



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 16 DECEMBER 2025

6:30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

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

EXECUTIVE TEAM

| | |
|---|---|
| Mr Mark Stoermer Ms Cheryl Casey Mr David Simon Mr Davey Smith | Chief Executive Officer Director – Communities Acting Director – Planning and Liveability Director – Assets and Infrastructure |
|---|---|

RECORDING

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

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

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1 OPENING AND WELCOME

Meeting opened at 6.34pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr Binyon)

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.

1.2 Vale (Stephen Wright)

On behalf of my Councillor colleagues, Shire staff and the broader community, I would like to acknowledge the passing of Stephen Wright, whose dedication to education, training, and community development has shaped opportunities for thousands across our region. Steve's impact on the Mornington Peninsula and Frankston communities has been profound, and his loss will be deeply felt by all who had the privilege of working alongside him.

Steve's legacy in community education is extraordinary. As a founding force behind the Peninsula Training and Employment Program (PTEP) in 1980 - now Advance Community College - he guided its transformation from a small, two-person initiative into a thriving organisation employing more than 40 people. In 2016, he established Advance College of Education, creating new and accessible pathways for young people through VCAL. His work changed lives, empowered futures, and strengthened the fabric of our community.

Over his 17 years on the Frankston Mornington Peninsula Local Learning & Employment (LLEN) Board, Steve was a highly valued and respected leader. His advocacy for education and meaningful youth pathways was unwavering, and his vision helped shape the opportunities available to young people across the region.

Steve also contributed generously to numerous boards and committees, including Rosebud Secondary College, Flinders Youth Housing Group, Mornington Peninsula Youth Enterprises, and the Dromana Football and Netball Club. His governance insight, strategic leadership, and deep commitment to community service earned him the admiration of colleagues and community members alike.

Steve's passion, wisdom, and steadfast dedication leave a lasting legacy. His influence will continue to be felt for generations through the programs he built, the organisations he strengthened, and the many people whose lives he helped change.

On behalf of the Mornington Peninsula Shire, I extend our deepest condolences to Steve's family, friends, colleagues, and all who mourn his passing.

Vale Stephen Wright

2 PROCEDURAL MATTERS

Present

Mayor, Cr Anthony Marsh (Chairperson)
Cr Andrea Allen
Cr Stephen Batty
Cr Patrick Binyon
Cr David Gill
Cr Max Patton
Cr Paul Pingiaro
Cr Bruce Ranken
Cr Kate Roper
Cr Michael Stephens
Cr Cam Williams

Mr Davey Smith, Acting Chief Executive Officer

2.1 Apologies

Nil.

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

Cr Pingiaro, declared a General, Conflict of Interest in regard to item 7.1, Australia Day Local Award Winners 2026, as Cr Pingiaro is known to several of the nominees.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meeting held on 2 December 2025, be confirmed.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Pingiaro

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

2.4 Documents to be tabled

That in accordance with section 147 (4) of the *Local Government Act 2020*, the arbiter's decision, and statement of reasons on the matter of an application by Cr David Gill, Cr Kate Roper, Cr Max Patton, Cr Michael Stephens and Cr Patrick Binyon concerning Cr Anthony Marsh (Attachment 1) is tabled.

2.5 Petitions and Joint Letters

RECOMMENDATION

That Council receives and notes the Petition requesting that motorcycle safety barrier upgrades along Main Creek Road, Main Ridge not be undertaken.

COUNCIL DECISION

Moved: Cr Stephens

Seconded: Cr Williams

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

2.6 Public Question Time

QUESTIONS WITH NOTICE

McCrae Landslide

Nicholas Tate, a resident of Rye asked the following question:

The new landslide risk map includes a lot of flat and undulating land which is now going to cause insurance rises and property value decline.

Why is the landslide overlay so varied and not implemented on a planning application assessment individually when the original cause for the McCrae incident was caused by a leaking water main?

Council advised that the mapping is the best available data at this point in time. The Mornington Peninsula Shire (the Shire) is working with experienced Geotechnical Engineers to ensure the mapping is accurate and refined based on current available information. You can read more about this staged approach, and the background to the landslide susceptibility mapping, on our website.

We recognise that the Erosion Management Overlay – Schedule 7 (EMO7) is proposed on some areas of flat land. This is because the landslide susceptibility mapping underpinning EMO7 is based on Light Detection and Ranging (LiDAR) data which can pick up areas where there have been man-made works, such as a retaining wall, or other minor earthworks. This mapping will be reviewed and refined over the coming months as part of our staged approach to applying Erosion Management Overlays and some properties may no longer be considered highly susceptible.

Shire Planning officers will be undertaking detailed analysis of applications to ascertain required documentation to inform an assessment under the EMO7.

Crib Point Swimming Pool

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

When will Crib Point Swimming Pool receive a new shade sail over the main outdoor pool to protect swimmers from harmful UV rays, prevent sunburn and reduce skin cancer risk?

Council advised that shade sails above Crib Point Pool would require further investigation as the solution would need to be carefully engineered to ensure that it did not compromise the structural integrity of the pool shell. Furthermore, the lifecycle, cost of maintenance and renewal would need to be taken into consideration. The project could then be submitted into the capital works funding program, where it would be assessed based on priority and available budget.

BlueScope Steel

Dale Stohr asked another question:

With the Bluescope Steel plant at Hastings paying only \$840,000 per year in annual land rates on 1700 acres, will Council consider conducting a supplementary valuation to determine the current Capital Improved Value (CIV) of the land and all improvements on the land as per the 1972 Act?

Council advised that a similar question has been put forward on this subject three times this year and the answer remains the same. As per the *Western Port (Steel Works Rating) Act 1972*, which governs the rates paid by Bluescope to the Council, Bluescope has been required to pay a fixed amount of \$840,000 per year to the Shire since 1983. This amount has remained unchanged and has been in effect for over 40 years.

Remembrance Day

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

The week before Remembrance Day at the Shire meeting on Wednesday, 5 November, held the day after cup day, I noticed nobody, apart from myself, wearing a poppy to pay homage to our ware heroes. Has everyone forgotten our heroes?

Council advised that Councillors and staff acknowledge the significance of Remembrance Day and the service and sacrifice of all who have served, including those recognised on the 80th anniversary of the end of World War II. Wearing a poppy is a meaningful personal tribute, and many people choose to honour our veterans in different ways, whether through attending services, donating to the Poppy Appeal, observing a moment of silence or other forms of remembrance.

While not all Councillors and staff wore a poppy at the 5 November Council Meeting, this was not intended to diminish respect for our veterans or the importance of Remembrance Day. The Shire formally recognises Remembrance Day each year, and both Councillors and staff participate in local commemorative services across the municipality.

We appreciate you taking the time to express your concern and acknowledge the importance of continuing to honour and remember those who served.

Grass Cutting

Fred Crump, asked another question:

After watching men cutting grass 1.5 metres high, at the Mornington-Tyabb Road, Freeway entrance, grass left in clumps, no use of brush cutters and grass still left up poles. Contractors not mowing properly. This wouldn't happen at Casey where standards are very high. Why has grass cutting standards dropped in Council's and Vic Roads.

Council advised that since the commencement of Council's current maintenance services contracts in July 2024, we have received very positive feedback on mowing of Shire's open spaces and roadsides and are satisfied with the high quality of work. The location referenced in the question is the responsibility of Transport Victoria (formerly VicRoads). It is recommended that community members contact them directly for feedback on their frequency and quality of service.

Road Funding

Stephen Tweedly, a resident of Rosebud asked the following question:

Council claims road funding increased by 72%. The Budget shows \$7.6 million to \$13.1 million.

1. *Can Council clarify the baseline year, how much of this increase is Council-funded versus Federal road grants?*
2. *And how much reflects new road contracts rather than new policy decisions?*

The 72% increase represents the \$7.6 million budget in 2024/2025 compared to \$13.1 million in the 2025/2026 adopted budget. Of this, the Council funding increased 10% across the two years. Federal funding allocated to road renewal projects went from \$0 in 2024/2025 to \$4.8 million in 2025/2026, which is the result of a Council decision to direct funding from the Federal Roads to Recovery Program to focus on improving the condition of our roads. The additional funding in 2025/2026 has been budgeted for the reconstruction of a section of both Mount Eliza Way, Mount Eliza and Eramosa Road East, Somerville.

3 COUNCILLORS AND DELEGATES REPORTS

Arts and Culture Advisory Panel (Cr Gill)

4 MANAGEMENT REPORTS

PLANNING & LIVEABILITY

4.1 Amendment C295morn - Creswell Street East, Crib Point - Development Contributions Plan - Planning Panel outcomes and Adoption

RECOMMENDATION

That Council:

1. Receives and considers the Planning Panel report for Amendment C295morn to the Mornington Peninsula Planning Scheme dated 27 August 2025 as at Attachment 2 to this report, in accordance with section 27 of the *Planning and Environment Act 1987*.
2. Endorses the officer responses to the Planning Panel's recommendations as outlined in this report and Attachment 3.
3. Adopts Amendment C295morn to the Mornington Peninsula Planning Scheme with changes, including accepting all recommendations in the Planning Panel Report pursuant to section 29 (1) of the of the *Planning and Environment Act 1987*, generally in accordance with Attachments 4 and 5 of this report.
4. Submits the adopted Amendment C295morn to the Mornington Peninsula Planning Scheme together with the prescribed information to the Minister for Planning for approval pursuant to section 31(1) of the *Planning and Environment Act 1987*.
5. Notifies all submitters and landowners affected by Amendment C295morn to the Mornington Peninsula Planning Scheme in writing of the Council's decision.
6. Authorise the Director – Planning & Liveability to make editorial and administrative changes to Attachments 4 and 5 to this report as required.
7. Includes the costs to deliver the infrastructure under the revised Creswell Street East, Crib Point Development Contributions Plan (Mesh, December 2025), as part of Council's 2026/27 annual budget process, as outlined in Attachments 4 and 5 to this report.
8. Authorises the Director – Planning & Liveability, if required, to prepare and lodge a separate planning scheme amendment request under section 20A of the *Planning & Environment Act 1987* to extend the expiry date of the existing Creswell Street East, Crib Point Development Contributions Plan (June 2024) by another 2 years if any of the following occur:
 - A. Amendment C295morn has not been approved and gazetted by the Minister before the expiry date of 6 June 2026.
 - B. There are delays securing a planning permit for vegetation removal.
 - C. The infrastructure project and associated native vegetation removal require federal approval under the *Environment Protection & Biodiversity Conservation Act 1999*.

4.1 (Cont.)

9. Receives and notes the Creswell Street East, Crib Point Development Contributions Plan investigations memo as at Attachment 6.

Attendance

Cr Allen arrived to the meeting at 6.55pm.

COUNCIL DECISION

Moved: Cr Stephens
Seconded: Cr Gill

That Council:

1. Receives and considers the Planning Panel report for Amendment C295morn to the Mornington Peninsula Planning Scheme dated 27 August 2025 as at Attachment 2 to this report, in accordance with section 27 of the *Planning and Environment Act 1987*.
2. Endorses the officer responses to the Planning Panel's recommendations as outlined in this report and Attachment 3, noting further investigations to be undertaken as per 3. As below.
3. Adopts Amendment C295morn to the Mornington Peninsula Planning Scheme with changes, including accepting all recommendations in the Planning Panel Report pursuant to section 29 (1) of the of the *Planning and Environment Act 1987*, generally in accordance with Attachments 4 and 5 of this report but amended to ensure the retention of two Manna Gums within the Cooma Street road reserve adjacent to 90 and 92 Disney Street, Crib Point. This includes:
 - A. Investigating alternative yet cost-effective design solutions to achieve a sealed road surface that retains Trees 48 and 51 within the Cooma Street road reserve (as identified in the Arbor Survey Construction Impact Assessment report dated 2 December 2025), and if none are feasible, then delete construction of that part of the Cooma Street road reserve which would impact the tree protection zones and structural root zones of the trees.
 - B. Update the Development Contribution Plan (DCP) infrastructure costs, descriptions and detailed designs as a consequence of the above changes.
4. Submits the adopted Amendment C295morn to the Mornington Peninsula Planning Scheme together with the prescribed information to the Minister for Planning for approval pursuant to section 31(1) of the *Planning and Environment Act 1987*.
5. Notifies all submitters and landowners affected by Amendment C295morn to the Mornington Peninsula Planning Scheme in writing of the Council's decision.
6. Authorises the Director – Planning & Liveability to make editorial and administrative changes to Attachments 4 and 5 to this report as required.
7. Includes the costs to deliver the infrastructure under the revised Creswell Street East, Crib Point Development Contributions Plan (Mesh, December 2025), as part of Council's 2026/27 annual budget process, as outlined in Attachments 4 and 5 to this report.

4.1 (Cont.)

8. Authorises the Director – Planning & Liveability, if required, to prepare and lodge a separate planning scheme amendment request under section 20A of the *Planning & Environment Act 1987* to extend the expiry date of the existing Creswell Street East, Crib Point Development Contributions Plan (June 2024) by another 2 years if any of the following occur:
- A. Amendment C295morn has not been approved and gazetted by the Minister before the expiry date of 6 June 2026.
 - B. There are delays securing a planning permit for vegetation removal.
 - C. The infrastructure project and associated native vegetation removal require federal approval under the *Environment Protection & Biodiversity Conservation Act 1999*.
9. Receives and notes the Creswell Street East, Crib Point Development Contributions Plan investigations memo as at Attachment 6.

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

4.2 Planning Application P25/0418 – 36 Foam Road, Fingal – Development of a Telecommunications Facility

RECOMMENDATION

Part A

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme (the Planning Scheme) and the *Planning and Environment Act 1987*, having considered all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P25/0418 (Permit) be supported and the following issued:

Grant a Permit with the following permissions and conditions:

| PLANNING SCHEME CLAUSE | MATTER FOR WHICH THE PERMIT HAS BEEN GRANTED |
|---|--|
| Clause 42.01-2 (ESO15, ESO23 and ESO28) | A planning permit is required to construct a building or construct or carry out works |
| Clause 52.19-1 (Telecommunications facility) | Construct a building or construct or carry out works for a telecommunications facility |

Amended Plans

1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - A. The width of the new portion of access track, which must be no wider than 3 metres.
 - B. Overall height of the perimeter fencing of the facility.
 - C. The external colour of the monopole and antennas must be a muted, non-reflective colour (green, grey or similar).
 - D. Screening planting around and/or near the southern and eastern perimeters of the compound. The screening planting must:
 - i. Comprise shrubs with a minimum mature height of 3 metres and minimum width at maturity sufficient to provide continuous screen planting (other than across any vehicle or pedestrian access points within close proximity to the southern perimeter fencing of the compound).
 - ii. Be species indigenous to the local Ecological Vegetation Class (EVC), to the satisfaction of the Responsible Authority
 - E. Planting of a minimum of seven substantial canopy trees adjacent to the compound. Four trees must be planted within 20 metres to the south/south- east of the facility, two within 20 metres to the east, and one within 20 metres to the north-east of the facility (inside the subject site). The trees must:

4.2 (Cont.)

- i. Be located within close proximity to the facility so as to partially inhibit views to the facility from the locations of the adjoining dwellings to the south and north.
- ii. Have a minimum mature height of approximately 15 metres.
- iii. Be species indigenous to the local Ecological Vegetation Class (EVC), to the satisfaction of the Responsible Authority.

Approved Development Not Altered

2. The approved development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority (Unless otherwise specified by a condition of this permit, consent is not required for any buildings or works which do not require a planning permit under the Mornington Peninsula Planning Scheme).

Tree Protection

3. Any excavation, trenching and fill works within 'Tree Protection Zones' must be carried out in accordance with the recommendations in the Australian Standard AS4970 - Protection of trees on development Sites, to the satisfaction of the Responsible Authority.

Access

4. Prior to the first use/occupation of the development, the vehicle access to the telecommunications facility as shown on the endorsed plans, must be constructed, formed, surfaced with an all-weather wearing material, and drained, to the satisfaction of the responsible authority.

Amenity

5. The development must be carried out so that the amenity of the area is not detrimentally affected, through the:
 - A. Transport of materials, goods or commodities to or from the land.
 - B. Inappropriate storage of any works or construction materials.
 - C. Hours of construction activity and/or repair and maintenance activities.
 - D. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.

External Lighting

6. External lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.

Telecommunications Facility

7. If the telecommunications facility hereby approved is or becomes redundant, all infrastructure associated with the telecommunication facility must be removed and the area reinstated to the satisfaction of the Responsible Authority. All works to comply with this condition must be completed within three (3) months of the facility ceasing to operate and must be at the expense of the permit holder.

4.2 (Cont.)

Expiry

8. This Permit will expire if the development is not completed within 5 years.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Part B

That Council resolves that Attachment 12 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it relates to people's personal information.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Pingiaro

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme (the Planning Scheme) and the *Planning and Environment Act 1987*, having considered all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P25/0418 be refused on the following grounds:

- 1. The design and siting of the proposal would result in a prominent structure in the landscape, which would adversely impact the amenity of the area and not meet a purpose of Clause 52.19 – Telecommunications Facility.**
- 2. The proposed height and siting of the proposed facility is not responsive to the semi consolidated sand dune landscape character and vistas of the Cups area. The development would interrupt the scenic and landscape values which is contrary to the objectives of schedule 15 of the Environmental Significance Overlay of the Mornington Peninsula Planning Scheme.**
- 3. The proposal does not comply with Clause 11.05-2 (Distinctive Areas of State Significance).The development does not respect the 'landscape and cultural values' of the Mornington Peninsula as the siting will negatively impact upon the distinctive landscape of the Cups area in Fingal.**

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

4.3 Structure Plan Progress Reports - 2025

RECOMMENDATION

That Council:

1. Receives and notes the progress reports for the Structure Plans for Balnarring, Baxter, Somerville, Crib Point, Hastings Town Centre, Mornington Activity Centre, Rosebud Activity Centre, Rye and the Western Port Coastal Villages and Surrounding Settlements Strategy, as contained in Attachments 1-9 of this report.
2. Publishes the progress reports, at Attachments 1-9 of this report, on Council's website.

COUNCIL DECISION

Moved: Cr Pingiaro

Seconded: Cr Roper

That the recommendation be adopted.

AMENDMENT

Moved: Cr Gill

Seconded: Cr Stephens

3. **That a list of structure plan implementation actions be prepared for a budget workshop and costed referral for budget consideration.**

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 Amendment became part of the Substantive Motion.

The Substantive Motion was then put.

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

COMMUNITIES

4.4 Draft Open Space Strategy and Draft Open Space Contributions Report - Adoption

Item Withdrawn prior to Meeting

ASSETS & INFRASTRUCTURE

4.5 Community Tennis Clubs New Lease

RECOMMENDATION

That Council:

1. Pursuant to section 115 of the *Local Government Act 2020*, proposes to lease the following premises to the following community tennis clubs, on the following terms:

- Balnarring Tennis Club, Civic Court, Balnarring
 - Boneo Tennis Club, Recreation Reserve, 570 Boneo Road, Boneo
 - Crib Point Tennis Club, Colin Parade, Crib Point
 - Dromana Tennis Club, 10 Marna Street, Dromana
 - Flinders Tennis Club, 22-24 Barker Street, Flinders
 - Hastings Tennis Club, 54 Marine Parade, Hastings
 - Main Ridge Tennis Club, 451 Main Creek Road, Main Ridge
 - Mount Eliza Tennis Club, 55 Wimbledon Avenue, Mount Eliza
 - Mount Martha Tennis Club, Corner Esplanade and Dominion Road, Mount Martha
 - Red Hill Tennis Club, 184 Arthur Seat Road, Red Hill
 - Rosebud Tennis Club, Rosebud Recreation Reserve, Point Nepean Road Rosebud
 - Rye Tennis Club, Rye Recreation Reserve, Melbourne Road, Rye
 - Shoreham Tennis Club, Shoreham Recreation Reserve, Shoreham Road, Shoreham
 - Somers Tennis Club, Camp Hill Road, Somers
 - Sommerville Tennis Club, Park Lane, Sommerville
 - Tyabb Tennis Club, 1475 Frankston-Flinders Road, Tyabb
 - Sorrento Tennis Club, Sorrento Park, Hotham Road, Sorrento
- A. for a term of 9 years at a commencing sporting ground rent of \$300 (plus GST) per lit tennis court (per annum) and \$120 (plus GST) per unlit tennis court (per annum) and a building rent of \$500 (plus GST) per annum or \$1,000 (plus GST) per annum, based on building replacement value
- B. at a fixed annual increase of 3 per cent

4.5 (Cont.)

- C. for permitted use as a tennis club and associated tennis and recreational activities.
2. Authorise the Head of Property and Leasing to execute the lease documentation.

ADJOURNMENT OF MEETING

That the meeting be adjourned at 7.36pm for a short recess.

RESUMPTION OF MEETING

That the meeting be resumed at 7.38pm.

COUNCIL DECISION

Moved: Cr Batty
Seconded: Cr Roper

That Council:

1. Pursuant to section 115 of the *Local Government Act 2020*, proposes to lease the following premises to the following community tennis clubs:
- Balnarring Tennis Club, Civic Court, Balnarring
 - Boneo Tennis Club, Recreation Reserve, 570 Boneo Road, Boneo
 - Crib Point Tennis Club, Colin Parade, Crib Point
 - Dromana Tennis Club, 10 Marna Street, Dromana
 - Flinders Tennis Club, 22-24 Barker Street, Flinders
 - Hastings Tennis Club, 54 Marine Parade, Hastings
 - Main Ridge Tennis Club, 451 Main Creek Road, Main Ridge
 - Mount Eliza Tennis Club, 55 Wimbledon Avenue, Mount Eliza
 - Mount Martha Tennis Club, Corner Esplanade and Dominion Road, Mount Martha
 - Red Hill Tennis Club, 184 Arthur Seat Road, Red Hill
 - Rosebud Tennis Club, Rosebud Recreation Reserve, Point Nepean Road Rosebud
 - Rye Tennis Club, Rye Recreation Reserve, Melbourne Road, Rye
 - Shoreham Tennis Club, Shoreham Recreation Reserve, Shoreham Road, Shoreham
 - Somers Tennis Club, Camp Hill Road, Somers
 - Sommerville Tennis Club, Park Lane, Sommerville
 - Tyabb Tennis Club, 1475 Frankston-Flinders Road, Tyabb

4.5 (Cont.)

- Sorrento Tennis Club, Sorrento Park, Hotham Road, Sorrento.

On the following terms:

- A. A lease term of 9 years.
 - B. At a commencing sporting ground rent of \$300 (plus GST) per lit tennis court (per annum) and \$120 (plus GST) per unlit tennis court (per annum).
 - C. A building rent free incentive for the first 2 years of the lease term.
 - D. Commencing on the second anniversary of the commencement date, a building rent of \$500 (plus GST) per annum or \$1,000 (plus GST) per annum, based on building replacement value.
 - E. At a fixed annual rental increase of 3 per cent.
 - F. For permitted use as a tennis club and associated tennis and recreational activities.
2. Authorises the Head of Property and Leasing to execute the lease documentation.

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 Asset Management Strategy 2026 - 2036

RECOMMENDATION

That Council:

1. Adopt the Asset Management Strategy 2026 – 20236
2. Authorise the Chief Executive Officer to make administrative changes to the Asset Management Strategy 2026 – 2036 document as required to support operational priorities.
3. Notes the summary of feedback received during the public exhibition period for the draft Asset Management Strategy 2026 - 2036

COUNCIL DECISION

Moved: Cr Pingiaro

Seconded: Cr Roper

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

4.7 2026 Appointment of Councillor Representatives and Committee Chairs

RECOMMENDATION

That Council:

1. Delegates Councillors to the relevant non-delegated Committees, Associations, Peak Industry Bodies, and Regional and Community organisations as detailed below for the 2026 calendar year.

INSERT TABLE HERE

2. Appoints Cr _____ and Cr _____ as the Representatives of the Audit & Risk Committee and Cr _____ as the Substitute Representative for the 2026 calendar year.
3. Removes the Mornington Liquor Industry Accord from the Council Appointed Representative and Substitute representative table for 2026.
4. Removes the Friends of Los Palos from the Council Appointed Representative and Substitute representative table for 2026.
5. Forward Planning Committee Appointments:
 - A. Appoints Cr _____ as the Chair of the Forward Planning Committee from 1 January 2026 to 30 June 2026.
 - B. Appoints Cr _____ as the Chair of the Forward Planning Committee from 1 July 2026 to 31 December 2026.
6. Section 223 Committee Appointments
 - A. Appoints Cr _____ and Cr _____ and Cr _____ to the Section 223 Submission Committee from 1 January 2025 to 30 June 2025.
 - B. Appoints Cr _____ and Cr _____ and Cr _____ to the Section 223 Submission Committee from 1 July 2025 to 31 December 2025.

COUNCIL DECISION

Moved: Cr Batty
 Seconded: Cr Binyon

That Council:

1. Delegates Councillors to the relevant non-delegated Committees, Associations, Peak Industry Bodies, and Regional and Community organisations as detailed below for the 2026 calendar year.

| | Association/Committee | 2026 Representative | 2026 Substitute Representative |
|----|---------------------------------|---------------------|--------------------------------|
| 1. | Arts and Culture Advisory Panel | Cr Gill | Cr Patton |

4.7 (Cont.)

| | | | |
|-----|--|-------------------------------------|--------------|
| 2. | Association of Bayside Municipalities | Cr Patton | Cr Williams |
| 3. | Audit and Risk Committee | Cr Ranken Cr Batty | Cr Stephens |
| 4. | Australian Coastal Councils | Cr Patton | Cr Roper |
| 5. | Bass Park Trust | Cr Stephens | Cr Gill |
| 6. | Climate Resilience Community Reference Group | Cr Gill | Cr Stephens |
| 7. | Disability Advisory Committee | Cr Binyon | Cr Williams |
| 8. | Mornington Peninsula Friends of Lospalos | Cr Binyon | |
| 9. | Greater South East Melbourne (GSEM) | Mayor | Deputy Mayor |
| 10. | Health and Wellbeing Committee | Cr Williams | Cr Batty |
| 11. | Metropolitan Transport Forum | Cr Patton | Cr Roper |
| 12. | Mornington, Hastings and Southern Peninsula Liquor Accords | Cr Batty | |
| 13. | Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group | Cr Stephens | Cr Patton |
| 14. | Mornington Peninsula Cemetery Trust | Cr Roper Cr Pingiaro Cr Batty | |
| 15. | Municipal Association of Victoria (MAV) | Mayor | Deputy Mayor |
| 16. | Peninsula Advisory Committee for Elders (PACE) | Cr Williams | Cr Roper |
| 17. | South East Council's Climate Change Alliance (SECCCA) | Cr Pingiaro | Cr Marsh |
| 18. | Triple A Housing Committee | Cr Gill | Cr Patton |
| 19. | Victorian Local Governance Association (VLGA) | Cr Roper | Cr Stephens |

2. Forward Planning Committee Appointments:

- A. Appoints Cr Pingiaro as the Chair of the Forward Planning Committee from 1 January 2026 to 30 June 2026.

4.7 (Cont.)

- B. Appoints Cr Gill as the Chair of the Forward Planning Committee from 1 July 2026 to 31 December 2026.**

3. Section 223 Committee Appointments

- A. Appoints Cr Roper, Cr Batty and Cr Pingiaro to the Section 223 Submission Committee from 1 January 2026 to 30 June 2026.**
- B. Appoints Cr Williams, Cr Allen and Cr Patton to the Section 223 Submission Committee from 1 July 2026 to 31 December 2026.**

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

4.8 Instrument of Delegation - Council to members of Council staff**ALTER THE ORDER OF BUSINESS**

That the item listed at 4.8 on the agenda be considered after the item listed as 4.6.

RECOMMENDATION

That:

1. In the exercise of the powers conferred by section 11 of the *Local Government Act 2020* and the other legislation referred to in the attached Instrument of Delegation, Mornington Peninsula Shire Council resolves:
 - A. That Council adopts the Instrument of Delegation from Council to Council Officers dated 16 December 2025 as shown in Attachment 1.
 - B. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument (Attachment 1).
 - C. The Council to Council Officers Instrument of Delegation as shown in Attachment 1 comes into force immediately upon this resolution being made and is to be signed by the Chief Executive Officer (CEO).
 - D. On the coming into force of the Instrument, the previous s6 Council to Council Officer dated 14 October 2025 is revoked.
 - E. The duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

COUNCIL DECISION

Moved: Cr Patton
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

ADJOURNMENT OF MEETING

Moved: Cr Gill
Seconded: Cr Stephens

That the meeting be adjourned at 8.09pm for a short recess.

4.8 (Cont.)

RESUMPTION OF MEETING

That the meeting be resumed at 8.15pm.

5 NOTICES OF MOTION

5.1 Notice of Motion 509 (Cr Patton) - Waiving of Rates

MOTION

That Council requests a report to be prepared that considers the waiving of the 2025/2026 financial year Council rates and charges for 12 properties which were subject to Emergency Orders related to the 14 January 2025 landslide at McCrae requiring evacuation.

COUNCIL DECISION

Moved: Cr Patton
Seconded: Cr Binyon

That Council:

- 1. Requests a report to be prepared that considers the waiving of the 2025/2026 financial year Council rates and charges for 12 properties which were subject to Emergency Orders related to the 14 January 2025 landslide at McCrae requiring evacuation.**
- 2. Considers this report alongside the mid-year reforecast at the March 17 Council Meeting.**

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

6.1 Erosion Management Overlay (C312morn)

PROCEDURAL MOTION

That Cr Ranken's Motion regarding the Erosion Management Overlay (C312morn) be treated as Urgent Business

Moved: Cr Ranken
Seconded: Cr Pingiaro

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 Unanimously

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Pingiaro

That Council:

1. Acknowledges the angst in the community regarding data and its accuracy in relation to the Erosion Management Overlay (C312morn)
2. Waives (or refunds) any written planning enquiry fees (General Enquiry) and planning permit application fees where there are clear data errors and where no other planning fee would otherwise be required (no other planning permission required).
3. Accelerates as much as possible the data review currently underway.
4. Continues to actively communicate with the community and encourage them to contact Council with concerns.

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

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 Australia Day Local Award Winners 2026

This matter is considered to be confidential under Section 3 (1) (f) of the *Local Government Act 2020* as the item contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

7.2 Aged Care Act 2024

This matter is considered to be confidential under section 3 (1) (f) and (g) (ii) of the *Local Government Act 2020* as the item contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs, and 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 Pingiaro

Seconded: Cr Roper

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

8 MEETING CLOSE

As there was no further business, the meeting closed at 8.57pm

Confirmed this 17th day of February 2026

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