



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 19 MARCH 2024

6:30PM

**PENINSULA COMMUNITY THEATRE
91 WILSONS ROAD, MORNINGTON**

ADJOURNED TO

FRIDAY, 22 MARCH 2024

9.00AM

ONLINE ZOOM MEETING

MORNINGTON PENINSULA SHIRE COUNCIL**WARDS AND COUNCILLORS**

Briars	Cr Steve Holland Cr Anthony Marsh Cr Despi O'Connor
Cerberus	Cr Lisa Dixon
Nepean	Cr Sarah Race
Red Hill	Cr David Gill
Seawinds	Cr Simon Brooks Cr Antonella Celi Cr Debra Mar
Watson	Cr Kate Roper

EXECUTIVE TEAM

Mr John Baker Ms Tanya Scicluna Ms Sam Stanton Mr Mike McIntosh Mr Bulent Oz	Chief Executive Officer Director – Community Strengthening Director – Corporate Strategy and Business Improvement Director – Planning and Infrastructure 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 6.36pm

Appointed Chairperson – Mayor, Cr Simon Brooks

1.1 Acknowledgement of Country

(Read by Cr Dixon)

Mornington Peninsula Shire acknowledges the Bunurong people, who have been the custodians of this land for many thousands of years; and pays respect to their elders past and present. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong peoples' living culture continues to have a unique role in the life of this region.

2 PROCEDURAL MATTERS

Present

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

Mr John Baker, Chief Executive Officer

2.1 Apologies

Cr Steve Holland (Apology)

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

Cr Race, declared a General, Conflict of Interest in regard to item 4.4, Approval for Attendance at the 2024 Australian Coastal Councils Conference – Councillor Sarah Race, as Cr Race is the subject of the report.

Mayor Cr Brooks, declared a General, Conflict of Interest in regard to item 4.5, Approval to attend National Assembly and Australian Council of Local Government 2024, as Mayor, Cr Brooks is one of the subjects of the report.

Cr Celi, declared a General, Conflict of Interest in regard to item 4.5, Approval to attend National Assembly and Australian Council of Local Government 2024, as Cr Celi is one of the subjects of the report.

Cr Race, declared a General, Conflict of Interest in regard to item 4.5, Approval to attend National Assembly and Australian Council of Local Government 2024, as Cr Race is one of the subjects of the report.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meeting held on 5 March 2024, be confirmed.

COUNCIL DECISION

Moved: Cr O'Connor

Seconded: Cr Roper

That the recommendation be adopted.

Carried

2.4 Councillor Briefing Sessions

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 27 February 2024.

COUNCIL DECISION

Moved: Cr Dixon

Seconded: Cr Celi

That the recommendation be adopted.

Carried

2.5 Council Decision Register

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2024 (Attachments 1-6) as at 12 March 2024.

COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Mar

That the recommendation be adopted.

Carried

2.6 Public Question Time

QUESTIONS WITH NOTICE

Harry Potter Experience at the Briars

Karen Lloyd, a resident of Mornington asked the following question:

Will the Council be able to place electronic billboard-style road signs in the area during this event to warn drivers to slow down due to wildlife? Many visitors to the event will be unfamiliar with the area and due to increased traffic, our wildlife will be at greater risk.

Council advised that the Briars team has had discussions with the Natural Systems team. As Nepean Highway is a VicRoads road, there are tight restrictions on what can be added to the road. In the interests of time, we will look at some signage within the Briars, asking people to be aware of wildlife as they leave the site.

Peninsula Trail

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

Could the Council detail the agreement including documents signed for the use of the rail reserve between Moorooduc and Mornington with VicTrack for the Peninsula Trail along with any information regarding the native vegetation recorded in the reserve?

Council advised that there is no agreement in place for the use of the rail reserve between Moorooduc and Mornington, as the preferred alignment is still yet to be determined.

Mr Coghill asked a follow up question:

Could the Council provide the ecological report/s along with any risk assessments undertaken over the past two years to investigate the use of the rail reserve for the Peninsula Trail taking into consideration the native vegetation and fauna in the rail reserve?

Council advised that for the Somerville to Baxter section of the Peninsula Trail, the ecological report is being updated due to the requirement to construct a fence along the full length of the path. Once this is completed, it can be made available to the public. A Safety in Design assessment was led by Metro Trains Melbourne, which included participation from Council.

Work continues on the Mornington to Moorooduc section of the Peninsula Trail, with the Project Team's main activities being associated with alignment investigations. The Masterplan will provide recommendations around a preferred alignment, and this will include a consultation process with key stakeholders. A Flora and Fauna Assessment would then be finalised based on the preferred alignment, where we know significant environmental values exist. A Safety in Design assessment would be required for this section if the preferred alignment is through the rail corridor.

Paid Parking

Naomi Murray, a resident of Flinders asked the following question:

What is the total dollar amount raised (from both fines and fees) from the current Paid Parking Pilot and what proportion of those funds have been raised to date by the Flinders Pier Paid Parking Pilot (from both fines and fees)?

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

The 27 January edition of the Mornington Peninsula News revealed that the Paid Parking Pilot had "..... collected \$178,000 in fees.." Given this financial information was made public, the Flinders Community Association requests this information be provided to us and specifically, what portion of the revenue collected, both parking fees and fines, relates to Flinders.'

For both questions Council advised that the current (gross) revenue generated from the Visitor Paid Parking Pilot up until 12 March is \$347,721. The breakdown of funds from each location is:

- Schnapper Point, Mornington: \$243,195
- Flinders Pier: \$58,175
- Sunnyside: \$46,351.

Since the pilot started on 1 December (up until 17 March), we have received payments of \$99,360 from 1,035 infringements issued (each infringement is \$96), which also includes the Sorrento ferry car park.

At the three locations, the proportion of infringements issued is:

- Schnapper Point, Mornington: 73%
- Flinders Pier: 15%
- Sunnyside: 12%.

Public Toilets in Flinders

Anna Bonato, a resident of Flinders asked the following question:

When will the Council install public toilets in the Cook Street Park in Flinders? Three years is a long time to wait with legs crossed.

Council advised that the public toilet is part of the Flinders Park Master Plan and will be delivered. Delay is due to budget constraints which are affecting delivery of projects across the Shire. The new Flinders Hall directly opposite the park is planned to open for Easter. Toilets will be accessible to the public as part of programmed activities in the hall.

Solar Panels on Shire Buildings

Julie Braakhuis, a resident of Blairgowrie asked the following question:

How is the solar program for tenants of Shire buildings funded and how do Shire buildings acquire solar panels?

Council advised that the Shire's Solar for Tenants Program utilises a co-incentivisation funding mechanism whereby the Shire funds the upfront costs of supply and installation before cost recovering from the tenants of participating facilities. This is a voluntary program available to eligible tenants of Shire owned tenanted facilities, and reimbursements are calculated so as to represent less than the annual bill savings received by participants. Once costs are fully reimbursed, tenants receive 100% of the benefit for remainder of system lifetime. If you operate a tenanted facility and would like to learn more please email Solar4tenants@mornpen.vic.gov.au.

Regarding Shire-operated buildings (not tenanted), solar systems are installed where it can be demonstrated that lifetime energy savings represent financial value to ratepayers. Systems typically pay for themselves over a period of approximately 5 years, after which point the remaining lifetime (15-20 years) delivers financial benefits. Additionally, self-generated renewable energy is key to achieving our climate emergency goals, which speaks to Principle 1 of our Community Vision – Addressing Climate Change – [Community Vision - Mornington Peninsula Shire \(mornpen.vic.gov.au\)](https://mornpen.vic.gov.au).

Waste Services Charge

Noel Ashworth, a resident of Mount Martha asked the following question:

Could the Chief Executive Officer please provide an update on the extent to which the Shire has complied with the new guidelines in relation to its Waste Management Services, how they will meet the guidelines in future budgets, and exactly how much Council should remove from its waste service charge?

Council advised that Shire officers are currently assessing the financial impact of adjusting our waste service charges, which is expected to be significant. Despite the new guidelines, we are not planning to cut any waste services right now, thanks to an extension on the deadline. In fact, costs for kerbside collections will decrease this year due to new contracts, and these savings will be passed back to our ratepayers. As we develop the 2025 financial year budget and with the extended timeline from the Minister, we will better understand the guidelines' impact and will keep the community involved in how we plan to comply moving forward.

QUESTIONS WITHOUT NOTICE

Flinders Civic Hall

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

Please advise the cost overrun for the repair works under way at present on the Flinders Civic Hall? Who will bear the additional costs?

Mornington Bowling Club

Deborah Wood a resident of Mornington, asked the following question:

As secretary of the Mornington Bowling Club I would like to know when our application to guarantee our loan for replacement of our grass greens will be approved? As we are unable to lock in a contractor until we have the guarantee. We want to complete the work as soon as possible.

Susan Gullidge a resident of Mornington, asked the following question:

As chair of the Mornington Bowling Club, I would like to know when we can expect to get our lease which is now 16 months overdue?

Kite Festival

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

Ever since this Council took office nearly four years ago, there have been no kite festivals at all. What happened to last week's kite festival?

Council advised all questions taken on notice were not responded to at the meeting. Written responses will be provided and uploaded to the Shire's website.

3 COUNCILLORS AND DELEGATES REPORTS

Municipal Association of Victoria (MAV) South Regional Meeting (Cr Debra Mar)

The MAV Metropolitan South Regional Meeting captures Cardinia Shire Council, Casey City Council, Frankston City Council, Greater Dandenong City Council, Kingston City Council and our Shire Council.

The MAV is heavily focusing on the financial sustainability of councils. The issues and challenges that need to be examined to ensure Local Government can play its vital role in providing the necessary local infrastructure and services, which state and national economic productivity relies on, and of which our local communities need and expect.

One of their key messages from MAV is encourage communities to work with their councils to determine local priorities and sometimes, hard choices which need to be made in a constrained funding environment; and to commit our time to finding solutions by working with all levels of government

Other topics covered that Mayor Brooks and myself brought to the table included:

- The Port of Hastings surplus land we are currently engaging with the State Government to rezone.
- The State Government's Local Government Reforms 2024 Consultation Paper that in some areas of indemnity, and further restraints that does not work in councillor's favour.
- The lack of crisis housing on the Mornington Peninsula.
- The Waste Service Charge changes.
- We also discussed the State Government's Capacity Housing program which is falling behind to meet targets through lack of supplies and workers amongst other challenges such as funding.

Municipal Association of Victoria Emergency Management Committee (Cr Debra Mar)

This is the first meeting Cr Mar attended as a delegate and found it quite profound and enlightening at the same time.

The Committee covered how councils deal with emergency situations and what strategic platforms they use to ensure safety and survival of their communities.

The Emergency Recovery Victoria's role is to ensure councils have plans in place for the recovery and support they need in a disaster, ensure they have clean up services available and wrap around service for councils staff, workers and communities and amenities.

Discussions were around weather events and disasters around the state over the summer which included the bushfire in the western district and Halls Gap, and storms and fallen trees in the high country and floods.

Cr Mar's discussions were around how Council handles our disasters such as landslips, weather events, storms, trees down and floods and what Emergency and contingency plans we need to have in place to support our communities and options for mitigation.

Councils also need to advocate for better communication coverage and telecommunications in the event of an emergency.

Lastly, because Insurance companies are not providing insurances for those who live in flood prone areas and bushfire risk, is a major concern. It is about how we put plans and strategies in place to help communities who experience these disasters have a pathway to recovery.

Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group (Cr Debra Mar)

The Board met last month specifically as a Planning Day to map out objectives, challenges and strategic frameworks.

Included in the discussions were Actions for Risk Management and Control, a strategy around growth and investment to remain relevant and financially sustainable and clear policies and review priorities and explore solutions through a SWAT analysis.

The Biosphere is also proud to announce a new video of the importance to the Western Port Biosphere and part of the rebranding of the foundation, and will generate enthusiasm and education through council websites and agencies.

The first Council Liaison Committee meeting for the year was held.

Points covered included:

- City of Casey are adopting their Reconciliation Action Plan
 - Completing a 10-year emission reduction plan, focusing on environmental issues
 - In pre-schools, Casey is running education programs on the endangered bandicoot and are in the process of evaluating a tender for a solar farm in Cranbourne.
- Bass Coast Shire Council – on the Corinella Foreshore the Department of Environment, Energy and Climate Action (DEECA) have put through a landscape management plan which calls for the removal of midstory vegetation to ‘improve view lines.’ The shire is following up as a matter of loss of habitat.
- Cardinia Shire – The woodlands which are in danger of being destroyed to make way for the expansion of sand mines, is causing angst within local communities. The Shire has funding available for a Waterway Energy Strategy and the Biolink Plan is in its first year of implementation around Koo Wee Rup.

Metropolitan Transport Forum (Cr Despi O'Connor)

Cr O'Connor provided a brief summary of the Metropolitan Transport Forum (MTF) meeting on 6 March 2024, and has been taken from the version supplied by the MTF to Councillors for tabling.

2024 E-Vehicle Seminar

Following feedback the executive determined that a seminar would be run in May or June on various aspects of E-Vehicle planning, policy, operation and transition.

Public Transport Access Issue Black Spot survey

There is no doubt that much of Melbourne's public transport infrastructure falls short of Disability Discrimination Act requirements. To highlight the need for progress and to increase

access for all, the MTF wants to hear from councils about DDA access 'black spots' identified in their areas. These black spot case examples will be used to draw attention to the broader issues.

Examples might be the municipality that has more than six tram routes, yet only two level access stops, or the municipality that has only buses with limited access, or the tram line with virtually no level access stops adjacent to an accessible rail line that is scheduled for lengthy level crossing disruptions leaving disable commuters stranded.

Please send examples to despi.oconnor@mornpen.vic.gov.au so they can be passed on.

Council transport updates

This month we heard from Banyule and Boroondara.

March Speaker – Paul O'Halloran – Metro Trains

Mr O'Halloran spoke about the changed travel patterns following COVID-19, noting how there is considerably an increased number of passengers now travelling at weekends.

He also spoke about the operations issues being managed by Metro Trains as they maintain the rail network. Examples included increased temperatures requiring new tracks to be laid to ensure the rails do not buckle, which allows preventative work to be undertaken prior to tracks failing.

Paul described the use of new track recording technology which allows early fault detection, early warning of asset deterioration, and allows planning of preventative works prior to failure occurring.

He also described how temperature monitoring which is used to determine speed restrictions along corridors is now based on real time temperature information.

Next meeting – April 2024.

The next MTF meeting will be on Wednesday 3 April 2024. The Department of Transport will present on their Construction Vehicles and Community Safety policy and how it this might be included in local government requirements.

Coastal Round Table (Cr Sarah Race)

Mornington Peninsula Shire hosted over 60 people at a Local Government Coastal Roundtable on Friday, 15 March, at the Safety Beach Sailing Club – which was apt, as by 2100 that building will be sitting in the sea.

The attendees were from 14 of the 20 councils that have a sea border, and a number of agencies including the Department of Planning, DEECA, Great Ocean Road Authority, MAV to name a few.

87% of Australia's population lives within 50 kilometres of the coast, 50% live within 7 kilometres, so understanding this and realising our responsibilities to plan for our residents now and into the future is what has brought us together.

We had a packed day of listening and learning to comprehend what is ahead for our local government areas, we heard from:

Dr Karl Mallon, The Climate Risk Group

Coastal Inundation Property Analysis

- *Presentation on the impacts on the built environment by 2100 of damage due to sea level rise and storm surge*

Number of properties exposed to Coastal Inundation Risk from 2040 to 2100 almost doubles.

2040 – 174,409 (4.5%)

2100 - 333,470 (8.6%)

Greatest numbers seen around Port Phillip and the Western Port Bay.

Daniel Ierodiaconou, Associate Professor, School of Life and Environmental Sciences, Deakin University

The Victorian Coastal Monitoring Program and Australia's Coastal Research Infrastructure Initiative.

He spoke about the marine monitoring equipment – and the citizen science drone program that had helped identify the dangers of the coastline on the west coast of Victoria which led to the closure of beaches. He also spoke about the importance to install more monitoring equipment so we can get better data about the impact of the warming oceans.

Duncan Sheppard, Senior Advisor, Resilience, Insurance Council of Australia (ICA)

[*Building Australia's Resilience.*](#)

Climate change events are becoming increasingly costly. Since the 2019–20 Black Summer bushfires, insurers have paid out more than \$16.8 billion in natural disaster claims from 13 declared catastrophes and five significant events.

In 2022 alone, there were more than 302,000 disaster related claims lodged from four declared insurance events across the country, costing \$7.28 billion in insured losses. Six billion dollars of these losses were from the Northern New South Wales and south-east Queensland floods in early 2022 alone. This was the costliest insured event in Australian history.

ICA's key advocacy priorities with regard to improving resilience in the built environment, including increased resilience investment, improved land use planning, strengthened construction codes and standards and enhanced building competence and compliance.

Dr Kathleen McInnes, CSIRO Post-Retirement Fellow

Dr McInnes explained the IPCC AR6 Sea-level Rise Projections:

- Mass and Volume change - thermal expansion because of heating ocean and Antarctica and Greenland ice sheets melting.
- Sea Level Rise is not level
- Vertical land movement

- Vertical Land Movement study – national – we need one.

Case Studies from Coastal Local Governments

- Bass Coast Shire Council
- South Gippsland Shire Council
- Mornington Peninsula Shire Council
- City of Kingston

Presentation by Natalie Reiter, Deputy Secretary of Strategy and Precincts at the Department of Transport and Planning

Cr Race attended a Victorian Planning & Environmental Law (VPELA) session at which Natalie Reiter mentioned how impactful the session was in the presentation

Climate Symposium & Facilitated Roundtable Discussion with input from delegates to develop Communiqué and Advocacy Position.

Triple A Housing Committee (Cr Gill)

4 MANAGEMENT REPORTS

ALTER THE ORDER OF BUSINESS

Moved: Cr Celi
Seconded: Cr Race

That the item listed at 4.6 on the agenda be considered prior to the item listed as 4.1.

Carried

OFFICE OF THE CEO

4.1 2024/2025 Annual Budget - Operating Expenses

RECOMMENDATION

That Council endorses the Financial Performance Statement (Attachment 1) as the draft operating expenditure for the 2024/2025 Annual Budget.

MOTION

Moved: Cr Marsh
Seconded: Cr Dixon

That Council:

1. Notes the report titled "2024/2025 Annual Budget - Operating Expenses" and stresses the importance of receiving detailed and timely reports to enable Council to make informed and formal decisions during budget deliberations.
2. Amends 'Employee Costs' for the 2025 Financial Year in Attachment 1 from \$95,941,000 to \$90,000,000 and makes all consequential changes to the table resulting from this change.
3. Endorses the Financial Performance Statement (Attachment 1) as the draft operating expenditure for the 2024/2025 Annual Budget for the purpose of estimating the 'funds available'.

That the Motion be voted on in parts.

4.1 (Cont.)**Part 1****That Council:**

- 1. Notes the report titled “2024/2025 Annual Budget - Operating Expenses” and stresses the importance of receiving detailed and timely reports to enable Council to make informed and formal decisions during budget deliberations.**

Vote by Division (Requested by Cr Marsh)

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

Against: Nil

Carried Unanimously

Part 2**That Council:**

- 2. Amends ‘Employee Costs’ for the 2025 Financial Year in Attachment 1 from \$95,941,000 to \$90,000,000 and makes all consequential changes to the table resulting from this change.**

Vote by Division (Requested by Cr Gill)

For: Nil

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

Lost

Part 3**That Council:**

- 3. Endorses the Financial Performance Statement (Attachment 1) as the draft operating expenditure for the 2024/2025 Annual Budget for the purpose of estimating the ‘funds available’.**

Vote by Division (Requested by Cr Marsh)

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

Against: Cr Gill

Carried

For Clarity the Council Decision is repeated below:

That Council:

- 1. Notes the report titled “2024/2025 Annual Budget - Operating Expenses” and stresses the importance of receiving detailed and timely reports to enable Council to make informed and formal decisions during budget deliberations.**

4.1 (Cont.)

- 2. Endorses the Financial Performance Statement (Attachment 1) as the draft operating expenditure for the 2024/2025 Annual Budget for the purpose of estimating the 'funds available'.**

Carried

ADJOURNMENT OF MEETING

That the meeting be adjourned at 8.46pm for a short recess.

RESUMPTION OF MEETING

That the meeting be resumed at 8.56pm.

4.2 Pelican Park Recreation Centre - Critical Renewal Works and Funding**RECOMMENDATION**

That Council:

1. Allocate \$3,189,000.00 funding to undertake the works as outlined in the confidential attachment.
2. Approve \$3,189,000.00 be funded from the FY24/25 capital works program.

Part B

That Council resolves that 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 pertains to a commercial and contractual matter.

COUNCIL DECISION

Moved: Cr Dixon

Seconded: Cr Marsh

That the recommendation be adopted.

Carried Unanimously

4.3 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 Instrument of Appointment and Authorisation, Council resolves that:
 - A. The member of Council staff referred to in Attachment 1 be appointed under the *Planning and Environment Act 1987*.
 - B. The Instrument comes into force upon the resolution of Council.

COUNCIL DECISION

Moved: Cr Marsh

Seconded: Cr Race

That the recommendation be adopted.

Carried Unanimously

4.4 Approval for Attendance at the 2024 Australian Coastal Councils Conference - Councillor Sarah Race**Attendance**

Having disclosed a conflict of interest Cr Race, left the meeting at 9.20pm and returned to the meeting at 9.21pm, after the matter had been finalised. Cr Race, took no part in the discussion or voting on this item.

RECOMMENDATION

1. That Council approves the attendance of Cr Sarah Race at the Australian Coastal Councils Association Inc. 2024 Australian Coastal Councils Conference in McLaren Vale, in the City of Onkaparinga, South Australia from 29 May to 31 May 2024, with associated expenses to be deducted from the Councillor's Conferences, Seminars, Training and Events account.
2. If Cr Race is unable to attend, that the Mayor be authorised to nominate another Councillor to attend, with associated expenses to be deducted from that Councillor's expenses account.

COUNCIL DECISION

Moved: Cr O'Connor

Seconded: Cr Roper

That the recommendation be adopted.

Carried Unanimously

4.5 Approval to attend National General Assembly and Australian Council of Local Government 2024**ELECTION OF TEMPORARY CHAIR**

Moved: Cr Celi
Seconded: Cr Roper

That Council appoints Cr O'Connor as temporary chair for item 4.5 – Approval to attend National General Assembly and Australian Council of Local Government 2024.

Carried Unanimously

Attendance

Having disclosed conflict of interests Mayor Cr Brooks, Cr Celi, and Cr Race left the meeting at 9.23pm and returned to the meeting at 9.40pm, after the matter had been finalised. Mayor Cr Brooks, Cr Celi, and Cr Race took no part in the discussion or voting on this item.

RECOMMENDATION

1. That Council approves the attendance and associated expenditure of funds for Mayor, Cr Simon Brooks, Deputy Mayor, Cr Antonella Celi Mar, Cr Steve Holland and Cr Sarah Race to attend the National General Assembly and Australian Council of Local Government in Canberra to be held from 2 to 5 July 2024.
2. That subject to Council's decision above, the amount expended is to be allocated from the Mayor, Deputy Mayor, Cr Steve Holland's and Cr Sarah Race's Training, Conferences and Seminars and Events account.
3. In accordance with section 6.2.6 of the Councillor Expenses, Reimbursement, Resources and Facilities Policy 2022, Councillors attending any approved interstate activity will provide Council with a report of their attendance via a Councillor delegate's report within 30 days of return from travel.

MOTION

Moved: Cr Roper
Seconded: Cr Marsh

1. **That Council approves the attendance and associated expenditure of funds for Mayor Cr Simon Brooks, and Deputy Mayor Cr Antonella Celi, to attend the National General Assembly and Australian Council of Local Government in Canberra to be held from 2 to 5 July 2024.**
2. **That subject to Council's decision above, the amount expended is to be allocated from the Mayor, and Deputy Mayor's, Training, Conferences and Seminars and Events account.**
3. **That Council approves the attendance and associated expenditure of funds for Cr Steve Holland and Cr Sarah Race to attend the National General Assembly and Australian Council of Local Government in Canberra to be held from 2 to 5 July 2024.**
4. **That subject to Council's decision above, the amount expended is to be allocated from the Cr Steve Holland's and Cr Sarah Race's Training, Conferences and Seminars and Events account.**

4.5 (Cont.)

5. In accordance with section 6.2.6 of the Councillor Expenses, Reimbursement, Resources and Facilities Policy 2022, Councillors attending any approved interstate activity will provide Council with a report of their attendance via a Councillor delegate's report within 30 days of return from travel.

That the Motion be voted on in parts.

Parts 1 and 2

1. That Council approves the attendance and associated expenditure of funds for Mayor Cr Simon Brooks, and Deputy Mayor Cr Antonella Celi, to attend the National General Assembly and Australian Council of Local Government in Canberra to be held from 2 to 5 July 2024.
2. That subject to Council's decision above, the amount expended is to be allocated from the Mayor, and Deputy Mayor's, Training, Conferences and Seminars and Events account.

Carried Unanimously

Parts 3 and 4

3. That Council approves the attendance and associated expenditure of funds for Cr Steve Holland and Cr Sarah Race to attend the National General Assembly and Australian Council of Local Government in Canberra to be held from 2 to 5 July 2024.
4. That subject to Council's decision above, the amount expended is to be allocated from the Cr Steve Holland's and Cr Sarah Race's Training, Conferences and Seminars and Events account.

Vote by Division (Requested by Cr Marsh)

For: Cr O'Connor, Cr Roper and Cr Mar

Against: Cr Gill, Cr Marsh and Cr Dixon

Tied

Carried on the casting vote of the temporary chair.

Part 5

5. In accordance with section 6.2.6 of the Councillor Expenses, Reimbursement, Resources and Facilities Policy 2022, Councillors attending any approved interstate activity will provide Council with a report of their attendance via a Councillor delegate's report within 30 days of return from travel.

Carried Unanimously

PLANNING & INFRASTRUCTURE

4.6 Planning Application P22/2300 - 6 Napier Street, Rye - Use of land for a residential hotel, development of a five-storey building with basement parking, reduction in parking provision and removal of vegetation

Item 4.6 was the first item heard.

Attendance

Cr Gill left the meeting at 7.11pm.

Cr Marsh left the meeting at 7.11pm.

Deputations

- Isaac Gee

Attendance

Cr Gill returned to the meeting at 7.12pm.

Cr Marsh returned to the meeting at 7.14pm.

Deputations (Cont.)

- Andrew Gibson
- Peter Walker
- Peter Walker on behalf of Nepean Conservation Group
- Mechelle Cheers

RECOMMENDATION

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, having considered all submissions received to date and all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P22/2300 for the use of land as a residential hotel, development of a five storey building with basement parking, reduction in car parking provision, removal of vegetation and associated works at 6 Napier Street, Rye, would have been refused and that a Notice of Refusal would have been issued on the following grounds:

1. The height, scale and form of the proposal is unacceptable having regard to the design objectives of the Design and Development Overlay Schedule 58 (Rye Town Centre) and the objectives and strategies of Clause 11.03-5S (Distinctive Areas and Landscapes), Clause 15.01-5S (Neighbourhood Character) and Clause 15.01-1S (Urban Design) of the Mornington Peninsula Planning Scheme.
2. The proposal is unacceptable having regard to the provision of car parking or vehicle access for the proposed development and will have a detrimental impact on the efficient and safe functioning of the surrounding road network contrary to the purpose of Clause 52.06 (Car Parking) of the Mornington Peninsula Planning Scheme. The application has not sufficiently demonstrated how parking will be allocated to hotel

4.6 (Cont.)

residents and staff or how the access arrangements and traffic light system provides for users of the adjoining laneway.

3. The proposal is unacceptable having regard to the relevant objectives and standards under Clause 55.02-1 (Neighbourhood Character) and Clause 55.04-6 (Overlooking) of the Mornington Peninsula Planning Scheme.

Part B

That Council resolves that Attachments 7, 8, 9, 10 and 11 to this report be retained as confidential items pursuant to section 3 (1) (f) of the *Local Government Act 2020* as they contain personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

COUNCIL DECISION

Moved: Cr Race

Seconded: Cr Marsh

That the recommendation be adopted.

Carried Unanimously

4.7 CN2768 Rye West – Campgrounds Realignment – Tender Recommendation Report

RECOMMENDATION

1. That Council, having considered all tender submissions, hereby accepts the tender submission received from Tenderer A for the lump sum value of \$XXX plus \$XX GST being for CN2768 – Rye West – Campgrounds Realignment.
2. That 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. That Council delegates the execution of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

Part B

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

COUNCIL DECISION

Moved: Cr Race
Seconded: Cr Mar

1. That Council, having considered all tender submissions, hereby accepts the tender submission received from Ace Landscape Services for the lump sum value of \$1,303,733.59 plus \$130,373.36 GST being for CN2768 – Rye West – Campgrounds Realignment.
2. That 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. That Council delegates the execution of the contract for the awarded tender to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

Part B

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

Carried Unanimously

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.8 Peninsula 2040 Community Vision Pulse Check - Approval of Draft Project Communications and Engagement Plan

RECOMMENDATION

That Council approves, in-principle, the Peninsula 2040 Community Vision Pulse Check Project Timeline and Communication and Engagement Plan (Attachment 1).

COUNCIL DECISION

Moved: Cr Marsh
Seconded: Cr O'Connor

That the recommendation be adopted.

Carried Unanimously

EXTENSION OF MEETING TIME

Moved: Cr Marsh
Seconded: Cr Mar

That the Council Meeting be extended until 10.30pm.

Carried

COMMUNITY STRENGTHENING

4.9 Update on Community Sector Reforms

Attendance

Cr Marsh left the meeting at 9.52pm and returned at 9.55pm prior to consideration and voting on this item.

RECOMMENDATION

That Council notes the context of current and emerging sector reforms in aged care, National Disability Insurance Scheme (NDIS) and community care services for younger people.

COUNCIL DECISION

Moved: Cr Mar
Seconded: Cr Celi

That the recommendation be adopted.

Carried

ALTER THE ORDER OF BUSINESS

That the item listed at 7.1 on the agenda be considered after the item listed as 4.9.

4.10 The Briars Events**RECOMMENDATION**

That Council:

1. Resolves that no high impact, prolonged events, that include any elements that may negatively impact the wellbeing of wildlife will be held within the Wildlife Sanctuary at The Briars
2. Notes that any events that are held within the Wildlife Sanctuary are required to comply with all relevant Acts.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Marsh

That Council:

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

Vote by Division (Requested by Cr Gill)

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

Against: Nil

Carried Unanimously

ADJOURNMENT OF MEETING

That the Meeting be adjourned to a time to be determined.

RESUMPTION OF MEETING

That the meeting be resumed at 9.02am on Tuesday, 26 March 2024.

Attendance

Cr O'Connor left the meeting at 10.30pm on Tuesday, 26 March 2024 and did not return for the resumption of this meeting.

Cr Bissinger joined the meeting at 9.02am on Tuesday, 26 March 2024.

OFFICE OF THE CEO

4.11 Chief Executive Officer Performance and Remuneration Review - Process

RECOMMENDATION

1. That Council endorses the use of the following templates as part of the 2024 Chief Executive Officer (CEO) Performance and Remuneration Review Process:
 - A. CEO Review and Cycle Process.
 - B. CEO Quarterly Assessment.
 - C. CEO Core Pillars.
 - D. Feedback from Direct Reports.

UPDATED RECOMMENDATION

1. That Council endorses the use of the following templates as part of the 2024 Chief Executive Officer (CEO) Performance and Remuneration Review Process:
 - A. CEO Review and Cycle Process.
 - B. CEO Quarterly Assessment.
 - C. CEO Core Pillars.
 - D. Feedback from Direct Reports.
 - E. CEO Employment and Remuneration Committee (CERC) Protocols.

COUNCIL DECISION

Moved: Cr Celi

Seconded: Cr Gill

That the recommendation be adopted.

Carried

5 NOTICES OF MOTION

5.1 Notice of Motion 434 (Cr Gill) - Community Watchdog Budget Panel

MOTION

That a report considering the establishment of a Community Watchdog Budget Panel be brought to Council in readiness for potential implementation early in the next financial year.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Bissinger

Vote by Division (Requested by Cr Gill)

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

Against: Cr Race, Cr Mar and Cr Celi

Carried

6 URGENT BUSINESS

Nil.

7 CONFIDENTIAL ITEMS

Advice to the Public

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

MEETING CLOSED TO THE PUBLIC

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

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

- (l) Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

RECOMMENDATION

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

7.1 Parking Compliance Services Tender

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

COUNCIL DECISION

Moved: Cr Roper

Seconded: Cr Celi

That the recommendation be adopted.

Carried

7.1 Parking Compliance Services Tender

Item 7.1 was heard after item 4.9 on the agenda

RECOMMENDATION

1. That Council, having considered all tender submissions, hereby accepts the tender submission received from Orikan for the value of \$7,220,204 plus \$722,020 GST being for CN2737 Parking Enforcement Services.
2. That Council 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 that the report and Council decision are not confidential pursuant to section 3 (1) of the *Local Government Act 2020*.
2. That Council resolves that Attachments 1 and 2 to this report be retained as confidential items pursuant to section 3 (1) (g) (ii) of the *Local Government Act 2020* as they contain private commercial information, 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 Marsh
Seconded: Cr Celi

That the recommendation be adopted.

Carried Unanimously

MEETING RE-OPENED TO PUBLIC

Moved: Cr Celi
Seconded: Cr Race

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

Carried

8 MEETING CLOSE

As there was no further business, the meeting closed at 9.52am on Tuesday, 26 March 2024

Confirmed this 16th day of April 2024

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Mayor Cr Simon Brooks, Chairperson - Council