



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 3 DECEMBER 2024

6:30PM

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

Please note that this Council Meeting was livestreamed to the Mornington Peninsula Shire's YouTube channel and a recording of the meeting is available on the Shire's website.

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

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1 OPENING AND WELCOME

Meeting opened at 6.34pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr Roper)

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
Deputy Mayor, 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 Patton, declared a Material, Conflict of Interest in regard to item 4.3 – Dogs in Public Places Policy Gazettal Changes, as the decision impacts Cr Patton's primary employer.

Cr Allen, declared a general, Conflict of Interest in regard to item 4.8 – CN2670 Mount Eliza Landfill Capping Rehabilitation Works, as Cr Allen has a link to one of the tenderers.

Cr Ranken, declared a General, Conflict of Interest in regard to item 4.5 – Loan Guarantee to Mornington Bowling Club Inc, as Cr Ranken is the Manager of Bendigo Bank.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Annual Council Meeting held on the 19 November 2024 and the previous Council Meetings held on the 8 October and 27 November 2024, be confirmed.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Patton

That the recommendation be adopted.

Carried

2.4 Petitions

RECOMMENDATION

That Council receives and notes the listed petitions:

1. Repair of potholes – Hamson Court, Cape Schanck
2. French Street Reserve, Rye – Change to off-leash
3. Barriers along Arthurs Seat Road, Red Hill

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Ranken

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 – 27th August 2024 and 10 September 2024

COUNCIL DECISION

Moved: Cr Allen
Seconded: Cr Roper

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 25 November 2025.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Batty

That the recommendation be adopted.

Carried

Cr Gill wished to have his opposition noted.

2.7 Public Question Time

QUESTIONS WITH NOTICE

Nature Strip Policy

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

Can the Council commit to only plant native plants as part of this strategy into nature strip, based on the EVC of the area being planted, in line with the council's own Biodiversity Strategy?

Council advised – the vision of Our Urban Forest Strategy is a thriving urban forest that provides a wide range of benefits, including biodiversity, urban cooling, water management, amenity and more. Delivering on these goals requires a balanced approach, recognising also that urban environments often have significant constraints of space, services, safety and character. All planting programs will take into consideration a wide range of factors to determine suitable size and species of trees and shrubs, which will include both native and non-native species.

Two actions in the strategy of particular relevance are:

- 1.2.G: All tree species immediately adjacent to remnant vegetation and areas with high biodiversity values are indigenous and appropriate for the nearby ecosystems
- 1.2.H: Indigenous and native species are prioritised in Shire planting projects

Andrew asked a follow up question:

While fruit trees can be a valuable community resource, their presence on public land in regions like the Mornington Peninsula requires careful management to minimise the biosecurity risks, particularly concerning the Queensland fruit fly, a risk to the commercial horticulture industry and potential weed impact due to the likely spread into Mornington Peninsula environment, could the council highlight the issues with enabling fruit trees to be planted on public land such as nature strip's?

Council advised – on 3 September 2024, Council resolved to defer adoption of the Nature Strip Policy until FY25/26, to include consideration of the Shire's 2022 community engagement and aspirations for street tree groups and allowances for fruit trees and vegetable boxes. Officers will develop a recommended position on the topic of fruit trees as part of the process, for Council decision next financial year.

Beach Cleaning

Sharon McCulley, a resident of Safety Beach asked the following question:

I acknowledge the current beach clean-up trial but urge immediate reassessment for Safety Beach to Dromana, where storm surge has left foul-smelling seaweed, dead starfish, and debris above the tidal line. This poses health, environmental, and tourism risks. What, if anything does council plan to do about this?

Council advised – that it recognises the hand beach cleaning trial has changed the appearance of some Port Phillip Bay beaches and have received diverse feedback on the trial from the community, both positive and negative.

The trial came about after investigations found that the mechanical rake only removed about 40 per cent of litter and sometimes broke plastic items into smaller pieces and buried them in

the sand. The investigation also found 85 per cent of the material collected by the rake and taken for waste disposal was organic matter, such as seaweed.

On 5 March 2024, Council decided to undertake a 12-month hand cleaning trial, beginning on 1 July 2024.

As part of the trial, beaches will be cleaned at the same frequency (fortnightly) as when they were raked, the difference being the cleaning is now by hand.

Council remains committed to the 12-month trial and are actively monitoring the impacts. This means changes will not be made to the schedule at Dromana or Safety Beach prior to the end of the trial. The first quarterly report has been released on the webpage and findings will continue to be presented to the community throughout the trial.

Community feedback is encouraged throughout the trial via a survey available online at the Beach Cleaning webpage.

Public Questions during Caretaker Period

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

With other Councils around Victoria accepting public questions during council elections, will Mornington Peninsula Shire review the Election Period (Caretaker) Policy to allow local residents to submit public questions for Public Question Time at every council meeting including during future election caretaker periods?

Council advised – that while the current Election Period (Caretaker) Policy suspends Public Question Time to preserve the integrity of the election process, we recognise the concerns raised. We are aware that other Councils in Victoria have allowed public questions during their caretaker periods, and we will review our policy to determine whether adjustments can be made to allow public questions at all Council Meetings, including during future election caretaker periods.

The Briars

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

At the 6 February Council Meeting former CEO John Baker advised that funds raised by the Harry Potter Event at the Briars would be put back into the Briars on things such as path improvements, more nature education opportunities for school and community groups and improvements to the carparks.

Would council officers please explain to the community:

Has this work, in particular the improved disability and visitor access and improved disability access to the Sanctuary area, been completed and if not, what is the reason for the delay?

Council advised – that due to the relocation of the event to the Community Forrest, associated pathway and visitor access works were also relocated to the Community Forest.

These path improvement and upgrades works have all been completed and subsequently made the area more accessible. Works included installing approximately 1.5 kilometres of granitic surfacing over existing walking tracks, new fencing and gates, and resurfacing and upgrade to approximately 600 metres of vehicle and emergency access tracks. In addition, 2,600 plants from the event provider were also donated to Mornington Peninsula Koala Conservation Group, which have all been planted in the Briars sanctuary expansion area.

Public Transparency Policy

Bobbie Lane also asked the following question:

At the 23 July Council Meeting, Council resolved to make briefings open to the public online and to allow for elaboration of briefing topics in section 2.4 of Council Agendas.

Have these issues all been implemented?

Council advised – that the updated Public Transparency Policy was adopted by Council on 23 July 2024 and has been published on the Shire website.

A report regarding public briefings will be presented to Council for consideration at the meeting scheduled for 17 December 2024. To support the implementation of this decision, a draft protocol has been developed in collaboration with Maddocks Lawyers. The protocol aims to provide a clear framework for public briefings, with the implementation of this component planned for early 2025.

A summary of the Shire's briefings will be included in the agenda for the Council Meeting on 17 December. This summary will cover the first briefing session of the new Council term, which took place on 27 November. Moving forward, summaries of the briefings will continue to be provided in future Council Agendas.

Draft Mornington Peninsula Planning Scheme Amendment C304morn

Julia Stockigt, a resident of Bittern, asked the following question:

What role does Mornington Peninsula Shire have as a statutory authority in the approval process, and what permissions may be granted by Council when considering this new hydrogen production facility, given the lack of appropriate regulation around hydrogen, and the potential for fire and explosion at Bluescope Hastings?

Council advised – that Council officers are currently reviewing the proposal and preparing a submission to the Minister for Planning as part of the consultation process.

Under the proposed Planning Scheme Amendment C304 and the associated Incorporated Document, Council will be consulted in the preparation of the final development plans, which will be assessed and approved by the Minister for Planning. In addition, Council will be responsible for receiving, assessing, and approving associated technical documents, such as the Construction Environment Management Plan and the Drainage and Stormwater Management Plan, in accordance with the amended planning scheme provisions, should they be approved.

The exhibited documents include a Bushfire Management Statement and Bushfire Management Plan, which address fire management measures associated with the establishment and operation of the proposed hydrogen production facility. Council understands that the Bushfire Management Statement has been or will be assessed by the Country Fire Authority (CFA). Should the planning scheme amendment request be approved by the Minister and the proposed amended provisions come into effect, the Bushfire Management Plan, as amended to incorporate any requirements of the CFA, will be endorsed as part of the planning authorisation. It must then be implemented at all times during the operation of the facility.

Julia Stockigt also asked the following question:

Regarding the Draft Mornington Peninsula Planning Scheme Amendment C304morn to approve the removal of native vegetation for a hydrogen production facility, what consultation has occurred between Council and CoreGas or their consultants, for example has CoreGas spoken with any planners at MPSC, or discussed this project with any Councillors?

Council advised – that the Shire’s Planning Units had not been informed or consulted on the proposed Hydrogen Production Facility proposed by CoreGas or the associated vegetation removal prior to notification from the Department of Transport and Planning in November 2024 in relation to this Planning Scheme Amendment.

QUESTIONS TAKEN ON NOTICE – received Friday after 12 noon

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

The Eagle, Arthurs Seat

Esther Gleixner, a resident of Flinders, asked the following question:

Will Council contact the State Minister for Planning and:

- 1. Advise that Council, on behalf of the Mornington Peninsula Community, has concerns regarding the application Ministerial permit PA2403185 - Expansion on Arthurs Seat Eagle building works 53.22 currently before the Minister*
- 2. Give notice to the Minister that Council intends to make a Submission expressing it’s concerns when the application is put on public notice.*

Dogs in Public Places

Bronwen Jane Kirkby, a resident of Mount Eliza, asked the following question:

In regard to the re-signing of the decommissioned cricket ground that has been signed as leash free since 2010.

What are the reasons for Council's decision to resign this space given it has been used by the community as a leash free space for 14 years?

The Eagle, Arthurs Seat

Kylie Greer, a resident of Arthurs Seat, asked the following question:

We are a group of concerned residents who are opposing the proposed development of The Eagle at Arthurs Seat and request the newly elected Councillors to stand with us in opposing this inappropriate development.

Public Safety

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

Following discussion about the out of control long grass especially at the Mornington Tyabb Road, freeway entrance. The man made hills were cut short, while the grass remained long opposite the fields where cattle were grazing. The Deputy Fire Chief said it was about cost cutting and livestock would perish, as a result of droughts that will get longer. Has this and other Government Departments now become clueless about public safety?

Relocation of 27 November Council Meeting

Frederick Crump also asked the following question:

After waiting outside offices for ¾ of an hour, nobody was available. I went home. The next day I rang to enquire as to why the meeting went to Zoom. I was told it was due to bad weather. Since when does the rain effect indoor activities?

Mayor, Cr Marsh advised the Bureau of Meteorology had issued a thunderstorm warning for destructive winds, heavy locally intense rainfall, and large hailstones. Due to the safety concerns this posed for Shire officers and Councillors, and since the meeting included only one confidential report, the decision was made to move the meeting to Zoom.

3 COUNCILLORS AND DELEGATES REPORTS

Nil.

4 MANAGEMENT REPORTS

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.1 Quarterly Community Report July-September 2024

RECOMMENDATION

That the Quarterly Community Report July-September 2024 (Attachments 1 and 2) be received and noted.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Gill

That the recommendation be adopted.

Carried Unanimously

4.2 Instruments of Appointment and Authorisation

RECOMMENDATION

1. That Council in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation (IAA), Council resolves that:
 - A. The members of Council staff referred to in Attachment 1 be appointed under the *Planning and Environment Act 1987*.
 - B. The instruments come into force upon the resolution of Council.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Stephens

That the recommendation be adopted.

Carried Unanimously

COMMUNITY STRENGTHENING

4.3 Dogs in Public Places Policy - Gazettal Changes

Having disclosed a conflict of interest Cr Patton, left the meeting at 7.09pm and returned to the meeting at 7.39pm, after the matter had been finalised. Cr Patton, took no part in the discussion or voting on this item.

RECOMMENDATION

That Council:

Resolves to make the following Order pursuant to section 26(2) of the *Domestic Animals Act 1994*, which means that:

1. All previous Orders made under section 26 of the *Domestic Animals Act 1994* be revoked and replaced by the Order in Attachment 2.
2. Gives notice of its decision to make the Order in Attachment 2 in the Victoria Government Gazette, a local newspaper and on the Mornington Peninsula Shire Council website.

COUNCIL DECISION

Moved: Cr Allen

Seconded: Cr Gill

1. All previous Orders made under section 26 of the *Domestic Animals Act 1994* be revoked and replaced by the Order in Attachment 2, subject to the following amendments:
 - A. Update the Schedule, section titled 'Designated Areas', sub-section 'Blairgowrie', paragraph (1) as shown on page 113, to read:

“Stringer Road Reserve, 464 Melbourne Road, in its entirety, except Roy Tapson Oval when that oval is being used for the conduct of an organised sports match or game or practice for an organised match or game or for any authorised group activity, and excluding the tennis courts, the community garden, and a 20-meter buffer around the toilet block.”
 - B. Update the Schedule, section titled 'Designated Areas', sub-section 'Capel Sound', paragraph (1) as shown on page 114, to read:

“Truemans Road Reserve, 113-119 Truemans Road, in the open areas west of the north-south access tracks at the front of this reserve, in the open areas east and south of the football oval at the rear of this reserve, and the decommissioned cricket oval except when that oval is being used for croquet.”
 - C. Update the Schedule, section titled 'Designated Areas', to sub-section 'Flinders', paragraph (1) as shown on page 114, to read: BA Cairns Reserve Sports Oval , 26 Barker St (access off Stokes Street), except when that oval is being used for the conduct of an organised sports match or game or practice for an organised match or game or for any authorised group activity.

4.3 (Cont.)

2. Notes that Stringer Road Reserve Concept Plan was adopted by Council in 2022, so this gazettal clause will require updating in the future to accommodate those works once they get underway.
3. Gives notice of its decision to make the Order in Attachment 2 in accordance with this resolution in the Victoria Government Gazette, a local newspaper and on the Mornington Peninsula Shire Council website.

That the motion be voted on in parts.

- A. Update the Schedule, section titled 'Designated Areas', sub-section 'Blairgowrie', paragraph (1) as shown on page 113, to read:

"Stringer Road Reserve, 464 Melbourne Road, in its entirety, except Roy Tapson Oval when that oval is being used for the conduct of an organised sports match or game or practice for an organised match or game or for any authorised group activity, and excluding the tennis courts, the community garden, and a 20-meter buffer around the toilet block."

2. Notes that Stringer Road Reserve Concept Plan was adopted by Council in 2022, so this gazettal clause will require updating in the future to accommodate those works once they get underway.

Carried Unanimously

- B. Update the Schedule, section titled 'Designated Areas', sub-section 'Capel Sound', paragraph (1) as shown on page 114, to read:

"Truemans Road Reserve, 113-119 Truemans Road, in the open areas west of the north-south access tracks at the front of this reserve, in the open areas east and south of the football oval at the rear of this reserve, and the decommissioned cricket oval except when that oval is being used for croquet."

Carried Unanimously

- C. Update the Schedule, section titled 'Designated Areas', to sub-section 'Flinders', paragraph (1) as shown on page 114, to read: BA Cairns Reserve Sports Oval , 26 Barker St (access off Stokes Street), except when that oval is being used for the conduct of an organised sports match or game or practice for an organised match or game or for any authorised group activity

Carried Unanimously

1. All previous Orders made under section 26 of the *Domestic Animals Act 1994* be revoked and replaced by the Order in Attachment 2, subject to the following amendments:
3. Gives notice of its decision to make the Order in Attachment 2 in accordance with this resolution in the Victoria Government Gazette, a local newspaper and on the Mornington Peninsula Shire Council website.

Carried Unanimously

OFFICE OF THE CEO

4.4 C2A and Mornington Mens Shed - Lease Submissions

RECOMMENDATION

That Council:

1. Notes that no submissions were received following the public notice and community engagement process for the proposed lease of Council-owned land at 311 Racecourse Road, Mornington.
2. Approves the lease of the premises at 311 Racecourse Road, Mornington, to Connecting to Australia (C2A) and the Mornington Men's Shed (MMS) under the following terms and conditions, pursuant to section 115 of the *Local Government Act 2020*:
 - A. An initial term of 50 years with no further option to renew.
 - B. A commencing rental of \$520 per annum plus GST.
 - C. Annual rent and licence fee increases of 3% per annum, reviewed to market at the end of each term.
 - D. Under the terms of the ground lease, the tenant will be solely responsible for all maintenance and repairs of any structures on the premises. Additionally, the tenant will be responsible for all outgoings, including but not limited to rates, utility services and connections, and insurance.
3. Authorises the Chief Financial Officer to execute all necessary documents to formalise the lease agreement with C2A and MMS.

COUNCIL DECISION

Moved: Cr Pingiaro

Seconded: Cr Gill

That the recommendation be adopted.

Carried Unanimously

4.5 Loan Guarantee to Mornington Bowling Club Inc

Having disclosed a conflict of interest Cr Ranken, left the meeting at 7.42pm and returned to the meeting at 7.46pm, after the matter had been finalised. Cr Ranken, took no part in the discussion or voting on this item.

RECOMMENDATION

1. That council resolves to act as guarantor for Mornington Bowls Club Inc in their negotiations with the Bendigo Bank to borrow a maximum of \$500,000 over ten (10) years for green replacement works.
2. That the guarantee agreement with the club contains the following conditions:
 - A. The guarantee to be limited to the principal sum, reducing as the loan is repaid
 - B. Maximum term of the guarantee to be the term of the loan
 - C. Penalty provisions to apply in the event of default on loan repayments, being:
 - Interest charges (at the cost of the loan) to apply to such repayments, and either
 - Termination of lease
 - Liability paid by council to be repaid by the club by way of future rental.
 - D. Council to have the discretion to require the Club to fix annual member subscriptions or impose special levies considered necessary to enable the Club to meet its' commitments under the loan.
 - E. The club to provide the following information annually, during the duration of the loan guarantee:
 - Annual reports
 - Copy of financial statements within two months of the end of the financial year
 - Copy of bank statements for the last three months as at the end of financial year
 - Details of insurance arrangements for the facilities under the loans guarantees.
3. That the Common Seal of the Mornington Peninsula Shire be affixed to the Guarantee Agreement and signed by the authorised officers.
4. That council resolves that the decision is not confidential pursuant to section 3 (1) of the *Local Government Act 2020*.

COUNCIL DECISION

Moved: Cr Pingiaro
Seconded: Cr Williams

That the recommendation be adopted.

Carried Unanimously

4.6 Lease to United Energy Distribution for Pelican Park Upgrade**RECOMMENDATION**

That Council:

1. Pursuant to section 115 of the *Local Government Act 2020*, undertakes a community engagement process, in accordance with Council's community engagement policy, before entering into the lease with the United Energy Distribution Pty Limited on the terms outlined below:
 - A. Tenant: United Energy Distribution Pty Limited.
 - B. Demised Premises: 2 Marine Parade, Hastings.
 - C. Permitted Use: Electrical Substation.
 - D. Term: 21 years.
 - E. Rental: \$0.10 per annum – payable on demand.
2. Delegates authority to the Chief Executive Officer (CEO) to execute the lease and any associated documentation required to give effect to this resolution.

COUNCIL DECISION

Moved: Cr Stephens

Seconded: Cr Roper

That the recommendation be adopted.

Carried Unanimously

4.7 Food Truck Trial Site - Mornington Peninsula Regional Gallery**RECOMMENDATION**

That Council:

1. Approves the continuation of the food truck program at the Mornington Peninsula Regional Gallery site, at a fee of \$100 per week, in line with the trial site provisions of the current Food Truck Policy.
2. Notes that this fee will be reviewed and adjusted to align with the Food Truck Policy's adopted fee structure for the 2025/2026 annual budget.
3. Authorises the addition of the Mornington Peninsula Regional Gallery food truck site to the Expression of Interest process to be conducted in 2026 in alignment with the Food Truck Policy.

COUNCIL DECISION

Moved: Cr Ranken

Seconded: Cr Pingiaro

That the recommendation be adopted.

Carried Unanimously

ASSETS & INFRASTRUCTURE

4.8 CN2670 - Mt Eliza Landfill Capping Rehabilitation Works

Having disclosed a conflict of interest Cr Allen, left the meeting at 7.50pm and returned to the meeting at 7.52pm, after the matter had been finalised. Cr Allen, took no part in the discussion or voting on this item.

RECOMMENDATION

That

1. Council, having considered all tender submissions, hereby accepts the tender submission received from Tenderer XXX for the lump sum value of \$XXX plus \$XXX GST being for CN2670 Mount Eliza Landfill Capping - Rehabilitation Works.
2. Council approves the contingency sum identified within the confidential section of this report, which is not to be disclosed to the tenderer until and if required by a contract variation.
3. Delegates the execution of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

Part B

1. That Council resolves the Attachment 1 to this report be retained as a confidential item, pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would reasonably expose the business, commercial or financial undertaking to disadvantage.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Pingiaro

That Council:

1. **Having considered all tender submissions, hereby accepts the tender submission received from Maw Civil for the lump sum value of \$1,171,356.00 plus \$117,135.60 GST being for CN2670 Mount Eliza Landfill Capping - Rehabilitation Works.**
2. **Approves the contingency sum identified within the confidential section of this report, which is not to be disclosed to the tenderer until and if required by a contract variation.**
3. **Delegates the execution of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.**

Part B

That Council resolves the Attachment 1 to this report be retained as a confidential item, pursuant to section 3 (1) (g) (ii) 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

PLANNING & ENVIRONMENT

4.9 Victorian Renewable Energy Terminal Project - EES Referral - Council's Submission on Draft Scoping Requirements

RECOMMENDATION

That Council:

1. Adopts the submission to the Environmental Effects Statement Scoping Requirements for the proposed Victorian Renewable Energy Terminal contained in Attachment 2 to this report.
2. Submits the adopted submission to the Department of Transport and Planning (DTP) by 11 December 2024.

COUNCIL DECISION

Moved: Cr Roper

Seconded: Cr Batty

That the recommendation be adopted.

Carried Unanimously

4.10 Nepean Highway Intertownship Pedestrian Link (Mornington-Mount Eliza) - Federal Active Transport Fund (ATF) Program

RECOMMENDATION

That Council:

1. Endorses a grant application for the project Nepean Highway Footpath Construction (between West of Mornington Secondary Collage access and Volitans Avenue, Mt Eliza) be submitted to the Active Transport Fund (ATF).
2. Matches the Active Transport Fund funding from its future Capital Works Programs at the specified funding ratio, if successful in this round.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Williams

That the recommendation be adopted.

Carried

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.11 2025 Appointment of Councillor Representatives and Committee Chairs

RECOMMENDATION

That Council:

- Delegates Councillors to the relevant non-delegated Committees, Associations, Peak Industry Bodies, and Regional and Community organisations as detailed below for the 2025 calendar year.

	Association/Committee	2025 Representative	2025 Substitute Representative
1.	Association of Bayside Municipalities	Cr Max Patton	Cr Stephen Batty
2.	Audit and Risk Committee	1. TBC 2. TBC	TBC
3.	Australian Coastal Councils	Cr Max Patton	Cr Stephen Batty
4.	Bass Park Trust	Cr David Gill	Cr Michael Stephens
5.	Climate Emergency Community Reference Group	Cr Michael Stephens	Cr Max Patton
6.	Disability Advisory Committee	Cr Patrick Binyon	N/A
7.	Friends of Lospalos	Cr Patrick Binyon	N/A
8.	Greater South East Melbourne	Mayor	Deputy Mayor
9.	Health and Wellbeing Committee	Cr Cam Williams	N/A
10.	Outer Melbourne Councils	Mayor	Deputy Mayor
11.	Metropolitan Transport Forum	Cr Stephen Batty	Cr Cam Williams
12.	Mornington Liquor Industry Accord	Cr Stephen Batty	N/A
13.	Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Max Patton	Cr Michael Stephens
14.	Mornington Peninsula Cemetery Trust	1. Cr Kate Roper 2. Cr Stephen Batty 3. Cr Paul Pingiaro	N/A
15.	Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor
16.	MAV Emergency Management Committee	Cr Stephen Batty	Cr Paul Pingiaro

4.11 (Cont.)

17.	Peninsula Advisory Committee for Elders (PACE)	Cr Kate Roper	N/A
18.	South East Council's Climate Change Alliance (SECCCA)	Cr Michael Stephens	Cr Max Patton
19.	Triple A Housing Committee	Cr David Gill	N/A
20.	Victorian Local Governance Association (VLGA)	Cr Kate Roper	Cr Paul Pingiaro
21.	Hinterland Local Area Action Plan Advisory Committee	TBC pending review of Tourism Model	N/A
22.	Northern Mornington Peninsula Local Area Action Plan Advisory Committee	TBC pending review of Tourism Model	N/A
23.	Southern Mornington Peninsula Local Area Action Plan Advisory Committee	TBC pending review of Tourism Model	N/A
24.	Western Port Local Area Action Plan Advisory Committee	TBC pending review of Tourism Model	N/A

2. Appoints Cr _____ and Cr _____ as the Representatives of the Audit & Risk Committee and Cr _____ as the Substitute Representative for the 2025 calendar year.
3. Dissolves the Arts and Culture Advisory Panel.
4. Removes the following Associations/Committees from the Council Appointed Representative and Substitute representative table for 2025:
 - A. Hastings Liquor Industry Accord
 - B. Koala Conservation Group
 - C. Local Government Mayoral Taskforce Supporting People Seeking Asylum
 - D. Community Consultative Committee on Gaming
 - E. MAV Human Services Committee
 - F. Southern Peninsula Liquor Accord
5. Forward Planning Committee Appointments:
 - A. Appoints Cr _____ as the Chair of the Forward Planning Committee from 1 January 2025 to 30 June 2025.
 - B. Appoints Cr _____ as the Chair of the Forward Planning Committee from 1 July 2025 to 31 December 2025.
6. Section 223 Committee Appointments

4.11 (Cont.)

- A. Appoints Cr _____ and Cr _____ and Cr _____ to the Section 223 Submission Committee from 1 January 2025 to 30 June 2025.
- B. Appoints Cr _____ and Cr _____ and Cr _____ to the Section 223 Submission Committee from 1 July 2025 to 31 December 2025.

COUNCIL DECISION

Moved: Cr Gill
 Seconded: Cr Ranken

That Council:

1. Delegates Councillors to the relevant non-delegated Committees, Associations, Peak Industry Bodies, and Regional and Community organisations as detailed below for the 2025 calendar year.

	Association/Committee	2025 Representative	2025 Substitute Representative
1.	Association of Bayside Municipalities	Cr Max Patton	Cr Stephen Batty
2.	Audit and Risk Committee	1. Cr Bruce Ranken 2. Cr Stephen Batty	Cr Kate Roper
3.	Australian Coastal Councils	Cr Max Patton	Cr Stephen Batty
4.	Bass Park Trust	Cr David Gill	Cr Michael Stephens
5.	Climate Emergency Community Reference Group	Cr Michael Stephens	Cr Max Patton
6.	Disability Advisory Committee	Cr Patrick Binyon	N/A
7.	Friends of Lospalos	Cr Patrick Binyon	N/A
8.	Greater South East Melbourne	Mayor	Deputy Mayor
9.	Health and Wellbeing Committee	Cr Cameron Williams	N/A
10.	Outer Melbourne Councils	Mayor	Deputy Mayor
11.	Metropolitan Transport Forum	Cr Stephen Batty	Cr Cameron Williams
12.	Mornington Liquor Industry Accord	Cr Stephen Batty	N/A
13.	Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Max Patton	Cr Michael Stephens
14.	Mornington Peninsula Cemetery Trust	1. Cr Kate Roper 2. Cr Stephen Batty 3. Cr Paul Pingiaro	N/A
15.	Municipal Association of	Mayor	Deputy Mayor

4.11 (Cont.)

	Victoria (MAV)		
16.	MAV Emergency Management Committee	Cr Stephen Batty	Cr Paul Pingiaro
17.	Peninsula Advisory Committee for Elders (PACE)	Cr David Gill	N/A
18.	South East Council's Climate Change Alliance (SECCCA)	Cr Michael Stephens	Cr Max Patton
19.	Triple A Housing Committee	Cr David Gill	N/A
20.	Victorian Local Governance Association (VLGA)	Cr Kate Roper	Cr Paul Pingiaro
21.	Hinterland Local Area Action Plan Advisory Committee	TBC pending review of Tourism Model	N/A
22.	Northern Mornington Peninsula Local Area Action Plan Advisory Committee	TBC pending review of Tourism Model	N/A
23.	Southern Mornington Peninsula Local Area Action Plan Advisory Committee	TBC pending review of Tourism Model	N/A
24.	Western Port Local Area Action Plan Advisory Committee	TBC pending review of Tourism Model	N/A
25.	The Arts and Culture Panel	Cr David Gill	Cr Max Patton

2. **Appoints Cr Bruce Ranken and Cr Stephen Batty as the Representatives of the Audit & Risk Committee and Cr Kate Roper as the Substitute Representative for the 2025 calendar year.**
3. **Appoints Cr Max Patton as the 2025 representative of the Association of Bayside Municipalities and Cr Stephen Batty as the substitute representative once Cr Anthony Marsh has resigned his position on the committee.**
4. **Removes the following Associations/Committees from the Council Appointed Representative and Substitute representative table for 2025:**
 - A. **Hastings Liquor Industry Accord**
 - B. **Koala Conservation Group**
 - C. **Local Government Mayoral Taskforce Supporting People Seeking Asylum**
 - D. **Community Consultative Committee on Gaming**
 - E. **MAV Human Services Committee**

4.11 (Cont.)

- F. Southern Peninsula Liquor Accord**
- 5. Forward Planning Committee Appointments:**
 - A. Appoints Cr Michael Stephens as the Chair of the Forward Planning Committee from 1 January 2025 to 30 June 2025.**
 - B. Appoints Cr Paul Pingiaro as the Chair of the Forward Planning Committee from 1 July 2025 to 31 December 2025.**
- 6. Section 223 Committee Appointments**
 - A. Appoints Cr Kate Roper and Cr Max Patton and Cr Cameron Williams to the Section 223 Submission Committee from 1 January 2025 to 30 June 2025.**
 - B. Appoints Cr Patrick Binyon and Cr Kate Roper and Cr Max Patton to the Section 223 Submission Committee from 1 July 2025 to 31 December 2025.**

Carried Unanimously

4.12 Review of the Chief Executive Officer Employment and Remuneration Policy and Executive Search Consultant

RECOMMENDATION

That Council:

1. Endorses the Chief Executive Officer Employment and Remuneration Policy as at (Attachment 1).
2. Endorses the Chief Executive Officer Employment and Remuneration Committee recommendation that an Executive Search Consultant be engaged for the recruitment process for a permanent Chief Executive Officer.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Patton

That Council endorses the Chief Executive Officer Employment and Remuneration Committee recommendation that an Executive Search Consultant be engaged for the recruitment process for a permanent Chief Executive Officer.

Vote by Division (Requested by Cr Roper)

For: Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Binyon, Cr Marsh, Cr Patton and Cr Roper

Against: Cr Ranken and Cr Batty

Carried

5 NOTICES OF MOTION

Nil.

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 Audit and Risk Committee - Reappointment of Independent Members

RECOMMENDATION

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 Roper
Seconded: Cr Ranken

That the recommendation be adopted.

Carried Unanimously

7.1 Audit and Risk Committee - Reappointment of Independent Members**RECOMMENDATION**

1. That Council appoints Jonathan Kyvelidis as Independent Member to the Mornington Peninsula Shire Audit and Risk Committee, for a second three-year term, commencing 2 February 2025 expiring 1 February 2028.
2. That Council appoints David Fraser as Independent Member to the Mornington Peninsula Shire Audit and Risk Committee, for a second three-year term, commencing 25 August 2025 expiring 24 August 2028.

Part B

That Council:

1. Resolves that this report remain confidential pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information.
2. Resolves that this resolution is not confidential pursuant to section 3 (1) of the *Local Government Act 2020*.

COUNCIL DECISION

Moved: Cr Ranken

Seconded: Cr Roper

That the recommendation be adopted.

Carried Unanimously

MEETING RE-OPENED TO THE PUBLIC

Moved: Cr Gill

Seconded: Cr Patton

That the meeting be re-opened to members of the public at 8.31pm.

Carried

8 MEETING CLOSE

As there was no further business, the meeting closed at 8.33pm

Confirmed this 17th day of December 2024

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