



**MORNINGTON  
PENINSULA**  
*Shire*

**MINUTES**

**COUNCIL MEETING**

**TUESDAY, 22 JULY 2025**

**6:30 PM**

**MUNICIPAL OFFICES  
BESGROVE STREET, ROSEBUD**

## MORNINGTON PENINSULA SHIRE COUNCIL

### WARDS AND COUNCILLORS

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

### EXECUTIVE TEAM

<b>Mr Mark Stoermer</b> <b>Ms Cheryl Casey</b> <b>Ms Sam Stanton</b> <b>Ms Jayde Hayes</b> <b>Mr Tom Haines-Sutherland</b> <b>Mr Bulent Oz</b>	<b>Chief Executive Officer</b> <b>Acting Director – Community Strengthening</b> <b>Director – Corporate Strategy and Business Improvement</b> <b>Acting Director – Planning and Environment</b> <b>Acting Director – Assets and Infrastructure</b> <b>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 6.33pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

## 1.1 Acknowledgement of Country

(Read by Cr Stephens)

*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 Mark Stoermer, 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*

Nil.

### 2.3 Confirmation of Minutes

#### RECOMMENDATION

That the Minutes of the previous Council Meeting held on 1 July 2025, be confirmed.

#### COUNCIL DECISION

Moved: Cr Patton

Seconded: Cr Roper

**That the Minutes of the previous Council Meeting held on 1 July 2025, be confirmed with an update to reflect Councillor voting at item 4.1.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

## 2.4 Councillor Briefing Sessions

### RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for the 24 June and 8 July 2025.

### COUNCIL DECISION

Moved: Cr Pingiaro  
Seconded: Cr Batty

That the recommendation be adopted.

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

Against: Nil

**Carried Unanimously**

## 2.5 Council Decision Register

### RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2025 (Attachments 1-7) as at 10 July 2025.

### COUNCIL DECISION

Moved: Cr Pingiaro  
Seconded: Cr Williams

That the recommendation be adopted.

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

Against: Cr Gill

**Carried**

**2.6 Petitions and Joint Letters**

**RECOMMENDATION**

That Council receives and notes the petition requesting the installation of a public toilet at the Capel Sound Shopping Village.

**COUNCIL DECISION**

**Moved: Cr Pingiaro**

**Seconded: Cr Patton**

**That the recommendation be adopted.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty,  
Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

## 2.7 Public Question Time

We received 8 questions with notice and 8 questions without notice.

### QUESTIONS WITH NOTICE

#### Disallowed Motions

Joe Lenzo, a resident of Safety Beach asked the following question:

*The operative word was "specifically" I do not believe that the LGA gives carte blanche discretion, rather specific rules. Being as The CEO, Governance and the Mayor denied motions 490 and 491 They must have done due diligence as to how 16 (1)(a) and (b) were specifically violated. So again, I ask how "specifically" did the motions violate the rule?*

Council advises that as outlined previously, under part 16(1)(b)(i) of Council's Governance Rules, a motion must not be accepted by the Chair if it is considered objectionable in language or substance. In this instance the Mayor determined that the Notices of Motion did not comply with these provisions as they appeared to directly or indirectly seek to undermine, at least in part, a previous decision of Council. Specifically, the motions were considered to challenge or seek to overturn a prior Council resolution. This determination falls within the responsibilities of the Mayor as Chair to uphold lawful and efficient meeting procedures as required under Council's Governance Rules and the *Local Government Act 2020*.

#### Footpath parking

Andrew Race, a resident of Tootgarook asked the following question:

*I saw the recent photos of Cr Williams celebrating the planting of trees in Capel Sound. At the time of the photoshoot I was disappointed to note that several cars were parked blocking the footpath, including MP Shire branded vehicles. Why did this happen, and does it mean residents can park on footpaths without being fined?*

Council advises that the Mornington Peninsula Shire confirms that, under Road Rule 197(1) of the Road Safety Road Rules 2017 (Victoria), it is unlawful to stop or park a vehicle on a footpath or nature strip unless there is signage specifically permitting it. This applies across all local roads in the municipality and is a statewide road rule.

Regarding the specific incident you raised of Shire branded vehicles parking on the Broadway Avenue Footpath, the vehicles observed parked on the footpath shouldn't have been and the Shire acknowledges this and apologises for the oversight. We are committed to ensuring our footpaths are safe and accessible for our community.

#### Peninsula Trails

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

*Could the council provide the community information regarding the ongoing financial commitment the council has undertaken to maintain the Somerville to Baxter section of the Peninsula Trails network per year, on land owned by VicTrack?*

Council holds a licence for the shared path area only, which means our maintenance responsibilities are limited to the area we have constructed, and do not include the broader VicTrack rail reserve or rail fencing.

While the exact cost to maintain a shared path can vary depending on things like surface type, weather, and how often it's used, Council's maintenance contracts are set up to allow for the ongoing care of new paths as they're delivered through capital works.

The Somerville to Baxter section will be maintained under these existing arrangements, consistent with Council's broader asset management approach for path infrastructure.

As a rough guide, based on the average cost of maintaining our current paths, it is expected the annual cost for the 4.6 kilometre section of the Somerville to Baxter trail would cost around \$2,600 per year to maintain, noting that reactive works would be minimal for this surface over the first couple of years.

### **Retirement Village Rates**

We have received a number of questions in relation to retirement village rates. A combined response has been provided.

Leslie McMorran, a resident of Mornington asked the following question:

*Council's current recommendation is to approve a 10% rebate on general rates for retirement village units for the financial year 2025-26. The transitional support proposed only compensates for half of what residents have lost due to the withdrawn discount.*

Leslie McMorran, asked a follow up question:

*Why can the current 20% rate discount to retirement village rates not be maintained? To provide a 20% rebate as a temporary measure. This would maintain the status quo, allowing time for consultation and a comprehensive review of rates for retirement villages.*

Nancy Taylor, a resident of Capel Sound asked the following question:

*We ask Councillors to please consider a 20% rebate (not 10%) to ensure that residents, many of whom are pensioners, are protected from bill shock by this sudden increase in rates.*

Council advises that the impact on rates is influenced not only by the valuation methodology applied but also by changes in each property's Capital Improved Value (CIV). For some properties, where CIV movement was minimal or negative, the impact has been low; for others, with higher CIV increases, the impact has been greater.

The proposed 10% rebate is a direct reduction in Council income, showing Council's intent to support retirement village residents while maintaining services for the broader community.

Importantly, Council will also undertake a rating strategy review in this financial year, where options like further discounts can be considered in a way that does not impact overall rate revenue in future years.

### **Mulch on Roadside**

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

*Mulch in piles left by contractors along Boes Rd and Hendersons Rd, Tyabb for over 2 months. Residents are taking mulch for their own use leaving untidy hedgerows. When's the Shire going to act upon this issue?*

Council advises that the Shire's Open Space and Tree Management teams work together to deliver the mulching program for Shire managed gardens. The teams coordinate the delivery of mulch generated through the tree pruning programs to use for garden mulch, and this process is approximately 4 weeks from delivery to spreading. We can confirm there has been a delay at this location with spreading to be completed by end of this week.

### **Overloaded Bins**

Fred Crump, asked another question:

*Garbage bins are frequently overloaded causing scavengers to leave rubbish in streets, especially in Elizabeth Street, Hastings and as a result rubbish blows towards to beaches. What's the Shire doing to rectify the problem.*

Council advises that the Shire's litter prevention team investigate cases of both dumped waste and litter including where commercial operators have made illegal deposits of waste, and undertake both enforcement and educational activities across the shire. Where skips are located on private land, the shire has limited powers to intervene, however, the Environmental Health Team can inspect overflowing food or packaging waste under the Food Act and National Food Safety Standards when reported. If members of the public wish to alert the Council to street bins being at capacity this can be done via the Snap Send Solve app, a phone call to the Shire or by attending one the Shire officers.

### **QUESTIONS WITHOUT NOTICE**

The following questions were received without notice. Responses will be provided to submitters and published on the Shire website.

#### **Retirement Village Rates**

Nathan Broad, a resident of Rosebud asked the following question:

*We ask for Mornington Council to confirm that Rosebud Village will be included in the application of any current or future general rates concessions for eligible retirement communities.*

Phillip Murphy, a resident of Safety Beach asked the following question:

*Please outline for increasing retirement village rates – why?*

#### **Craigie Road Bushland Reserve**

Enid Williams, a resident of Mount Martha asked the following question:

*Will Council reconsider the decision endorsing the Craigie Road Bushland Reserve as a Prohibited Area for dogs. This area of bushland is choked with bracken, only wildlife I have seen are rabbits and foxes, the track is quite wide, so a leashed dog, or its scent, should not be threat to wildlife, and certainly not in the same league as Harry Potter in the Sanctuary which this Council endorsed.*

**Draft Open Space Strategy**

Bettyanne Foster, a resident of Capel Sound asked the following question:

*With the extensive Capel Sound community interest and petition, why is the Draft Open Space Strategy recommending for 11A Allambi "development of at least 1 hectare for public open space." As this is about half the parkland, the community will feel cheated and let down by this Council.*

**Dogs in Public Places**

Neal Adams, asked the following question:

*Can the Shire demonstrate an understanding of the different needs of flora and fauna reserves and dog areas?*

Neal Adams, asked a follow up question:

*Can the Shire demonstrate where they have considered the needs of cynophobia sufferers?*

**Pet Fines and Fees**

Ross Sbisa, a resident of Hastings asked the following question:

*Why don't you have the pet fees/fines on Shire's website under the heading "Animals and Pets" like Baw Baw Shire does? This could actually be a deterrent to pet owners breaking the law relating to their pets.*

**Positive Ageing Pet Desexing Initiative**

Ross Sbisa, asked another question:

*Why hasn't the positive ageing pet desexing initiative been advertised comprehensively in a variety of media and on a regular basis? It should be listed on the Shire's website, in local papers, at libraries, services centres and community centres. It needs to be extended to financially disadvantaged residents.*

### 3 COUNCILLORS AND DELEGATES REPORTS

#### Friends of Lospalos (Cr Binyon)

I am pleased to present a report on the recent visit to Timor-Leste by seven self-funded volunteer members of the Mornington Peninsula Friends of Lospalos. Our group travelled with three key goals:

1. To review current projects
2. Assess our capacity for new initiatives
3. Participate in the International Conference of Friendship Cities between Timor-Leste and Australia celebrating 25 years of strong friendship and community solidarity in continuous support for the development of Timor-Leste.

Our Shires' friendship with Lospalos began in 2000 and is built on strong "Community to Community" and "Local Government to Local Government" partnerships underpinned by shared values, mutual respect, and genuine development cooperation.

Thirty-two Friendship groups are active in local government throughout Australia in Victoria, New South Wales, Canberra and Darwin.

A highlight of this visit was our formal meeting with Melio de Jesus, President of the recently constituted Lautém Municipal Authority (in which is located Lospalos) facilitated by Friends President and optometrist Colleen Hammond and Secretary Xiao Lee. Discussions included the municipality's priorities and how our group can continue to support local community goals in meaningful and practical "ground-up" ways.

One especially touching moment was our visit to Oomucano Village, where we attended the official opening and celebration by the local community of water tanks funded by MP FOLP. Clean water remains a challenge in many areas, and seeing the community celebrate the positive impact of this project was deeply moving.

We also visited the Lospalos Eye Hospital, where we handed over a large supply of donated spectacles, sunglasses, and optometry equipment. This support—made possible through Council support and fundraising in our own community—will directly improve eye care access for many people who would otherwise go without.

In education, we visited preschools running the EMULI program. This initiative teaches young children in their mother tongue, Fataluka, helping them communicate at home and in the community. MP FOLP is actively considering how we can further support this vital work through the Commission.

The visit concluded with our participation in the International Friendship Cities Conference in Dili. It brought together representatives from across Timor-Leste and Australia to reflect on 25 years of grassroots local government to government and community friendships.

The conference was opened by President José Ramos-Horta and featured a video address by Prime Minister Xanana Gusmão, whom we had met earlier. In his powerful speech, the Prime Minister recalled the founding of the friendship movement in 2000 and celebrated the impact of Australian friendship groups on education, health, water access, and local governance. He said, "Even when political tensions arose, the Timorese people always felt the support of the Australian people."

Other key speakers included the Minister of State Administration, Tomas do Rosario Cabral and Australian Ambassador Caitlin Wilson who told the conference "I am happy to see these

long-term friendships and people-to-people links continue to build and grow at the community level.”

A moving testimony from Agio Pereira, reflected on Australia’s historical support—from WWII to the 1999 INTERFET mission—and emphasized the spirit of solidarity that continues today.

Throughout the conference, there were key discussions among the friendship groups and presentations on empowering women and youth, supporting people with disabilities, and strengthening municipal services. These align with Timor-Leste’s decentralization to municipal local government goals and ultimately local government democratic elections.

As MP FOLP marks 25 years of Mornington Peninsula friendship with Lospalos. We are proud of the trust we’ve built, the practical outcomes we’ve achieved together, and the deep people-to-people ties we continue to foster. We remain committed to supporting locally driven initiatives that contribute to lasting, positive change—and we look forward to the next chapter in our friendship.

**Association of Bayside Municipalities** (Cr Patton)

**Youth Voice Forum** (Cr Patton)

## 4 MANAGEMENT REPORTS

### PLANNING & ENVIRONMENT

#### 4.1 Combined Planning Scheme Amendment C247morn and Planning Permits P23/2400 & P23/2402 – Public Exhibition and Consideration of Submissions

##### ALTER THE ORDER OF BUSINESS

That the item listed at 4.1 on the agenda be considered after the items listed at 4.6 and 5.1.

##### RECOMMENDATION

That Council:

1. Receives, notes, and considers in accordance with section 22 of the *Planning and Environment Act 1987*, all submissions received in response to notice of the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 as at Attachments 2-7 to this report.
2. Considers and endorses the officers' response to submissions in relation to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 as at Attachment 8 to this report.
3. Requests that the Minister for Planning appoint a Planning Panel to consider all submissions in relation to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402, as at Attachments 2-7 to this report, in accordance with section 153 of the *Planning and Environment Act 1987*.
4. In accordance with section 23 of the *Planning and Environment Act 1987*, refers all submissions in relation to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402, as at Attachments 2-7 to this report, to a Planning Panel appointed by the Minister for Planning, including any late submissions received up until the date of the Panel Hearing.
5. Endorses proposed changes to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 for the purpose of Council's advocacy position before the Planning Panel:
  - a) Post-exhibition revised Instruction sheet (track changes) at Attachment 10
  - b) Post Exhibition revised NRZ42 – Clause 32.09s42 (track changes) at Attachment 11
  - c) Post exhibition revised DPO25 - Clause 43.04s25 (track changes) at Attachment 12
  - d) Post exhibition revised draft Planning Permit P23/2400 (track changes) at Attachment 13
  - e) Post exhibition revised draft Planning Permit P23/2402 (track changes) at Attachment 14.

**4.1 (Cont.)**

6. Endorses proposed changes to the draft Development Plan for the purpose of Council's advocacy position before the Planning Panel, as at Attachment 15 to this report.
7. Delegates authority to the Director - Planning & Environment to determine the form of Council's submissions to the Planning Panel with the assistance of any legal representative and/or expert witness advice, including changes to the endorsed version of the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402, to resolve matters between Council, submitters and the proponent during the Planning Panel Hearing.
8. Notifies the Proponent and all submitters to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 in writing of Council's decision.
9. Authorises the Director - Planning & Environment to make editorial changes and administrative changes to the documents forming attachments to this report as required.
10. Notes that Planning Scheme Amendment C247morn includes a proposal to rezone the part of RES1 PS346179 located between 8 and 10 Woodbyne Crescent, Mornington.
11. Notes that the concurrently made planning permit application P23/2400 under section 97A of the *Planning and Environment Act 1987*, proposes to (amongst other things):
  - a) Remove reserve status from the part of RES1 PS346179 located between 8 and 10 Woodbyne Crescent, Mornington
  - b) Develop that land for residential lots and roads
  - c) Vest replacement public open space in Council.
12. Notes that the development proposed by planning permit application P23/2400 would require the sale of the relevant part of RES1 PS346179, and that Council is required by section 114 of the *Local Government Act 2020* to undertake community engagement prior to selling the land.
13. Resolves to publish notice of Council's intention to sell part of RES1 PS346179 located between 8 and 10 Woodbyne Crescent, Mornington and to undertake a community engagement process regarding the same in accordance with section 114 of the *Local Government Act 2020*.
14. Resolves to publish the notice of intention and undertake the community engagement process on the basis that any sale of the relevant part of RES1 PS346179 would be conditional upon (amongst other matters):
  - a) Any purchaser providing replacement open space land to Council with an area no less than the area of the land sold by Council, and in a location and with dimensions to the satisfaction of Council
  - b) The consideration for the sale being based upon a residential zoning, rather than the present Public Park and Recreation Zone.
15. Notes that Council will receive a further report on the community feedback received during the community engagement process prior to resolving whether to enter into negotiations for the sale of the land.

## 4.1 (Cont.)

## COUNCIL DECISION

Moved: Cr Ranken  
Seconded: Cr Pingiaro

That Council:

1. Receives, notes, and considers in accordance with section 22 of the *Planning and Environment Act 1987*, all submissions received in response to notice of the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 as at Attachments 2-7 to this report.
2. Considers and endorses the officers' response to submissions in relation to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 as at Attachment 8 to this report.
3. Requests that the Minister for Planning appoint a Planning Panel to consider all submissions in relation to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402, as at Attachments 2-7 to this report, in accordance with section 153 of the *Planning and Environment Act 1987*.
4. In accordance with section 23 of the *Planning and Environment Act 1987*, refers all submissions in relation to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402, as at Attachments 2-7 to this report, to a Planning Panel appointed by the Minister for Planning, including any late submissions received up until the date of the Panel Hearing.
5. Endorses proposed changes to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 for the purpose of Council's advocacy position before the Planning Panel:
  - a) Post-exhibition revised Instruction sheet (track changes) at Attachment 10
  - b) Post Exhibition revised NRZ42 – Clause 32.09s42 (track changes) at Attachment 11
  - c) Post exhibition revised DPO25 - Clause 43.04s25 (track changes) at Attachment 12
  - d) Post exhibition revised draft Planning Permit P23/2400 (track changes) at Attachment 13
  - e) Post exhibition revised draft Planning Permit P23/2402 (track changes) at Attachment 14.
6. Endorses proposed changes to the draft Development Plan for the purpose of Council's advocacy position before the Planning Panel, as at Attachment 15 to this report.
7. Delegates authority to the Director - Planning & Environment to determine the form of Council's submissions to the Planning Panel with the assistance of any legal representative and/or expert witness advice, including changes to the endorsed version of the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402, to resolve matters between Council, submitters and the proponent during the Planning Panel Hearing.

## 4.1 (Cont.)

8. **Notifies the Proponent and all submitters to the combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 in writing of Council's decision.**
9. **Authorises the Director - Planning & Environment to make editorial changes and administrative changes to the documents forming attachments to this report as required.**
10. **Notes that Planning Scheme Amendment C247morn includes a proposal to rezone the part of RES1 PS346179 located between 8 and 10 Woodbyne Crescent, Mornington.**
11. **Notes that the concurrently made planning permit application P23/2400 under section 97A of the *Planning and Environment Act 1987*, proposes to (amongst other things):**
  - a) **Remove reserve status from the part of RES1 PS346179 located between 8 and 10 Woodbyne Crescent, Mornington**
  - b) **Develop that land for residential lots and roads**
  - c) **Vest replacement public open space in Council.**
12. **Notes that the development proposed by planning permit application P23/2400 would require the sale of the relevant part of RES1 PS346179, and that Council is required by section 114 of the *Local Government Act 2020* to undertake community engagement prior to selling the land.**
13. **Resolves to publish notice of Council's intention to sell part of RES1 PS346179 located between 8 and 10 Woodbyne Crescent, Mornington and to undertake a community engagement process regarding the same in accordance with section 114 of the *Local Government Act 2020*.**
14. **Resolves to publish the notice of intention and undertake the community engagement process on the basis that any sale of the relevant part of RES1 PS346179 would be conditional upon (amongst other matters):**
  - a) **Any purchaser providing replacement open space land to Council with an area no less than the area of the land sold by Council, and in a location and with dimensions to the satisfaction of Council**
  - b) **The consideration for the sale being based upon a residential zoning, rather than the present Public Park and Recreation Zone.**
15. **Notes that Council will receive a further report on the community feedback received during the community engagement process prior to resolving whether to enter into negotiations for the sale of the land.**

**Part B****That Council:**

1. **Considers funding a corridor assessment of Bungower Road in the 2026/2027 Financial Year Council Budget and considers funding for highest priority transport improvement works as part of future Council budgets.**
2. **Requests the proponent for Amendment C247morn to provide a voluntary contribution towards delivery of a roundabout at the intersection of Watt and**

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**4.1 (Cont.)**

**Racecourse Roads which would be the subject of a separate voluntary agreement between Council and the proponents under section 173 of the *Planning & Environment Act 1987*.**

- 3. Continues to advocate to the State Government for transport improvement works along Mornington-Tyabb Road, with upgrade of capacity and safety (including pedestrian safety and accessibility) at the Mornington-Tyabb Road / Racecourse Road intersection being the highest initial priority, for implementation within the next three years.**
- 4. Continues to advocate for the inclusion of a bus service along Racecourse Road between Mornington-Tyabb Road and Bungower Road as part of the proposed Mornington and Hastings bus improvements.**

**For:** Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton and Cr Roper

**Against:** Cr Gill and Mayor, Cr Marsh

**Carried**

## **CORPORATE STRATEGY & BUSINESS IMPROVEMENT**

### **4.2 Flag Policy - Update**

*Item withdrawn prior to Meeting*

### 4.3 Draft Committee Management Policy

#### RECOMMENDATION

That Council adopts the Committee Management Policy.

#### Part B

That Council resolves that Attachment 2 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

#### COUNCIL DECISION

Moved: Cr Gill  
Seconded: Cr Williams

That Council:

**Adopts the Committee Management Policy.**

#### Part B

**That the report that comes to Council to review Advisory Committees list all changes to the present Terms of Reference (ToR) for each advisory community committee/panel and gives due consideration to exceptional circumstances where the general policy may not be completely applicable.**

#### Part C

**That Council updates the maximum number of community members permitted on a committee to 13.**

#### Part D

**That Council resolves that Attachment 2 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

#### 4.4 Instrument 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 Instrument of Appointment and Authorisation resolves that:
  - A. The member of Council staff referred to in Attachment 1 be appointed under the *Land Act 1958*.
  - B. The instrument comes into force upon the resolution of Council.

##### COUNCIL DECISION

**Moved:** Cr Roper  
**Seconded:** Cr Pingiaro

**That the recommendation be adopted.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

## OFFICE OF THE CEO

### 4.5 Audit and Risk Committee - Report on Operations - 28 November 2024 to 29 May 2025

#### RECOMMENDATION

That Council receives and notes the report on Audit and Risk Committee Operations 28 November 2024 to 29 May 2025.

#### COUNCIL DECISION

Moved: Cr Gill  
Seconded: Cr Roper

That Council receives and notes the report on Audit and Risk Committee Operations 28 November 2024 to 29 May 2025.

#### Part B

That Council asks the Audit and Risk Committee to consider prioritising the Property Management (Leases and Licences) audit to year 1 of the Internal Audit Plan.

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

Against: Nil

**Carried Unanimously**

#### 4.6 Rebate Consideration for Retirement Villages

#### ALTER THE ORDER OF BUSINESS

That the item listed at 4.6 on the agenda be considered before the item listed at 4.1.

#### RECOMMENDATION

That Council:

1. Approves a 10% rebate on general rates for retirement village units for the 2025–26 financial year, to provide transitional support following the removal of historical valuation discounts.
2. Notes that this rebate will apply only to the general rates component and not to the waste service charge.
3. Commits to reviewing the rating treatment of retirement village units as part of the 2025–26 Rating Strategy Review, including the potential introduction of a separate differential rating category.

#### MOTION

**Moved: Cr Pingiaro**

**Seconded: Cr Roper**

1. Approves a 15% rebate on general rates for retirement village units for the 2025–26 financial year, to provide transitional support following the removal of historical valuation discounts.
2. Notes that this rebate will apply only to the general rates component and not to the waste service charge.
3. Commits to reviewing the rating treatment of retirement village units as part of the 2025–26 Rating Strategy Review, including the potential introduction of a separate differential rating category.
4. Council petitions the State Government to increase the dollar value cap (presently \$266) for pensioner rate rebates on Retirement Village units.

#### AMENDMENT

**Moved: Cr Gill**

**Seconded: Cr Patton**

1. **Approves a 20% rebate on general rates for retirement village units for the 2025–26 financial year, to provide transitional support following the removal of historical valuation discounts.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

**The Substantive Motion was then put and carried unanimously.**

**4.6 (Cont.)**

For clarity the Council Decision is repeated below:

**COUNCIL DECISION**

**Moved: Cr Pingiaro**

**Seconded: Cr Roper**

- 1. Approves a 20% rebate on general rates for retirement village units for the 2025–26 financial year, to provide transitional support following the removal of historical valuation discounts.**
- 2. Notes that this rebate will apply only to the general rates component and not to the waste service charge.**
- 3. Commits to reviewing the rating treatment of retirement village units as part of the 2025–26 Rating Strategy Review, including the potential introduction of a separate differential rating category.**
- 4. Council petitions the State Government to increase the dollar value cap (presently \$266) for pensioner rate rebates on Retirement Village units.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

## 5 NOTICES OF MOTION

### 5.1 Notice of Motion 492 (Cr Gill) Dogs in Public Places Signs

#### ALTER THE ORDER OF BUSINESS

That the item listed at 5.1 on the agenda be considered before the item listed at 4.1.

#### MOTION

That due to public anxiety regarding closure of areas for on leash dogs without specific public consultation on newly signed dog exclusion areas a report be brought to Council in September considering:

1. All Council controlled sites with new no dogs allowed signage to ascertain whether wildlife protection is required.
2. Clauses a) b) c) and d) in part 5.5 (dog prohibitions) within the Dogs in Public Places Policy to determine whether the newly signed areas should realistically not allow dogs on lead.
3. Community input on each of these sites.
4. What actions may be required to ensure outcomes of dogs in public places regulations are fully understood by the public.

#### COUNCIL DECISION

Moved: Cr Gill  
Seconded: Cr Allen

1. That due to public anxiety regarding closure of areas for on-leash dogs without specific public consultation on newly signed dog exclusion areas, a report be brought to a Council meeting in September 2025 considering:
  - A. All Council controlled sites with new “No Dogs Allowed” signage (that have been or are soon to be erected) to ascertain whether wildlife protection is required, detailing the known flora and fauna at each site and how the presence of dogs on lead is likely to have a significant impact on them, using the significant impact guidelines 1.1 Environment Protection and *Biodiversity Conservation Act 1999*.
  - B. Clauses a) b) c) and d) in part 5.5 (dog prohibitions) within the Dogs in Public Places Policy to determine whether the newly signed and soon to be erected prohibited areas should realistically not allow dogs on lead, noting that the policy only uses these criteria to guide assessment of prohibited areas.
  - C. Community input on the dog controls at each of these sites.
  - D. The dog controls for Police Point Shire Park in Portsea, with community input, to determine if it can be a mix of on lead and leash free rather than prohibited.

**5.1 (Cont.)**

- E. What actions may be required to ensure outcomes of dogs in public places regulations are fully understood by the public.**
- 2. Sites to be dealt with in this report that are causing public anxiety include, but are not limited to:**
- **Balnarring Beach Creek Reserve, 22 Carisbrooke Street, Balnarring Beach**
  - **Fawkner Avenue Bushland Reserve, 25–31 Fawkner Avenue, Blairgowrie**
  - **Bernards Way Reserve, 27 Bernards Way, Cape Schanck**
  - **Craigie Road Bushland Reserve, 168 Craigie Road, Mount Martha**
  - **Serpentine Reserve, 277 Bentons Road, Mornington.**
- 3. That Shire officers do not enforce compliance at the sites with new dogs prohibited signage, especially at the sites causing public anxiety listed above, until the report is returned to Council for consideration. This does not include Police Point Shire Park in Portsea.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

**5.2 Notice of Motion 493 (Cr Gill) - Audit of Community Council Energy Efficiency Upgrades for the Mornington Peninsula****RECOMMENDATION**

That Council:

1. Undertakes a priority audit of documented community and Council proposed energy efficiency and electrification upgrades with the findings brought to a Council meeting in September in order to take further advantage of grants and other opportunities arising from government and stakeholder initiatives.
2. Thanks Paul Mercurio MP for this offer of assistance with energy upgrades on the Mornington Peninsula and invites him to give advice on potential government assistance.

**COUNCIL DECISION**

**Moved: Cr Gill**

**Seconded: Cr Patton**

**That Council undertakes a priority audit of documented community and Council proposed energy efficiency and electrification upgrades with the findings brought to a Council meeting in September 2025 in order to take further advantage of grants and other opportunities arising from government and stakeholder initiatives.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

## **6 URGENT BUSINESS**

Nil.

## 7 CONFIDENTIAL ITEMS

### Advice to the Public

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

### MEETING CLOSED TO THE PUBLIC

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

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

## RECOMMENDATION

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

### 7.1 Emil Madsen Reserve Upgrade - Funding Position and Strategic Direction

This matter is considered to be confidential under Section 3(1)(g)(ii) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

### 7.2 Community Housing - Expression of Interest

This matter is considered to be confidential under Section 3(1)(a), (b), (c) and (g)(ii) of the *Local Government Act 2020* as it contains information in relation to Council business information, security information, land use planning information and private commercial information which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

### 7.3 Notice of Motion 494 (Cr Marsh) - Land Lease Report

This matter is considered to be confidential under Section 3(1)(g)(ii) of the *Local Government Act 2020* as it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

### 7.4 Chief Executive Officer Key Performance Indicators

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 Pingiaro

**Seconded:** Cr Ranken

**That the recommendation be adopted.**

**For:** Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Cr Gill

**Carried**

## 7.4 Chief Executive Officer Key Performance Indicators

### RECOMMENDATION

That Council:

1. Endorses the proposed Chief Executive Officer (CEO) Key Performance Indicators (KPIs) as outlined in Attachment 2.

Part B

1. That Council resolves that the Council Decision is not confidential pursuant to section 3 (1) of the *Local Government Act 2020* following the formal confirmation of the endorsed KPIs to the CEO.
2. That Council resolves that the report and Attachments be retained as confidential items pursuant to section 3(1)(f) of the *Local Government Act 2020* as they contain personal information.

### COUNCIL DECISION

**Moved:** Cr Pingiaro  
**Seconded:** Cr Stephens

**That the recommendation be adopted.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

### MEETING RE-OPENED TO THE PUBLIC

**Moved:** Cr Pingiaro  
**Seconded:** Cr Batty

**That the meeting be re-opened to members of the public at 10.20pm.**

**For:** Cr Gill, Cr Stephens, Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty, Cr Binyon, Cr Patton, Cr Roper and Mayor, Cr Marsh

**Against:** Nil

**Carried Unanimously**

## **8 MEETING CLOSE**

As there was no further business, the meeting closed at 10.21pm.

**Confirmed this 12<sup>th</sup> day of August 2025.**

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