of rate payers money to be spent on improving Shire's infrastructure and on social issues current being faced by the local residents?*

Council advises that native Vegetation Offsets cannot be used to manage vegetation that already has protected status and is being managed for conservation or environmental purposes. Offsets are only funded for 10 years of on-ground activities and are required to be quarantined and managed for biodiversity purposes in perpetuity. The funding for these offsets is often inadequate for covering the 10-year period of on-ground activities, administration, and does not include provisions for management beyond this period.

Regarding the increased budget for Bushland Management, it is necessary to consider the context. The increase is primarily due to changes in the scope of works since the 2021-22 financial year. Services that were previously provided under other contracts have now been consolidated into the Bushland Management area. Therefore, the rise in costs reflects this shift in service allocation rather than a straightforward increase in expenditure.

Additionally, the Bushland Management contract will deliver various essential services, including weed control, biodiversity works, revegetation efforts, fuel hazard reduction, support for Volunteer Group working bees, and assistance with monitoring key sites on Total Fire Ban days.

Andrew Coghill, asked a follow up question:

*In section 3.4 of the Shire's Biodiversity Conservation Plan it states the Shire will investigate options to increase opportunities for native vegetation offsets to be located within the Mornington Peninsula Shire, including consideration of an over-the-counter offset scheme. Is this still the policy of the Shire and if so, when will these offsets be available to the Shire and developers on the Mornington Peninsula, enabling millions of dollars coming into the region to manage biodiversity loss?*

Council advises that the Shire's Biodiversity Conservation Plan contains 42 actions that have been prioritised and are systematically being delivered. Section 3.4 of the Shire's Biodiversity Conservation Plan details a specific action to "Investigate options to increase opportunities for native vegetation offsets to be located within the Mornington Peninsula Shire". Initially investigations have revealed that over-the-counter Offsets schemes may not be financially viable and have the potential to present a financial burden to the Shire. However, an existing framework allows for the purchase of Native Vegetation Offsets from a competitive market which may be within the Shire or the broader catchment area. At this point of time other actions have been prioritised to deliver greater outcome for biodiversity.

## Plant Based Diet

Natalie James, a resident of Tootgarook asked the following question:

*Given the links between high consumption of animal products and increased risks of heart disease, diabetes, and cancer, what initiatives is the city implementing to inform and educate residents about these health risks and the benefits of a whole food, plant-based diet?*

Council advises that the Shire upholds a commitment to working in partnership to prevent lifestyle related disease as outlined in our Council and Wellbeing Plan as well as raising awareness of the benefits and availability of sustainable, locally grown food, as outlined in our Climate Emergency Plan and Food Economy and Agroecology Strategy. Specifically, the Shire leads or is a partner in the following initiatives:

- The Community Plate: A community initiative aimed at strengthening the local food system and improving wellbeing across Mornington Peninsula and Frankston.
- Sustainability Education Program: Community workshops that promote self-sufficient and sustainable growing and consumption of food.
- Best Bites: Recognises outstanding food businesses that are committed to food safety, health and wellbeing, sustainability and access and inclusion for all.
- Mornington Peninsula Produce: Connecting local growers and makers with the community to improve access to and awareness of local produce.

The Shire has also recently reviewed and updated our internal Healthy Food and Drink Policy which aims to increase the amount of local, sustainability produced food, as well as reducing overall meat consumption at Shire-led events, meetings and programs.

## Toilets/refuse at the ocean car park, Flinders

Dr Neil Hallam, a resident of Flinders asked the following question:

*During late summer, as a result (presumably) of paid parking at Flinders Pier, there is increased parking at the ocean car park (Mushroom Reef). The Parks Victoria toilets are all closed. As a result the surrounding bushland is now littered with faeces and toilet paper. Has the Council been able to resolve this mess with ParksVic? If not, what is to be done as the current situation is a health problem and not a good advertisement for the Shire.*

Council advises Parks Victoria is the responsible authority for the land near Mushroom Reef, Flinders. Should the community have concerns about the amenity or land management of this area, it recommended that these issues are reported via the ParksVic website [www.parks.vic.gov.au](http://www.parks.vic.gov.au)

The Shire is the Committee of Management for the land adjacent to Flinders Pier. Shire managed toilets are cleaned once per day each day during the peak of summer, and toilets are cleaned once a day on Tuesdays, Thursdays, Saturday and Sunday in off peak times.

The Shire has also reported your concerns to Parks Victoria and have asked them to action as appropriate.

**Profit to Council from Harry Potter Event at The Briars**

Bobbie Lane, a resident of Mount Martha asked the following question:

*The Council FAQs for the Harry Potter event says they estimate around \$27-35 million of flow-on economic benefits to specific businesses in the region. What is the profit (dollar amount or percentage) to Council (i.e. the ratepayers) from this event that will come directly to improving or creating additional community services?*

Council advises that the specific financial details of the event, including the profit amount or percentage, are considered commercial in confidence and we are unable to disclose this information publicly.

**Community forest rehabilitation after Harry Potter Event at The Briars**

Bobbie Lane asked a follow up question:

*When the Harry Potter event finishes, the Community Forest will need to be rehabilitated and fully reinstated. What arrangements did Council include in the Contract for Warner Bros. Discovery Global Themed Entertainment to meet all expenses of this work, and what penalty applies if the work is not completed within the specified time?*

Council cannot comment on the agreement with the event organiser as this constitutes commercial in confidence information.

In regards to the community forest, there will be minimal impact to any vegetation as visitors are using designated paths. The majority of the vegetation impacted by the placement of props is weedy and therefore the event has expedited our weed removal efforts in the forest. The most significant impact in the forest has been the improvements made to the paths, allowing greater accessibility for our community. To date we have received very positive feedback about the improvements to the paths. These paths will continue to be maintained to ensure many in our community can enjoy the benefits of this space.

At the completion of the event, the forest will be re-opened to dog walkers. This is anticipated to be end July to early August.

**Hydrogen Energy Supply Chain project**

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

*Has Mornington Peninsula Shire Council signed or made any agreement with the Victorian Government, Latrobe City Council or any other partner of HESC in the past 12 months regarding this hydrogen-from-brown coal project?*

Council advises that the Mornington Peninsula Shire Council has entered into a non-disclosure agreement to enable the preliminary sharing of information to assist in an understanding of the project and to enable Shire officers to advise on the need, and process for, the assessment of any local government permits, if required. If there are local government permits to be obtained the process will be subject to the standard local government processes.

To our knowledge, the proponent has still not referred the project to the Minister for Planning to determine whether an Environmental Effects Statement (EES) is required. Council will participate in the EES process (should one be required). Further information on the EES process and the stages at which both Council and the community have an opportunity to be involved is available at [Environment effects statements in Victoria \(planning.vic.gov.au\)](https://www.environment.vic.gov.au).

### 3 COUNCILLORS AND DELEGATES REPORTS

#### **Coastrek** (Cr O'Connor)

Councillors Race, Marsh and O'Connor, joined 1,000s of trekkers on Friday, 25 May and walked 50 kilometres from Cape Schanck weaving their way to Fort Nepean and back to the Quarantine Station. All up their team raised \$1,932 for the Heart Foundation and was part of the overall funds raised by hikers that day of \$807,339.

Almost every hour a woman dies of heart disease across the country - around 20 women a day and 7,000 every year. The funds raised are going specifically to fund lifesaving research into women's specific factors.

#### **Southern Women's Action Networks** (Cr O'Connor)

Harriet Shing MP spoke to the Southern Women's Action Network on Sunday, 19 May in a presentation in their quarterly meetings. Harriet discussed water, equality and of course housing. It was a great insight into where the State is at with housing and locals were able to ask questions and share case studies of our region.

#### **Welsh Ladies Choir** (Cr O'Connor)

Sunday 19 May at St Georges Anglican Church, Red Hill

Recently the group received a small sponsorship when they travelled to Wales and shared beautiful bookmarks with the Mornington Peninsula Shire logo with all groups they met as they travelled and performed. If you haven't had the pleasure of hearing this group look them up.

#### **IDAHOBIT Flag Raising, Mornington Police Station** (Cr O'Connor)

Cr O'Connor thanked Shire officers and police for their support of this event, stating it is a great show of inclusion in our community.

#### **Rye Tennis Club** (Cr Race)

The Rye Tennis Club was honoured to receive the award for Most Outstanding Tournament at the Tennis Victoria ceremony at Kooyong last week. This was a wonderful reward for the success of their 2024 Australia Day Tournament. The Rye Tennis Club thanked Cr Race for her involvement and wanted to share the recognition they received for this amazing event.



**Arts and Culture Advisory Panel** (Cr Gill)

Cr Gill attended the Arts and Culture Advisory Panel Meeting on Thursday, 23 May 2024.

**Highlights**

- Music Plan 2025:
  - Local music industry brand 'Make Music Matter' is being developed and rolled out in the coming weeks on buses, banners, via print media and across all digital media.
  - The brand will be officially launched at a Music Industry Summit planned for Monday, 12 August being held in Mornington, featuring industry leaders, panel discussions, workshops, hot seats and live music.
  - New Arts and Culture website to be launched in August including a map showing music venues across the Peninsula and will include other arts venues in the future.
- Community Art Spaces:
  - The newly renovated Community Art Space at the Mornington Library has had increased applications since the re-vamp.
  - Exhibiting artists have reported significant sales from their exhibitions.
  - A new outdoor exhibition space at Sommerville Central is to be installed by the end of June and additional spaces are being explored in Balnarring and Hastings.
- Creators Network:
  - Currently 282 members registered as part of the Network.
  - There is an event planned in June to enable networking and collaboration and a second event planned for August as part of the Shire's small business festival.
- Our Stories Heritage Event held at Peninsula Community Theatre on Saturday, 18 May:
  - This was a huge success attracting 400-500 people to this 'antiques roadshow' style event and provided a wonderful opportunity for our local historical societies to showcase the Peninsula's unique history and recruit for volunteers.
- Artists in Residency Program
  - The Artist in Residence (AiR) program received 201 applications.
  - 37 artists have been selected for 2024 including 28 women, 6 interstate artists, 5 local artists, 3 regional Victorian artists and 2 collaborative duos.
  - All up the 2024 AiR program will engage 62 artists in total, through a mix of selected and invited residencies placing it as one of the leading art residency programs in Australia.
- Green Wedge Song writing Competition

- A brand-new initiative which replaces the art competition and an event in 2023 held at the Briars to celebrate the Green Wedge.
- The competition is open to emerging and established songwriters and musicians living on the Mornington Peninsula and The competition closes this Friday 31 May.
- The winner will have the opportunity to produce a music video filmed in the Green Wedge area, promotion and publicity. Plus \$2,000 and complimentary tickets to the Music Industry Summit. Value of up to \$15,000.
- The music video will be filmed by Liam Kelly, a local born and bred talent who now resides and works in Los Angeles. With his impressive portfolio of directing music videos for some of Australia's top artists including Tones And I. This video received 3 ARIA award nominations, and his videos collectively have reached over 2 billion views on YouTube.
- Other topics discussed included:
  - Including a First Nations seat as part of ACAP – Expressions of Interest to begin.
  - Access to Council-Owned Buildings - as many artists require spaces at a discounted rate and the possibility of artists having access to Council buildings that are not being used. Shire officers reported that there is currently a review being undertaken of council-owned buildings.
  - Public Art Policy - members asked for clarity around changes made to the Public Art Policy. Questions were asked around current budget for public art and how fees for artists are decided, particularly in relation to Shire projects. Shire officers explained that National Association of Visual Arts (NAVA) rates were applied to all projects being managed by the Shire's Arts and Culture team including the recently advertised Parking Day public art project.
  - Members discussed the effectiveness of ACAP and the importance of implementing new working methods and suggested additional meetings for better communication.

**Olivia Way Playground, Hastings** (Cr Dixon)

## 4 MANAGEMENT REPORTS

### CORPORATE STRATEGY & BUSINESS IMPROVEMENT

#### 4.1 Quarterly Community Report January - March 2024

##### RECOMMENDATION

That the Quarterly Community Report January – March 2024 (Attachments 1 and 2) be received and noted.

##### COUNCIL DECISION

Moved: Cr Mar  
Seconded: Cr Celi

That the recommendation be adopted.

Carried Unanimously

## OFFICE OF THE CEO

### 4.2 Adoption of the 2024/2025 Annual Budget

#### RECOMMENDATION

##### Part A

##### The Budget

That Council resolves, pursuant to section 94 of the *Local Government Act 2020*, to adopt the 2024/2025 Annual Budget.

##### Part B

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

- That it is intended to raise the amount of \$225,825,543 for the rating year commencing 1 July 2024 to 30 June 2025 by application of Rates and Charges detailed as follows:

Type or Class of Land	2024/2025 \$'000
General land	\$163,615
Vacant residential land/rural land	\$5,361
Vacant commercial land	\$99
Vacant industrial land	\$333
Mornington Peninsula Agricultural Rate land	\$2,367
Conservation Land Rate	\$1,144
Trust for nature land	\$17
Cerberus land	\$50
Steel works	\$840
Cultural and recreational land	\$178
Supplementary Rates	\$1,000
Heritage Rebate	\$(90)
Valuations objections	\$(100)
Total amount to be raised by General Rates	\$174,815
Waste Service Charge	\$42,494
Green Waste Charge (optional)	\$8,517

4.2 (Cont.)

Total Rates and Charges	\$225,826
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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 2024/2025.
3. That the determination of the 2024/2025 rates for all properties be based on 1 January 2024 levels of property valuations returned to Council on 31 May 2023 and as subsequently amended by supplementary valuations.

General Rates

4. A General Rate be declared for the 2024/2025 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 Capital Improved Value of each rateable land (categorised by the characteristics described in the section 4.1 of Attachment 1), by the relevant percentages indicated in table below:

Type or Class of Land	2024/2025 Cents/\$ Capital Improved Value (CIV)
General Rate for rateable general properties	0.1323
General Rate for rateable vacant residential properties	0.1853
General Rate for rateable vacant commercial properties	0.1853
General Rate for vacant industrial properties	0.1853
General Rate for rateable Mornington Peninsula Agricultural Rate properties	0.0463
General Rate for rateable Conservation Land Rate properties	0.0993
General Rate for Trust for Nature properties	0.0463

7. It be recorded that Council considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions, and that:
  - 7.1 The respective objectives of each Differential Rate be those specified in the Statutory Disclosures within the 2024/2025 Budget as adopted
  - 7.2 The respective types or classes of land which are subject to each Differential Rate be those specified in the Statutory Disclosures within the 2024/2025 Budget as adopted

**4.2 (Cont.)**

- 7.3 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 2024/2025 Budget as adopted
- 7.4 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 2024/2025 Budget as adopted.

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

8. 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 2024/2025 rating year on the curtilage component of all properties classified as farmland and conservation land.

**Rebates**

9. That pursuant to section 169 of the *Local Government Act 1989*:
- 9.1 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
  - 9.2 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 2024/2025 rating year.

**Services Charges**

10. An annual Waste Service Charge be declared for the collection and disposal of municipal refuse.
11. The annual Service Charge be the sum of \$406 for each rateable property with the only exceptions being:
- 11.1 Properties rated under the Cultural and Recreational Lands Act 1963
  - 11.2 Properties subject to the Western Port (Steel Works Rating) Act 1971.
12. An annual Service Charge be declared for the collection and disposal of refuse taking the form of green waste.
13. The annual Service Charge be the sum of \$156 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.

## 4.2 (Cont.)

## Cultural and Recreation Lands Act

14. That pursuant to the provisions of the Cultural and Recreation Lands Act 1963, the following rates be levied on the listed properties for the 2024/2025 rating year:

Property No.	Property	Rates
12018	Sorrento Golf Club	\$35,272.98
136952	Portsea Golf Club	\$28,547.13
54951	Rosebud Country Club Ltd	\$21,163.78
61372	Mornington Country Golf Club	\$12,345.55
87869	Devil Bend Golf Club	\$5,793.22
123392	Flinders Golf Club	\$14,109.20
15902	Flinders Yacht Club	\$1,812.42
17439	Rosebud Yacht Club Inc	\$1,510.45
26463	Rye Sailing Club	\$1,721.84
28769	McCrae Yacht Club	\$1,947.59
39007	Sorrento Sailing Club	\$5,101.06
141024	Safety Beach Sailing Club	\$2,025.40
46705	Blairgowrie Yacht Squadron	\$3,611.95
78645	Mount Martha Yacht Club	\$2,033.78
78974	Somers Yacht Club	\$2,218.61
80020	Rosebud Motorboat Squadron	\$945.76
80912	Western Port Yacht Club	\$1,611.87
84465	Merricks Yacht Club	\$1,740.31
85013	Point Leo Boat Club	\$1,650.00
88027	Hastings Yacht Club	\$1,121.59
118429	Mornington Yacht Club	\$1,026.12
111616	Davey's Bay Yacht Club	\$3,540.12
98964	Canadian Bay Club	\$2,616.61
88029	Western Port Angling Club	\$366.21
84471	Merricks Beach Residents Association	\$695.01
62833	Mornington Racing Club	\$20,522.47

## 4.2 (Cont.)

89370	Peninsula Aero Club	\$2,996.27
Total		\$178,047.30

Consequential

15. 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*.
16. 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*.

**MOTION**

Moved: Cr Celi  
 Seconded: Cr O'Connor

**Part A****The Budget**

That Council resolves, pursuant to section 94 of the *Local Government Act 2020*, to adopt the 2024/2025 Annual Budget.

**Part B****Declaration of Rates and Charges – Amount to be Raised**

1. That it is intended to raise the amount of \$225,825,543 for the rating year commencing 1 July 2024 to 30 June 2025 by application of Rates and Charges detailed as follows:

Type or Class of Land	2024/2025 \$'000
General land	\$163,615
Vacant residential land/rural land	\$5,361
Vacant commercial land	\$99
Vacant industrial land	\$333
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Conservation Land Rate	\$1,144
Trust for nature land	\$17
Cerberus land	\$50
Steel works	\$840
Cultural and recreational land	\$178

## 4.2 (Cont.)

Supplementary Rates	\$1,000
Heritage Rebate	\$(90)
Valuations objections	\$(100)
Total amount to be raised by General Rates	\$174,815
Waste Service Charge	\$42,494
Green Waste Charge (optional)	\$8,517
Total Rates and Charges	\$225,826

## 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 2024/2025.
3. That the determination of the 2024/2025 rates for all properties be based on 1 January 2024 levels of property valuations returned to Council on 31 May 2023 and as subsequently amended by supplementary valuations.

## General Rates

4. A General Rate be declared for the 2024/2025 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 Capital Improved Value of each rateable land (categorised by the characteristics described in the section 4.1 of Attachment 1), by the relevant percentages indicated in table below:

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General Rate for vacant industrial properties	0.1853
General Rate for rateable Mornington Peninsula Agricultural Rate properties	0.0463
General Rate for rateable Conservation Land Rate properties	0.0993

## 4.2 (Cont.)

General Rate for Trust for Nature properties	0.0463
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7. It be recorded that Council considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions, and that:
- 7.1 The respective objectives of each Differential Rate be those specified in the Statutory Disclosures within the 2024/2025 Budget as adopted
- 7.2 The respective types or classes of land which are subject to each Differential Rate be those specified in the Statutory Disclosures within the 2024/2025 Budget as adopted
- 7.3 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 2024/2025 Budget as adopted
- 7.4 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 2024/2025 Budget as adopted.

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

8. 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 2024/2025 rating year on the curtilage component of all properties classified as farmland and conservation land.

#### Rebates

9. That pursuant to section 169 of the *Local Government Act 1989*:
- 9.1 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
- 9.2 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 2024/2025 rating year.

#### Services Charges

10. An annual Waste Service Charge be declared for the collection and disposal of municipal refuse.
11. The annual Service Charge be the sum of \$406 for each rateable property with the only exceptions being:
- 11.1 Properties rated under the Cultural and Recreational Lands Act 1963

## 4.2 (Cont.)

11.2 Properties subject to the Western Port (Steel Works Rating) Act 1971.

12. An annual Service Charge be declared for the collection and disposal of refuse taking the form of green waste.
13. The annual Service Charge be the sum of \$156 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

14. That pursuant to the provisions of the Cultural and Recreation Lands Act 1963, the following rates be levied on the listed properties for the 2024/2025 rating year:

Property No.	Property	Rates
12018	Sorrento Golf Club	\$35,272.98
136952	Portsea Golf Club	\$28,547.13
54951	Rosebud Country Club Ltd	\$21,163.78
61372	Mornington Country Golf Club	\$12,345.55
87869	Devil Bend Golf Club	\$5,793.22
123392	Flinders Golf Club	\$14,109.20
15902	Flinders Yacht Club	\$1,812.42
17439	Rosebud Yacht Club Inc	\$1,510.45
26463	Rye Sailing Club	\$1,721.84
28769	McCrae Yacht Club	\$1,947.59
39007	Sorrento Sailing Club	\$5,101.06
141024	Safety Beach Sailing Club	\$2,025.40
46705	Blairgowrie Yacht Squadron	\$3,611.95
78645	Mount Martha Yacht Club	\$2,033.78
78974	Somers Yacht Club	\$2,218.61
80020	Rosebud Motorboat Squadron	\$945.76
80912	Western Port Yacht Club	\$1,611.87
84465	Merricks Yacht Club	\$1,740.31
85013	Point Leo Boat Club	\$1,650.00
88027	Hastings Yacht Club	\$1,121.59
118429	Mornington Yacht Club	\$1,026.12

## 4.2 (Cont.)

111616	Davey's Bay Yacht Club	\$3,540.12
98964	Canadian Bay Club	\$2,616.61
88029	Western Port Angling Club	\$366.21
84471	Merricks Beach Residents Association	\$695.01
62833	Mornington Racing Club	\$20,522.47
89370	Peninsula Aero Club	\$2,996.27
<b>Total</b>		<b>\$178,047.30</b>

**Consequential**

15. 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*.
16. 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*.

**Part C**

That Council considers reducing the off-peak and peak fees for the Primary Hall Community use, subsequent to the review of the Community Facility Hire Policy that will be tabled at a Councillor briefing on 18 June 2024, followed by a report to the Council. That the current user fee arrangements for the Primary Hall Community users remain in place until the review has been finalised and adopted.

**AMENDMENT**

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

1. In any future review by Council the priority will be to increase the availability of community capital infrastructure grants.
2. That all community budget bids and bids by Councillors on behalf of their community be added as an appendix to the budget document to allow for future consideration.
3. That all funding in order to advance to the next stage for the wetland design at the Mornington Civic Centre be removed from the budget.
4. That no budget funding including borrowings be allocated to the existing three paid parking pilot sites.
5. That a reduction of \$1 million in employee costs and \$500,000 in consultants fees be made to the proposed budget.

That the Amendment be voted on in parts.

1. **In any future review by Council the priority will be to increase the availability of community capital infrastructure grants.**

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

**4.2 (Cont.)**

For: Cr Gill, Cr Marsh, Cr Dixon, Cr Bissinger, Cr Roper, Cr Mar, Cr Celi and Cr Race

Against: Cr O'Connor and Cr Brooks

**Carried**

Part 1 of the Amendment then became part of the Substantive Motion.

- 2. That all community budget bids and bids by Councillors on behalf of their community be added as an appendix to the budget document to allow for future consideration.**

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

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

Against: Cr O'Connor, Cr Roper, Cr Mar, Cr Celi and Cr Race

**Tied**

**Carried on the casting vote of the Chair**

Part 2 of the Amendment then became part of the Substantive Motion.

- 3. That all funding in order to advance to the next stage for the wetland design at the Mornington Civic Centre be removed from the budget.**

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

For: Cr Gill, Cr Bissinger and Cr Roper

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

**Lost**

- 4. That no budget funding including borrowings be allocated to the existing three paid parking pilot sites.**

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

For: Cr Gill, Cr Marsh and Cr Dixon

Against: Cr O'Connor, Cr Bissinger, Cr Roper, Cr Mar, Cr Celi, Cr Race and Cr Brooks

**Lost**

- 5. That a reduction of \$1 million in employee costs and \$500,000 in consultants fees be made to the proposed budget.**

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

For: Cr Gill, Cr Marsh and Cr Bissinger

Against: Cr O'Connor, Cr Dixon, Cr Roper, Cr Mar, Cr Celi, Cr Race and Cr Brooks

**Lost**

**ADJOURNMENT OF MEETING**

## 4.2 (Cont.)

That the meeting be adjourned at 8.29pm for a short recess.

**RESUMPTION OF MEETING**

That the meeting be resumed at 8.41pm.

The Substantive Motion was then put.

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

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

Against: Cr Gill, Cr Marsh and Cr Bissinger

**Carried**

For clarity the Council Decision is repeated below

**COUNCIL DECISION**

Moved: Cr Celi  
Seconded: Cr O'Connor

**Part A****The Budget**

That Council resolves, pursuant to section 94 of the *Local Government Act 2020*, to adopt the 2024/2025 Annual Budget.

**Part B****Declaration of Rates and Charges – Amount to be Raised**

- That it is intended to raise the amount of \$225,825,543 for the rating year commencing 1 July 2024 to 30 June 2025 by application of Rates and Charges detailed as follows:

Type or Class of Land	2024/2025 \$'000
General land	\$163,615
Vacant residential land/rural land	\$5,361
Vacant commercial land	\$99
Vacant industrial land	\$333
Mornington Peninsula Agricultural Rate land	\$2,367
Conservation Land Rate	\$1,144
Trust for nature land	\$17
Cerberus land	\$50

## 4.2 (Cont.)

Steel works	\$840
Cultural and recreational land	\$178
Supplementary Rates	\$1,000
Heritage Rebate	\$(90)
Valuations objections	\$(100)
<b>Total amount to be raised by General Rates</b>	<b>\$174,815</b>
Waste Service Charge	\$42,494
Green Waste Charge (optional)	\$8,517
<b>Total Rates and Charges</b>	<b>\$225,826</b>

## 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 2024/2025.
3. That the determination of the 2024/2025 rates for all properties be based on 1 January 2024 levels of property valuations returned to Council on 31 May 2023 and as subsequently amended by supplementary valuations.

## General Rates

4. A General Rate be declared for the 2024/2025 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 Capital Improved Value of each rateable land (categorised by the characteristics described in the section 4.1 of Attachment 1), by the relevant percentages indicated in table below:

Type or Class of Land	2024/2025 Cents/\$ Capital Improved Value (CIV)
General Rate for rateable general properties	0.1323
General Rate for rateable vacant residential properties	0.1853
General Rate for rateable vacant commercial properties	0.1853
General Rate for vacant industrial properties	0.1853

## 4.2 (Cont.)

General Rate for rateable Mornington Peninsula Agricultural Rate properties	0.0463
General Rate for rateable Conservation Land Rate properties	0.0993
General Rate for Trust for Nature properties	0.0463

7. It be recorded that Council considers that each Differential Rate will contribute to the equitable and efficient carrying out of Council functions, and that:
- 7.1 The respective objectives of each Differential Rate be those specified in the Statutory Disclosures within the 2024/2025 Budget as adopted
- 7.2 The respective types or classes of land which are subject to each Differential Rate be those specified in the Statutory Disclosures within the 2024/2025 Budget as adopted
- 7.3 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 2024/2025 Budget as adopted
- 7.4 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 2024/2025 Budget as adopted.

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

8. 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 2024/2025 rating year on the curtilage component of all properties classified as farmland and conservation land.

#### Rebates

9. That pursuant to section 169 of the *Local Government Act 1989*:
- 9.1 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
- 9.2 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 2024/2025 rating year.

#### Services Charges

10. An annual Waste Service Charge be declared for the collection and disposal of municipal refuse.

## 4.2 (Cont.)

11. The annual Service Charge be the sum of \$406 for each rateable property with the only exceptions being:
  - 11.1 Properties rated under the Cultural and Recreational Lands Act 1963
  - 11.2 Properties subject to the Western Port (Steel Works Rating) Act 1971.
12. An annual Service Charge be declared for the collection and disposal of refuse taking the form of green waste.
13. The annual Service Charge be the sum of \$156 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

14. That pursuant to the provisions of the Cultural and Recreation Lands Act 1963, the following rates be levied on the listed properties for the 2024/2025 rating year:

Property No.	Property	Rates
12018	Sorrento Golf Club	\$35,272.98
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80020	Rosebud Motorboat Squadron	\$945.76
80912	Western Port Yacht Club	\$1,611.87
84465	Merricks Yacht Club	\$1,740.31

## 4.2 (Cont.)

85013	Point Leo Boat Club	\$1,650.00
88027	Hastings Yacht Club	\$1,121.59
118429	Mornington Yacht Club	\$1,026.12
111616	Davey's Bay Yacht Club	\$3,540.12
98964	Canadian Bay Club	\$2,616.61
88029	Western Port Angling Club	\$366.21
84471	Merricks Beach Residents Association	\$695.01
62833	Mornington Racing Club	\$20,522.47
89370	Peninsula Aero Club	\$2,996.27
<b>Total</b>		<b>\$178,047.30</b>

**Consequential**

15. 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*.
16. 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*.

**Part C**

That Council considers reducing the off-peak and peak fees for the Primary Hall Community use, subsequent to the review of the Community Facility Hire Policy that will be tabled at a Councillor briefing on 18 June 2024, followed by a report to the Council. That the current user fee arrangements for the Primary Hall Community users remain in place until the review has been finalised and adopted.

**Part D**

1. In any future review by Council the priority will be to increase the availability of community capital infrastructure grants.
2. That all community budget bids and bids by councillors on behalf of their community be added as an appendix to the budget document to allow for future consideration.

## PLANNING & INFRASTRUCTURE

### 4.3 Planning Scheme Amendment C286morn - Updated Sorrento Built Form Review and Amendment Documents for Re-exhibition

#### RECOMMENDATION

That Council:

1. Adopts the Ocean Beach Road Sorrento – Built Form Review Report (MPS, Design Urban, Glossop Town Planning, May 2024) as at Attachment 6.
2. Endorses the revised version of Amendment C286morn to the Mornington Peninsula Planning Scheme as at Attachments 8 to 19 for the purposes of re-exhibition.
3. Undertakes re-exhibition of Amendment C286morn to the Mornington Peninsula Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987*.
4. Authorises the Director – Planning and Environment to make editorial and/or administrative changes to documents contained in Attachments 8 to 19 to this report as required prior to re-exhibition.
5. Authorises the Director – Planning and Environment to submit a request to the Minister for Planning to extend the expiry date of Amendment C286morn to the Mornington Peninsula Planning Scheme which is set to expire on 28 July 2024.
6. Requests the Minister for Planning to prepare and approve proposed Amendment C305morn to the Mornington Peninsula Planning Scheme, pursuant to Section 20A of the *Planning and Environment Act 1987*, generally in accordance with the documentation in Attachments 22 to 24 of this report to extend the expiry date of the existing interim Design and Development Overlay – Schedule 28 from 31 July 2024 to 31 July 2025.
7. Requests the Minister for Planning to prepare and approve proposed Amendment C306morn to the Mornington Peninsula Planning Scheme, pursuant to Section 20(4) of the *Planning and Environment Act 1987*, generally in accordance with the documentation in Attachments 25 to 28 of this report to extend the expiry date of the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document from 30 June 2024 to 30 June 2026.
8. Authorises the Director – Planning and Environment to make editorial and/or administrative changes to documents in Attachments 22 to 28 to this report if required prior to lodgement of Amendments C305morn and C306morn to the Mornington Peninsula Planning Scheme with the Minister for Planning.
9. Notifies all submitters to Amendment C286morn to the Mornington Peninsula Planning Scheme in writing of Council's decision.
10. Notifies any individuals that have requested to be provided with updates of Amendment C286morn to the Mornington Peninsula Planning Scheme in writing of Council's decision.

## 4.3 (Cont.)

## MOTION

Moved: Cr Bissinger

That Council:

1. Endorses the Ocean Beach Road Sorrento – Built Form Review Report , May 2024) as at Attachment 8 for Community Consultation.
2. Endorses the revised version of Amendment C286morn to the Mornington Peninsula Planning Scheme as at Attachments 8 to 19 for the purposes of Community Consultation.
3. Delays re-exhibition of Amendment C286morn to the Mornington Peninsula Planning Scheme until Council adopts the Ocean Beach Road, Sorrento built form review report.
4. Authorises the Director – Planning and Environment to make editorial and/or administrative changes to documents contained in Attachments 8 to 19 to this report as required prior to community consultation.
5. Authorises the Director – Planning and Environment to submit a request to the Minister for Planning to extend the expiry date of Amendment C286morn to the Mornington Peninsula Planning Scheme which is set to expire on 28 July 2024.
6. Requests the Minister for Planning to prepare and approve proposed Amendment C305morn to the Mornington Peninsula Planning Scheme, pursuant to Section 20A of the *Planning and Environment Act 1987*, generally in accordance with the documentation in Attachments 22 to 24 of this report to extend the expiry date of the existing interim Design and Development Overlay – Schedule 28 from 31 July 2024 to 31 July 2025.
7. Requests the Minister for Planning to prepare and approve proposed Amendment C306morn to the Mornington Peninsula Planning Scheme, pursuant to Section 20(4) of the *Planning and Environment Act 1987*, generally in accordance with the documentation in Attachments 25 to 28 of this report to extend the expiry date of the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document from 30 June 2024 to 30 June 2026.
8. Authorises the Director – Planning and Environment to make editorial and/or administrative changes to documents in Attachments 22 to 28 to this report if required prior to lodgement of Amendments C305morn and C306morn to the Mornington Peninsula Planning Scheme with the Minister for Planning.
9. Notifies all submitters to Amendment C286morn to the Mornington Peninsula Planning Scheme in writing of Council’s decision.
10. Notifies any individuals that have requested to be provided with updates of Amendment C286morn to the Mornington Peninsula Planning Scheme in writing of Council’s decision.

## 4.3 (Cont.)

**PROCEDURAL MOTION**

Moved: Cr Marsh

Seconded: Cr Gill

That the Motion be laid on the table.

**Carried**

**PROCEDURAL MOTION**

Moved: Cr Gill

Seconded: Cr Marsh

That the Motion in relation to 4.3 – Planning Scheme Amendment C286morn – Updated Sorrento Built Form Review and Amendment Documents for Re-exhibition be taken from the table.

**Carried**

**PROCEDURAL MOTION**

Moved: Cr Gill

Seconded: Cr Marsh

That the meeting time be extended to 10.30pm.

The Substantive Motion was then Seconded by Cr Marsh.

**AMENDMENT**

Moved: Cr Gill

Seconded: Cr Race

That Parts 1-4 of the Substantive Motion be amended to:

That Council:

1. Adopts the Ocean Beach Road Sorrento – Built Form Review Report (May 2024) as at Attachment 8.
2. Endorses the revised version of Amendment C286morn to the Mornington Peninsula Planning Scheme as at Attachments 8 to 19 for the purposes of re-exhibition.
3. Undertakes re-exhibition of Amendment C286morn to the Mornington Peninsula Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987*.
4. Authorises the Director – Planning and Environment to make editorial and/or administrative changes to documents contained in Attachments 8 to 19 to this report as required prior to re-exhibition.

**Carried**

The Amendment became part of the Substantive Motion

**4.3 (Cont.)**

The Substantive Motion was then put.

**Carried Unanimously**

For Clarity the Council Decision is repeated below.

**COUNCIL DECISION**

**That Council:**

- 1. Adopts the Ocean Beach Road Sorrento – Built Form Review Report (May 2024) as at Attachment 8.**
- 2. Endorses the revised version of Amendment C286morn to the Mornington Peninsula Planning Scheme as at Attachments 8 to 19 for the purposes of re-exhibition.**
- 3. Undertakes re-exhibition of Amendment C286morn to the Mornington Peninsula Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987*.**
- 4. Authorises the Director – Planning and Environment to make editorial and/or administrative changes to documents contained in Attachments 8 to 19 to this report as required prior to re-exhibition.**
- 5. Authorises the Director – Planning and Environment to submit a request to the Minister for Planning to extend the expiry date of Amendment C286morn to the Mornington Peninsula Planning Scheme which is set to expire on 28 July 2024.**
- 6. Requests the Minister for Planning to prepare and approve proposed Amendment C305morn to the Mornington Peninsula Planning Scheme, pursuant to Section 20A of the *Planning and Environment Act 1987*, generally in accordance with the documentation in Attachments 22 to 24 of this report to extend the expiry date of the existing interim Design and Development Overlay – Schedule 28 from 31 July 2024 to 31 July 2025.**
- 7. Requests the Minister for Planning to prepare and approve proposed Amendment C306morn to the Mornington Peninsula Planning Scheme, pursuant to Section 20(4) of the *Planning and Environment Act 1987*, generally in accordance with the documentation in Attachments 25 to 28 of this report to extend the expiry date of the Heritage Design Guidelines: Sorrento Historic Precinct Incorporated Document from 30 June 2024 to 30 June 2026.**
- 8. Authorises the Director – Planning and Environment to make editorial and/or administrative changes to documents in Attachments 22 to 28 to this report if required prior to lodgement of Amendments C305morn and C306morn to the Mornington Peninsula Planning Scheme with the Minister for Planning.**
- 9. Notifies all submitters to Amendment C286morn to the Mornington Peninsula Planning Scheme in writing of Council’s decision.**
- 10. Notifies any individuals that have requested to be provided with updates of Amendment C286morn to the Mornington Peninsula Planning Scheme in writing of Council’s decision.**

**4.4 Draft Urban Forest Strategy - Public Exhibition and Community Consultation endorsement**

**RECOMMENDATION**

That Council endorses the draft strategy 'Our Urban Forest' to be released for public exhibition for a period of six weeks from 29 May to 10 July 2024.

**COUNCIL DECISION**

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

**That the recommendation be adopted.**

**Carried Unanimously**

#### 4.5 Compliance and Enforcement Policy

##### RECOMMENDATION

That Council adopts the Compliance and Enforcement Policy (Attachment 1).

##### MOTION

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

That Council:

1. Notes the new Compliance and Enforcement Policy (Attachment 1) and will seek public feedback.
2. Considers separating town planning and building compliance and enforcement from any other departments and bring under town planning department auspices.

That the Motion be voted on in parts.

##### That Council:

1. **Notes the new Compliance and Enforcement Policy (Attachment 1) and seeks public feedback.**

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

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

Against: Cr O'Connor, Cr Roper, Cr Mar, Cr Celi and Cr Race

**Tied**

**Carried on the casting vote of the Chair**

That Council:

2. Considers separating town planning and building compliance and enforcement from any other departments and bring under town planning department auspices.

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

For: Cr Gill, Cr Marsh and Cr Bissinger

Against: Cr O'Connor, Cr Dixon, Cr Roper, Cr Mar, Cr Celi, Cr Race and Cr Brooks

**Lost**

##### ADJOURNMENT OF MEETING

**That the meeting be adjourned at 10.28pm to be resumed at 9.00am on Wednesday, 29 May 2024 via Zoom.**

##### RESUMPTION OF MEETING

**That the meeting be resumed at 9.04am.**

**4.5 (Cont.)**

**Attendance**

Cr Marsh left the meeting at 10.28pm on Tuesday, 28 May and did not return.

Cr Race left the meeting at 10.28pm on Tuesday, 28 May and did not return.

**ALTER THE ORDER OF BUSINESS**

**Moved: Cr Gill**

**Seconded: Cr O'Connor**

**That the item listed at 7.1 and 7.2 on the agenda be considered after the item listed as 4.5.**

## COMMUNITY STRENGTHENING

### 4.6 Mornington Peninsula Charitable Trust Terms of Reference and Guidelines

#### Attendance

Cr Gill left the meeting at 10.50am.

Cr O'Connor left the meeting at 10.51am prior to consideration of this item and did not return.

Cr Gill returned to the meeting at 10.52am prior to consideration of this item.

#### **RECOMMENDATION**

That Council:

1. Adopts Mornington Peninsula Community Charitable Trust – Draft Committee of Management Terms of Reference (Attachment 1).
2. Adopts the Mornington Peninsula Community Charitable Trust – Draft Guidelines (Attachment 2).
3. Undertakes a review of the Lord Mayor's Charitable Trust and Mayoral Emergency Fund, with a separate report to Council as part of the next Community Investment Funding Program review.

#### **COUNCIL DECISION**

**Moved:** Cr Celi

**Seconded:** Cr Mar

**That the recommendation be adopted.**

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

For: Cr Gill, Cr Dixon, Cr Roper, Cr Mar, Cr Celi and Cr Brooks

Against: Cr Bissinger

**Carried**

## 5 NOTICES OF MOTION

### 5.1 Notice of Motion 449 (Cr Marsh) - Closed briefings and workshops

#### MOTION

The Council resolves to seek independent legal advice on the intended purpose of closed briefings and workshops and the appropriateness of using them to brainstorm ideas and gauge support or tacit approval from Councillors. The advice shall also consider Recommendation 22 of the Operation Sandon special report from the Independent Broad-based Anti-corruption Commission (IBAC).

This item was deferred and will be heard at the 11 June 2024 Council Meeting.

**5.2 Notice of Motion 450 (Cr Gill) - Planning permit time extension applications**

**MOTION**

That Town Planning Permit Time Extension applications be notified to original objectors and Councillors where they have asked to be notified. This is in order to allow for timely consideration by Council and/or delegated officers before a notice of decision.

**COUNCIL DECISION**

**Moved: Cr Gill**  
**Seconded: Cr Bissinger**

**Attendance**

Cr Bissinger left the meeting at 11.29am and was not present for voting on this item.

**That the recommendation be adopted.**

**Carried**

## **6 URGENT BUSINESS**

Nil.

## 7 CONFIDENTIAL ITEMS

### Advice to the Public

All reports, information and recommendations contained in 'Section 7 – Confidential Items' of this Agenda have been designated by the Chief Executive Officer as confidential pursuant to section 66 (2) (a) of the *Local Government Act 2020*.

### MEETING CLOSED TO THE PUBLIC

The Council may resolve that the meeting be closed to members of the public in accordance with section 66 (5) (a) of the *Local Government Act 2020* if the meeting is discussing any of the following:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- (b) Security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- (c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.
- (d) Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- (e) Legal privileged information, being information to which legal professional privilege or client legal privilege applies.
- (f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- (g) Private commercial information, being information provided by a business, commercial or financial undertaking that:
  - (i) Relates to trade secrets.
  - (ii) If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- (h) Confidential meeting information, being the records of meetings closed to the public under section 66 (2) (a).
- (i) Internal arbitration information, being information specified in section 145.
- (j) Councillor Conduct Panel confidential information, being information specified in section 169.
- (k) Information prescribed by the regulations to be confidential information for the purposes of this definition.
- (l) Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

**RECOMMENDATION**

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

**7.1 Social Housing Expression of Interest**

This matter is considered to be confidential under sections 3 (1) (a), (c) and (e) of the *Local Government Act 2020* as it contains information in relation to Council business information, land use planning information and legal information. The report and the draft Expression of Interest document contains property and planning details that could pose a risk if prematurely released to market..

**7.2 Event Review - The Briars**

This matter is considered to be confidential under section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains information that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage due to ongoing confidentiality obligations owed to the event organisers.

**COUNCIL DECISION**

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

**That the recommendation be adopted.**

**Carried**

## 7.2 Event Review - The Briars

### COUNCIL DECISION

Moved: Cr O'Connor

Seconded: Cr Celi

That Council:

1. Resolves that a review of the processes leading to, and the outcomes of the event being held at The Briars will be undertaken. This will be on completion of the event and a report presented to Councillors prior to the commencement of Caretaker Period.
2. Notes that the review will include;
  - A. An assessment and review of the processes leading up to, and including, the initial Council decision to hold the event at the Sanctuary, and subsequent Council decision to relocate the event with reference to the key outcomes (stated below).
  - B. An evaluation including the local and broader economic outcomes and impacts, to be supported by Culture Counts, and an independent ecological evaluation being a post event assessment of the environmental impact to be supported by consultants and Ecology Australia with reference to the pre assessment (pre-event assessment has been completed).
  - C. The key outcomes:
    - i. Determination of any improvement areas (if any) and success measures of the event deliverables.
    - ii. Outcomes for the Mornington Peninsula Shire owned venue (The Briars) i.e., tree sales, anticipated increased profile, positive publicity and branding visitation, site improvements, accessibility etc.
3. The scope of the review would be determined and confirmed by the Mayor in consultation with the Chief Executive Officer.
4. The review will be presented to Councillors through a briefing and subsequent Council report.
5. The review and any reports prepared will be required to adhere to all confidentiality requirements according to the *Local Government Act 2020* provisions and the ongoing confidentiality obligations owed to Fever/Warner though where possible, in the interests of transparency, the review will be made public.
6. Public release of any information including this decision, report and any public announcement about this matter must be reviewed by Council's lawyers having regard to confidentiality obligations and legal privilege.
7. The review to be subject to the rules of procedural fairness, including non-bias and administrative law principles.
8. The review will be independently assessed against the above criteria by a Probity Adviser.

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7.2 (Cont.)

## Part B

1. That Council resolves that the report (excluding decision) be retained as confidential item pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* where it contains information that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. This is in line with the ongoing confidentiality obligations owed to Fever/Warner.
2. That Council resolves that the attachment to this report be retained as a confidential item pursuant to section 3 (1) (e) of the *Local Government Act 2020* where it contains legal privileged information, being information to which legal professional privilege or client legal privilege applies.
3. Council resolves that the Council decision is not confidential pursuant to section 3 (1) of the *Local Government Act 2020* subject to legal review by Council's lawyers having regard to confidentiality obligations and legal privilege.

**Carried**

**PROCEDURAL MOTION**

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

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

**Carried**

## 8 MEETING CLOSE

As there was no further business, the meeting closed at 11.30am on Wednesday, 29 May 2024

Confirmed this 11<sup>th</sup> day of June 2024

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Cr Simon Brooks, Chairperson - Council