

Public Question Time – Council Meeting – 1 July 2025

We received 3 questions with notice and 1 without notice.

QUESTION WITH NOTICE

Vegetation Removal

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

Why has Mornington Peninsula Shire Council allowed contractors to proceed with major vegetation removal on Truemans Road — for a planned roundabout — without the presence of a qualified wildlife spotter, in clear contradiction to responsibilities outlined in the Wildlife Act 1975?

Given the time available to plan this work, why were proper ecological assessments and mitigation measures not undertaken?

And why has the Council failed to address ongoing breaches that continue to destroy critical native habitat and endanger protected species that was first brought to your attention through my petition, which now has over 850 signatures.

Council advises, the Mornington Peninsula Shire's project Delivery team are continuously supervising the ongoing construction works of the upgraded intersection at Truemans Road and Broadway Road, Capel Sound. The project team can confirm that we have complied with all the planning permit conditions. The Shire's Head Contractor is undertaking the road construction works in line with the approved Planning Permit P21/1680. The vegetation in question was located within the road reserve (nature strip) and was reviewed by the project team's consulting arborist and the Shire's planning team prior to the approval and issuing of the works permits. Through the application process, Biodiversity and Arboriculture Impact assessment reports were undertaken and approved by the project and planning team.

Disallowed Motions

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

Mayor Marsh disallowed two motions recently. He indicated he received advice that this was a correct move. From whom did he receive this advice and when? Please provide this advice.

Council advises, Mayor Marsh sought advice from the Chief Executive Officer and the Council's Governance team prior to making his ruling. Acting within his responsibilities as Chair, the Mayor exercised his discretion and ruled that the motions would not be tabled. This decision was based on the determination that the motions were objectionable in substance as they appeared to directly or indirectly seek to undermine, at least in part, a previous decision of Council.

Joe Lenzo, asked a follow up question:

I have asked the Mayor how, specifically, the denial of the motions violated his "authority". He has refused to answer the question. Please enlighten me.

Council advises, under Council's Governance Rules, the Mayor is responsible for chairing Council meetings and ensuring they are conducted in a fair, orderly and lawful manner.

As Chair, the Mayor has specific duties and discretionary powers including the obligation to refuse any motions considered to fall within the meaning of part 16 (1)(a) and (b). These provisions support the Mayor's role in maintaining procedural integrity and the orderly conduct of meetings.

QUESTION WITHOUT NOTICE

The below questions have been taken without notice and a written response to these questions will be provided to the submitters and will be published on the website:

Budget Adoption

Kevin Dowey, a resident of Hastings asked the following question:

Are the sitting Councillors who were dissentient with the 2025 Budget and the adoption of it, by the Democratically elected Council, going to be charged with attempting to bring down democracy?

Council advises, that each Councillor is individually responsible for undertaking their own due diligence prior to voting on matters before Council. This includes reviewing all relevant documentation, seeking clarification from officers where needed, considering community views, and exercising their judgment in accordance with their responsibilities under the Local Government Act 2020 and the adopted Model Councillor Code of Conduct.

Disagreement or dissent on Council matters, such as the adoption of the annual Budget, is a normal and accepted part of the democratic process. Councillors are not subject to charges or disciplinary action simply for holding or expressing a different view, provided their conduct remains respectful and within the bounds of their statutory obligations.

Thank you for your question and for your continued interest in local democracy.