



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 8 APRIL 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 Bulent Oz Ms Tanya Scicluna Mr Patrick Dillion	Acting Chief Executive Officer Director – Community Strengthening Acting Director – Corporate Strategy and Business Improvement
Mr David Simon Mr Davey Smith Mr Mark Schubert	Director – Planning and Environment Director – Assets and Infrastructure Acting Chief Financial Officer

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 6.30pm

Appointed Chairperson – Mayor, Cr Anthony Marsh

1.1 Acknowledgement of Country

(Read by Cr Patton)

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 – Michael 'Mick' O'Rourke

On behalf of my Councillor colleagues, Shire staff, and the broader community, I would like to acknowledge the passing of Michael "Mick" O'Rourke. Mick passed away on Wednesday, 12 March, surrounded by his loving children Shannon and Matthew, after a courageous battle with cancer.

Michael was born on 8 October 1947 in Yarraville, son of Dorothy (Babs) and Ben O'Rourke, brother of Barry, Phillip and Leanne. He was the dearly beloved father of Ashley (Dec), Shannon and Matthew and devoted Poppy Mick of Murphy, Max and Coco.

As a young boy Mick attended Footscray State School where he found his love of the Mighty Footscray Bulldogs. He spent most of his young childhood camping on the foreshore at Rye over the summers, until 1959 when a block of land was purchased and the family home in Charles Street, Rye was built.

At the age of 16 Mick gained a plumbing apprenticeship in Dromana. He had a successful Plumbing business which he started in Rosebud in 1974, "O'Rourke Plumbing".

Mick's dedication to the Rye Football Netball Club is legendary. Mick commenced as a player in the Rye Football Club's Under Seventeen Team in 1964 and went on to play 342 club games. He played in one senior premiership and was involved in seven reserves' premierships, three (3) as a player and four (4) as coach. He also won two reserves' best and fairest awards. He first joined the Club Committee of Management in 1969, and over the next fifty-five years, he served in a variety of roles, including 15 years as Vice President and 21 years as President.

Mick also represented the club on the Rye Sports and Social Club for 49 years, playing an integral role in the running of the annual Rye Gift each January. His involvement extended beyond the football club, maintaining a strong connection with all users of the Rowley Reserve Sporting Complex, including the cricket, tennis, and junior football and netball clubs.

Executive Committee roles in community sport can be demanding, often requiring one to handle numerous challenges. Yet Mick's personality and his "nothing is too much trouble" attitude made him a much-admired figure in the greater Rye community. He was highly regarded not only for his leadership but also for his constant efforts in securing sponsorships, playing a pivotal role in the club's fundraising and growth.

Perhaps one of Mick's greatest and longest-standing achievements, however, were the "Footy Trips." Mick embarked on 56 Rye Football Club trips away, as well as around 20 pre-season camps, forging lifelong memories and friendships along the way.

Mick's dedication was acknowledged in 2021 with Life Membership from the AFL South East Commission and the AFL South East MPFNL League. In 2024, he was awarded a Mayoral Commendation on behalf of the Mornington Peninsula Shire. He was also a Life Member of both the Rye Football Netball Club and the Rye Sports and Social Club, and a valued member of the Rye Community Alliance Group.

The community of Rye and surrounding areas is forever indebted to Mick for his tireless contribution over more than 60 years. His legacy will live on through the many lives he touched and the lasting impact he had on this community.

On behalf of the Mornington Peninsula Shire, I extend our deepest condolences to Shirley, Shannon and Matthew and all of Mick's family and friends.

2 PROCEDURAL MATTERS

Present

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

Mr Bulent Oz, Acting Chief Executive Officer

2.1 Apologies

Nil

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

Cr Patton, declared a General, Conflict of Interest in regard to item 4.3, Future Beach Cleaning, as the decisions may impact Cr Patton's primary employer.

Cr Ranken, declared a General, Conflict of Interest in regard to item 4.2, Planning Permit Application - P24/1043 - 304 Myers Road Merrick North - Development of a Telecommunications Facility and vegetation removal, as Downer are a customer of Cr Ranken's employer, although it is a different division, and one Cr Ranken does not work with.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meeting held on 11 March 2025, be confirmed.

COUNCIL DECISION

Moved: Cr Ranken

Seconded: Cr Batty

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

2.4 Council Decision Register

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2025 (Attachments 1-7) as at 28 March 2025.

COUNCIL DECISION

Moved: Cr Gill
Seconded: Cr Stephens

1. That Council receives and notes the Decision Register Summaries for 2019-2025 (Attachments 1-7) as at 28 March 2025.
2. That a Council workshop be held by September 2025 to examine the process and seek improvements to ensure transparent, timely and meaningful outcomes from Council official decision making.

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

Against: Nil

Carried Unanimously

2.5 Councillor Briefing Sessions

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 4 and 25 March 2025

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

2.6 Public Question Time

Cr Gill left the meeting at 6.42pm and returned to the meeting at 6.43pm.

QUESTION WITH NOTICE

Strategic Planning Process

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

When will the report on the strategic planning process to rezone 11a Allambi Ave, Capel Sound to Public Park Recreation Zone be presented to Council?

Council advised that the strategic planning process to rezone 11a Allambi Ave, Capel Sound to Public Park Recreation Zone will be outlined as part of a report to Council in July this year seeking Council's approval to undertake community consultation on a draft of the Shire's Open Space Strategy.

Open Space Strategy

Bettyanne Foster, asked a follow up question:

When will the Open Space Strategy be complete and released to the public?

Council advised, that subject to Council approval, the draft Open Space Strategy will be placed on public exhibition in August 2025. Post consultation, the Strategy will be updated prior to Shire officers seeking Council adoption of the Strategy in December 2025.

Bluescope Steel Rates

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

With Bluescope Steel (formerly Lysaghts) purchasing 1700 acres at Hastings and paying annual land rates of \$150,000 in 1972, \$840,000 in 1983 and \$925,000 in 2021, what annual rates are Bluescope contributing to the Shire in 2025 considering they announced a net profit after tax of \$805 million in 2024?

Council advised that 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 and remains in place for 2025.

Beach Cleaning

The following questions regarding beach cleaning were grouped together with a combined response provided.

Josephine Jones, a resident of Rye, asked the following question:

Will council commit to testing the chosen mechanical rake using a methodology, as I previously used, to demonstrate its environmental impact and effectiveness, before entering into any new contract, to ensure it aligns with sustainable practices and measurable outcomes for litter reduction and coastal protection?

Ryan Kilby, a resident of Gembrook, asked the following question:

Why has the council not conducted a comparative field test of the five beach cleaning methods, employing the same area on the same beach simultaneously to evaluate the cleaning time, amount of debris removed, and the condition of the beach post-cleaning?

Council advised they have considered five mechanical rake technologies available in the market with details available for Council's consideration as part of confidential Attachment 9. This review of mechanical raking technology has not included on ground testing, with some of the technologies not currently used in Australia. A hybrid approach of cleaning could allow for continued monitoring throughout the contract period.

Susan Young, a resident of Mornington, asked the following questions:

Given that by Council's own admission, raking collects only 40% of beach litter, breaks up and pushes the rest deeper into the sand, damages and removes organic matter which is then expensive to dispose of, spews emissions and causes erosion of the beaches, why is the council considering a return to raking at all?

During the trial litter data has been collected for each serviced beach and monitoring of micro-plastics (<5mm), macro-plastics (>5mm) and wrack was conducted at targeted locations. This data is provided in the report being presented to Council on 8 April along with details of five options of beach cleaning methodology. It is Council's decision to determine which is the preferred option for future beach cleaning.

Traffic Wardens

Peter Yalden, a resident of Mount Martha, asked the following question:

Why are traffic wardens employed by a Melbourne council serving infringement notices in Mornington.

Council advised that the parking enforcement services is contracted to a company named Orikan. Orikan supply staff who are authorised officers to conduct the parking enforcement duties within the Shire.

Road Sealing

Jason Grasso, a resident of Tyabb, asked the following question:

What is the current status of the sealing of Peacock Road in Tyabb in terms of the scheme and the delivery?

Council advised that a Planning Permit P22/286 was issued for 4 Peacock Road Tyabb in March 2024 for the development of 41 Warehouses, reduction in carparking and associated works in accordance with the endorsed plans.

Condition 14 of the permit requires a section 173 agreement with Council for the owner to pay a monetary contribution to the Shire of \$180,000 indexed quarterly according to CPI for the construction of Peacock Road, Tyabb.

This financial contribution is to seal Peacock Road from the intersection of Mornington-Tyabb Road to the entrance of 4 Peacock Road, where the 41 Warehouses will be built. Consideration will be given to constructing the remaining section of Peacock Road under a special charge scheme. No timeframes have been determined at this stage.

Events Permits and Processes

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

The Harry Potter Experience was provided a permit inside the wildlife sanctuary at the Briars, zoned PCRZ until it was moved due to community action. Can the council rule out providing permits, approvals for events, on land zoned PCRZ- Public Conservation and Resource Zone in our council area for public land managed by the council?

Council advised that the Harry Potter Experience was exempt from a Planning Permit pursuant to Clause 62.03 of the Planning Scheme.

It is not possible to provide you with any assurance or undertaking to 'rule out providing permits, approvals for events, on land zoned PCRZ', as Council must consider every decision it makes under the relevant legislation at the relevant time. Providing such an undertaking would be erroneous and not in accordance with its legislative responsibilities as a decision maker.

With regards to events at The Briars, on 19 March 2024 Council resolved 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.

A revised event policy will be taken for discussion with Council in April. There is also a new event strategy proposed to be developed. This document will articulate in more detail the type of events and appropriate event locations across the Peninsula. This strategy would also be developed in consultation with the community.

Andrew also asked, the following question:

Review and implement processes which protect the reputation of both the Shire and the event organiser, to ensure the Shire is a trusted event host. Review the categorisation of events and the terms in which events must be referred to a Council decision. Work to minimise the impact of the event approval process, so as not make the event permitting process difficult and off-putting. -

Has this work been undertaken, if so please provide an update?

Council advised that on the 16 September 2024, Council resolved to present a report by 30 June 2025 outlining the progress and actions taken to address the findings identified in the Governance Review Report and by the Probity Advisor. The review and associated report remain on track to meet this timeline.

QUESTION WITHOUT NOTICE

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

Hastings Park Reserve ownership

Rhys Matulis a resident of Bittern, asked the following question:

Can the Shire please provide information to the community about the ownership and history of the Hastings Park Reserve at Thornhill street Hastings.

Dromana Escarpment Management Plan

Stephen Derham a resident of Keilor East, asked the following question:

Please detail the objectives, specific site and map references, total budget allocations and expenditures to date, outcomes delivered, and public consultation undertaken (including dates, methods, stakeholder groups, or number of participants), along with the next steps and confirmed timelines for future planning or delivery aligned to the five Dromana projects listed.

Beach Cleaning

Ann Scholes, a resident of Mount Eliza, asked the following question:

Please could you keep all parties concerned fully informed: still waiting for answer to my emails regarding beach hand cleaning.

Ryan Kilby, asked the following question:

Why is the Council considering the beach tech 2000 and Barber Rake 600HD when the previous rake is smaller and had trouble accessing the beach?

Megan Carve, a resident of Capel Sound, asked the following question:

For the beach cleaning community feedback survey, can you tell if people respond more than once? And is this taken into consideration?

3 COUNCILLORS AND DELEGATES REPORTS

Climate Emergency Community Reference Group (Cr Stephens)

South East Councils Climate Change Alliance (SECCCA) (Cr Stephens)

Bluescope Community Liaison Committee (Cr Roper)

The aim of the committee is to share info on Bluescope programs and environmental oversight of the site. The committee has community members from a range of organisations from western port including environmental groups.

- Information was shared regarding recycling programs from Bluescope including the recycled textile program where old uniforms are recycled.
- 3,000 trees planted around the site by volunteers and manna gums given out to employees that wanted them.
- HECS site is decommissioned at present. There is a current proposal from a large gas co and State gov to repurpose site to produce Hydrogen with a small Hydrogen generator, using recycled energy from Esso, but this has not progressed at present.
- Discussion of tariffs which will be a problem as Bluescope sent 40,000 tons to USA last year.
- Rotary will hold their Science challenge at Bluescope in August.
- Seagrass in Westerport, joint venture with Biosphere to examine 6 sites focus Westernport Wide
- Mel Barker from Biosphere discussed Strategic Framework for Westernport

As one of our most important employers in Westernport of 750 people it is really pleasing to see the engagement with these groups working together to oversee and monitor the environment in Westernport.

Mornington Peninsula Cemetery Trust Committee Meeting (Cr Batty)

Metropolitan Transport Forum (Cr Batty)

Audit and Risk Committee Meeting (Cr Batty)

Audit and Risk Committee Meeting (Cr Batty)

Mayoral Charity – Mayday Cruise (Cr Marsh)

4 MANAGEMENT REPORTS

OFFICE OF THE CEO

4.1 2025-26 Budget - Revenue

ALTER THE ORDER OF BUSINESS

Moved: Cr Gill
Seconded: Cr Stephens

That the item listed at 4.1 on the agenda be considered after the item listed as 4.3.

ADJOURNMENT OF MEETING

That the meeting be adjourned at 8.05pm for a short recess.

RESUMPTION OF MEETING

That the meeting be resumed at 8.13pm.

RECOMMENDATION

That Council:

- Adopts the current differential rating structure for 2025/2026 as per the below table:

Type or class of land	2025/2026 %
General Land	100.00%
Vacant residential land	140.00%
Vacant Commercial land	140.00%
Vacant Industrial land	140.00%
Mornington Peninsula Agricultural land	35.00%
Conservation land	75.00%
Trust For Nature land	35.00%
Cerberus land	50.00%

- Adopts the 3% rate cap, as set by the Minister, for the 2025-2026 Financial Year.
- Adopts Attachment 1 Appendix A – Schedule of Fees and Charges 2025-2026.

COUNCIL DECISION

Moved: Cr Pingiaro
Seconded: Cr Gill

4.1 (Cont.)

That Council:

1. Adopts the current differential rating structure for 2025/2026 as per the below table:

Type or class of land	2025/2026 %
General Land	100.00%
Vacant residential land	140.00%
Vacant Commercial land	140.00%
Vacant Industrial land	140.00%
Mornington Peninsula Agricultural land	35.00%
Conservation land	75.00%
Trust For Nature land	35.00%
Cerberus land	50.00%

2. Adopts the 3% rate cap, as set by the Minister, for the 2025-2026 Financial Year.
3. Adopts Attachment 1 Appendix A – Schedule of Fees and Charges 2025-2026.
4. That Council calls for a full review of the Rating Strategy as part of the development of the 2026/2027 Budget, to ensure rate distribution reflects principles of equity, transparency, and fairness across all property classifications.
5. That the fee for minor nature strip works be removed from the Revenue Budget.

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

PLANNING & ENVIRONMENT

4.2 Planning Permit Application - P24/1043 - 304 Myers Road Merrick North - Development of a Telecommunications Facility and vegetation removal

ALTER THE ORDER OF BUSINESS

That the item listed at 4.2 on the agenda be considered before the item listed as 4.1.

Having disclosed a conflict of interest Cr Ranken, left the meeting at 7.07pm and returned to the meeting at 7.16pm, after the matter had been finalised. Cr Ranken, took no part in the discussion or voting on this item.

RECOMMENDATION

Part A

That Council, being a Responsible Authority under the Mornington Peninsula 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 P24/1043 be supported and the following issued:

A Notice of Decision to Grant a Permit with the following permissions and conditions:

PLANNING SCHEME CLAUSE	MATTER FOR WHICH THE PERMIT HAS BEEN GRANTED
Clause 35.04-5 (GWZ3)	Construct or construct or carry out a building.
Clause 42.01-2 (ESO3 and ESO28)	Construct a building or construct or carry out works. Remove, destroy or lop any vegetation, including dead vegetation.
Clause 42.03-1 (SLO1)	Construct a building or construct or carry out works. Remove, destroy or lop any vegetation, including dead vegetation.
Clause 42.02-2 (VPO2)	Remove, destroy or lop any vegetation.
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. all external finishes of the facility (including monopole) to be muted in tone and detailed on the development plans.

4.2 (Cont.)

- B. vegetation to be numbered in accordance with the submitted Arboricultural Impact Assessment (AIA), prepared by Joy Venz, dated 30 April 2024.
- C. except for road tree no.6 (numbered in AIA), no road vegetation to be removed.

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).

External finishes

- 3. The exterior finishes must be of a non-reflective nature to the satisfaction of the responsible authority.

Tree Protection

- 4. Prior to the commencement of any demolition, excavation or works; and during all stages of development, the Tree Protection Zones (TPZ), Tree Protection Fencing, Recommendations and Tree Protection Measures identified in the approved Arboricultural Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Vegetation removal

- 5. The extent of clearing of vegetation as shown on the endorsed plans must not be altered or modified without the consent of the Responsible Authority.
- 6. All disturbed surfaces on the land must be revegetated and stabilised to the satisfaction of the Responsible Authority.

Telecommunications facility

- 7. The telecommunications facility must comply with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 'Standard for Limiting Exposure to Radiofrequency Fields – 100 kilohertz (KHz) to 300 gigahertz (GHz) (Radiation Protection Series (RPS) S-1)', or such other standard as is adopted from time to time by the Australian Communications Authority.
- 8. If the telecommunications facility hereby approved 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.

Earthworks

- 9. All works must be undertaken in a manner that minimises soil disturbance, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority. All topsoil removed during the earthworks must be stockpiled, maintained in a weed-free condition, respread on disturbed ground after completion of the earthworks and revegetated to prevent erosion, all to the satisfaction of the Responsible Authority.

4.2 (Cont.)

Expiry

10. This permit will expire if the development is not completed within four years of the date of this permit.

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 period referred to in this condition.

Part B

That Council resolves that Attachment 5 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information.

COUNCIL DECISION

Moved: Cr Pingiaro

Seconded: Cr Patton

That the recommendation be adopted.

AMENDMENT

Moved: Cr Gill

Seconded: Cr Roper

That the expiry date be changed from four years to two years.

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

Against: Cr Stephens

Carried

4.3 Future Beach Cleaning

Having disclosed a conflict of interest Cr Patton, left the meeting at 7.17pm and returned to the meeting at <<enter time>> , after the matter had been finalised. Cr Patton, took no part in the discussion or voting on this item.

RECOMMENDATION

That Council:

1. Adopts the recommended future beach cleaning model of: Hybrid – 70% hand cleaning and 30% mechanical raking with an outsourced delivery model.
2. The Council's adopted methodology for beach cleaning will be actioned from the date of Council's decision in accordance with Council's contractual obligations, effective up to 30 June 2028.
3. That Council notes the observations of Coast Saltwort (*Salsola tragus* subspecies *pontica*) which is listed as 'Endangered in Victoria' under the *Flora and Fauna Guarantee Act 1988* and note that return of mechanical beach cleaning will incur an additional cost for development, approval, and implementation of a Management Plan for the protection of the species if it is found in areas proposed for mechanical cleaning.

Part B

That Council resolves that Attachments 8 and 9 to this report be retained as confidential items pursuant to section 3 (1) g (ii) of the *Local Government Act 2020* as they contain commercial in confidence information and if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Pingiaro

1. **That Council defers a decision on the future beach cleaning model until the 20 May 2025 Council Meeting.**
2. **That Council requests that officers do not proceed with any changes to the existing beach cleaning arrangement or contractual commitment until Council has formally resolved its position.**

AMENDMENT

Moved: Cr Gill
Seconded: Cr Roper

1. That Council defers a decision on the future beach cleaning model until the 15 July Council Meeting.

For: Cr Gill, Cr Stephens, Cr Binyon and Cr Roper

Against: Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty and Mayor, Cr Marsh

Amendment Lost

4.3 (Cont.)

The Substantive Motion was then put.

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

Against: Cr Gill

Carried

4.4 Dromana Arthurs Seat Escarpment Management Plan**ALTER THE ORDER OF BUSINESS**

That the item listed at 4.4 on the agenda be considered after the item listed as 4.1.

RECOMMENDATION

That Council:

1. Approves Shire officers not progressing the Dromana Arthurs Seat Escarpment Management Plan and instead progressing a public Expression of Interest process to identify potential service providers/land managers capable of developing and managing the Parkdale Estate (Crown Allotment 2030, 191 Boundary Road, Dromana) in alignment with Council's strategic objectives.
2. Endorses the draft objectives for the development and management of Parkdale Estate (as per Attachment 2) for community consultation prior to inclusion in the expression of interest documentation.

COUNCIL DECISION

Moved: Cr Binyon

Seconded: Cr Gill

That the Shire officers preferred option is not adopted and that Council:

1. **Pauses any decision on the Escarpment Management Plan, until September 2025 and all community feedback has been collated to date, be published, and made available for the public.**
2. **Ensures that the Escarpment Management Plan is reconsidered by Council only after the adoption of the new Leasing and Licensing Policy, so that any decisions align with maximising community benefit and meeting community expectations.**

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

COMMUNITY STRENGTHENING

4.5 Briars Master Plan Implementation Report

ALTER THE ORDER OF BUSINESS

That the item listed at 4.5 on the agenda be considered after the item listed as 7.2.

EXTENSION OF MEETING TIME

Moved: Cr Pingiaro

Seconded: Cr Ranken

That the meeting time be extended to 10.30pm.

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

RECOMMENDATION

That Council notes the Briars Master Plan Implementation Report.

COUNCIL DECISION

Moved: Cr Gill

Seconded: Cr Pingiaro

That:

1. Council notes the Briars Master Plan implementation Report.
2. The Briars full review be postponed for 2 years while immediate priorities are undertaken.
3. The priority funding for the Briars property be the opening of the Homestead and the display of the Napoleonic collection to help ensure a revenue flow for other required works.
4. Further, that Council requests officers to explore and present at the workshop alternative delivery models that reduce the financial burden on ratepayers while enabling the development of high-quality facilities. These models should include, but not be limited to, public-private partnerships, joint ventures, and a call for Expressions of Interest (EOI) from prospective partners across the tourism, education, environmental, and cultural sectors.

That the motion be voted on in parts.

That:

1. Council notes the Briars Master Plan implementation Report.

4.5 (Cont.)

2. The Briars full review be postponed for 2 years while immediate priorities are undertaken.
3. The priority funding for the Briars property be the opening of the Homestead and the display of the Napoleonic collection to help ensure a revenue flow for other required works.

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

Against: Cr Stephens

Carried

4. Further, that Council requests officers to explore and present at the workshop alternative delivery models that reduce the financial burden on ratepayers while enabling the development of high-quality facilities. These models should include, but not be limited to, public-private partnerships, joint ventures, and a call for Expressions of Interest (EOI) from prospective partners across the tourism, education, environmental, and cultural sectors.

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

Against: Cr Roper

Carried

4.6 Briars Balcombe Creek Boardwalk Restoration**ALTER THE ORDER OF BUSINESS**

That the item listed at 4.6 on the agenda be considered after the item listed as 4.7.

RECOMMENDATION

That Council:

1. Notes the Briars Balcombe Creek Boardwalk Restoration Report, including the results of the community engagement process.
2. Refers consideration for funding of Option 1 to the FY26 budget process as part of the Capital Works Program.

Part B

Resolves that Attachments 1, 2, and 3 to this report be retained as confidential items pursuant to section 3 (1) (a) of the *Local Government Act 2020* as they pertain to Council business information that would prejudice the Council's position in commercial negotiations if it were prematurely released.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Pingiaro

That Council:

1. **Notes the Briars Balcombe Creek Boardwalk Restoration Report, including the results of the community engagement process.**
2. **Refers consideration for funding of Option 4 to the FY26 budget process as part of the Capital Works Program.**

Part B

Resolves that Attachments 1, 2, and 3 to this report be retained as confidential items pursuant to section 3 (1) (a) of the *Local Government Act 2020* as they pertain to Council business information that would prejudice the Council's position in commercial negotiations if it were prematurely released.

For: Cr Williams, Cr Pingiaro, Cr Allen, Cr Ranken, Cr Batty and Mayor, Cr Marsh

Against: Cr Gill, Cr Stephens, Cr Binyon, Cr Patton and Cr Roper

Carried

4.7 Footpath Trading Policy

ALTER THE ORDER OF BUSINESS

That the item listed at 4.7 on the agenda be considered after the item listed as 4.5.

RECOMMENDATION

That Council endorses the draft Footpath Trading Policy to be placed on public exhibition for a period of four weeks.

COUNCIL DECISION

Moved: Cr Allen
Seconded: Cr Patton

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

ASSETS & INFRASTRUCTURE

4.8 CN2174 - Building Trades and Specialist Services Panel - Contract Extension

ALTER THE ORDER OF BUSINESS

That the item listed at 4.8 on the agenda be considered after the item listed as 4.4.

RECOMMENDATION

That Council:

1. Approves the extension of the CN2174 – Building Trades and Specialist Services Panel to 30 September 2025.
2. Delegates the execution of the contract extension to the panel of contractors to the Chief Executive Officer pursuant to section 11 of the *Local Government Act 2020*.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Williams

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

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.9 Review of Instrument of Delegation - Council to Chief Executive Officer

RECOMMENDATION

That in the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020* (the Act), Mornington Peninsula Shire (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately upon Council resolution and being signed by the Chief Executive Officer.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument 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 Gill
Seconded: Cr Pingiaro

That in the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020* (the Act), Mornington Peninsula Shire (Council) resolves that:

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately upon Council resolution and being signed by the Chief Executive Officer.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument 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.

Part B

That consideration be given to Council approving any over expenditure exceeding 10% of the Councillor approved Budget allocated for Goods, Services, Tenders, Contracts and Works, excluding GST, for budgets exceeding \$100,000, within 2 months.

4.9 (Cont.)

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

PLANNING & ENVIRONMENT

4.10 Report on Climate Emergency financial expenditure and associated outcomes

RECOMMENDATION

That Council notes the report in response to Notice of Motion 472.

Item 4.10 was deferred to the 22 April Council Meeting.

5 NOTICES OF MOTION

5.1 Notice of Motion 479 (Cr Pingiaro) - Service Reviews

MOTION

That Council receives a report by the end of April 2025 detailing:

1. Details of all service reviews completed to date, including those undertaken since the establishment of the new service review team two years ago.
2. Since establishing this new team, the total savings and efficiencies for each Service Review.
3. The total cost of resourcing the Service Reviews internally (e.g employees) and externally (e.g. consultants).
4. Information about the methodology used to complete Service Reviews and clarification of whether the services identified for review are determined by the service review team or the relevant service delivery team, or by legislative requirements that may already mandate a reduction or cessation of services (e.g., aged care, valuations, etc).
5. Any key findings or outcomes from the completed Service Reviews that have influenced operational or financial decision-making.

Item 5.1 was deferred to the 22 April Council Meeting.

5.2 Notice of Motion 480 (Cr Allen) - Tennis and Bowls Club Leases

MOTION

Council resolves that

1. Officers undertake additional engagement with representatives from relevant clubs and associations by May 2025, to gather feedback on outstanding issues and concerns regarding proposed tennis and bowls club leases.
2. Officers provide a report to Council by early September 2025 following the engagement and relevant existing leases remain in overholding until then.

Item 5.2 was deferred to the 22 April Council Meeting.

5.3 Notice of Motion 481 (Cr Gill) - Illegal Encroachment

MOTION

That:

1. Council publicly lists all identified structure or other similar encroachments on Council owned property unless confidential legal action is underway
2. Councillors be immediately informed of any reasons why enforcement action has not been undertaken regarding each property known to have been encroached
3. Council investigate and report on encroachments on Council managed property
4. Councillors be immediately informed of any potential disposal of individual properties subject to encroachment.

Item 5.3 was deferred to the 22 April Council Meeting.

5.4 Notice of Motion 482 (Cr Gill) - Drowning Prevention Strategies**MOTION**

As a follow up to the recent launch of the local area 'Drowning Prevention Strategies Framework', Council requests Shire officers coordinate a meeting of all Surf Lifesaving Clubs on the Mornington Peninsula to discuss urgent and priority needs of these clubs and strategies, including Council support and advocacy for increased levels of Government funding, in order to tackle the comparatively high drowning rates on the Mornington Peninsula.

Item 5.4 was deferred to the 22 April Council Meeting.

5.5 Notice of Motion 483 (Cr Gill) - Cost Shifting

MOTION

That:

1. All matters pertaining to cost shifting be referred to the FY25/26 Budget with a determination to remove cost shifting items from the Council budget as referenced in Notice of Motion (NOM) 439 16 April, 2024.
2. The setting up of a community watch dog budget panel suggested by NOM 434, 11 December 2024 be brought to a public council meeting for decision on 6 May 2025 with a proposed budget to be decided between \$0 and \$9000.

Item 5.5 was deferred to the 22 April Council Meeting.

6 URGENT BUSINESS

Item 6 was deferred to the 22 April Council Meeting.

7 CONFIDENTIAL ITEMS

ALTER THE ORDER OF BUSINESS

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

Carried Unanimously

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*.

Cr Roper left the meeting at 9.26pm and did not take part in the voting of this item.

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 CN2735 Legal Services Panel

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

7.2 Community Housing Expression of Interest

This matter is considered to be confidential under section 3 (1) a, b, c and g (ii) of the *Local Government Act 2020* as it:

- a) 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.
- b) Contains information in relation to Council business information, security information, land use planning information and (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

COUNCIL DECISION

Moved: Cr Ranken
Seconded: Cr Williams

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

8 MEETING CLOSE

As there was no further business, the meeting closed at 10.28pm

Confirmed this 22nd day of April 2025

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