



**MORNINGTON
PENINSULA**
Shire

MINUTES

COUNCIL MEETING

TUESDAY, 14 MAY 2019

7.00PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

Briars	Cr Rosie Clark Cr Bev Colomb Cr Sam Hearn
Cerberus	Cr Kate Roper
Nepean	Cr Hugh Fraser Cr Bryan Payne
Red Hill	Cr David Gill
Seawinds	Cr Simon Brooks Cr Antonella Celi Cr Frank Martin
Watson	Cr Julie Morris

EXECUTIVE TEAM

Mr John Baker Ms Jenny Van Riel Mr Mark Brady Ms Marnie Williams Mr Niall McDonagh Mr David Bergin	Chief Executive Officer Director – Communities Director – Corporate Services Director – Performance and Development Director – Place Director – Planning and Building
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AUDIO RECORDING

Please note that an audio recording of this Council Meeting will be made and be available on the Shire's website within seven days of the meeting.

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1 OPENING AND WELCOME

Meeting opened at 7.04pm.

Appointed Chairman – Mayor, Cr David Gill.

1.1. Acknowledgement of Traditional Land Owners

(Read by Cr Martin)

Mornington Peninsula Shire acknowledges and pays respect to the Boon wurrung / Bunurong people, the traditional custodians of these lands and waters.

1.2 Prayer

(Read by Cr Clark)

Almighty God, we humbly seek Thy blessings upon this Council. Direct and prosper its deliberations to the advancement of Thy glory and the true welfare of the people of the Mornington Peninsula Shire. Give us the strength and courage to make wise decisions with grace and dignity. Amen.

1.3 Presentation by Communities on Youth Services

A presentation on 'Initiative for looking after people in our community after the loss of a young person' was provided.

2 PROCEDURAL MATTERS

Present

Mayor, Cr David Gill (Chairman)
Cr Simon Brooks
Cr Antonella Celi
Deputy Mayor, Cr Rosie Clark
Cr Hugh Fraser
Cr Sam Hearn
Cr Julie Morris
Cr Frank Martin
Cr Kate Roper

Mr John Baker, Chief Executive Officer

2.1 Apologies

Cr Bev Colomb
Cr Bryan Payne

2.2 Disclosure of Conflicts of Interest Pursuant to Section 79 of the *Local Government Act 1989*

Nil.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of previous Council Meeting held on 23 April 2019, be confirmed.

COUNCIL DECISION

Moved: Cr Roper
Seconded: Cr Hearn

That the recommendation be adopted.

Carried

2.4 Adoption of Minutes from Forward Planning Committee - 24 April 2019

The purpose of this report is to ratify Committee recommendations from the Forward Planning Committee Meeting held on 24 April 2019. The Minutes have been circulated separately to Councillors.

RECOMMENDATION

That Council adopts the unconfirmed minutes of the Forward Planning Committee Meeting held on 24 April 2019.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Clark

That the recommendation be adopted.

Carried

2.5 Assembly of Councillors

Assembly of Councillors – 30 April 2019

RECOMMENDATION

That Council receives and notes the record of Assembly of Councillors for 30 April 2019.

COUNCIL DECISION

Moved: Cr Martin

Seconded: Cr Morris

That the recommendation be adopted.

Carried

2.6 Councillor Briefing Sessions

Matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported on at Ordinary Council meetings.

The matters listed below were presented to a Councillor Briefing Session on 30 April 2019.

No.	Item	Briefing Session
1	Seaside Scavenge Festival Councillors were provided with an overview of the Rye Seaside Scavenge which aims to engage and educate a wide range of the community about litter, plastic pollution and the impacts it has on our coastal ecosystems and animals.	30 April 2019
2	Neighbourhood Character Study and Guidelines – Draft Report (Exhibition) Councillors feedback was sought on the draft Neighbourhood Character Study and Guidelines and its companion Neighbourhood Character Study – Background Report prior to public exhibition.	30 April 2019
3	Coastal Villages and Neighbourhood Strategy Councillors were provided with an outline of the draft Coastal Villages and Neighbourhood Strategy prior to public exhibition.	30 April 2019
4	Living Melbourne: Our Metropolitan Urban Forest Councillors feedback was sought on the Living Melbourne: Our Metropolitan Urban Forest Strategy.	30 April 2019
5	Waste Review and Strategy – Scope and Terms of Reference Councillors feedback was sought on the scope, terms of reference and framework of the Waste Management Strategy.	30 April 2019
6	Tyabb Airfield Amendment Applications Councillors were informed of the planning applications received for the proposed amendments to Planning Permits P65/005, P72/0268, P917308 and P02/1269, issued for the Tyabb Airfield.	30 April 2019
7	Change to Council's Traditional Owner Acknowledgement Councillors were updated on the current wording of the Acknowledgement of Traditional Owners.	30 April 2019
8	Federal Government Budget Councillors were provided with an overview of the Commonwealth Government Budget.	30 April 2019

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9	CEO 3rd Quarter Review Councillors were briefed on the CEO's key performance objectives	30 April 2019
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RECOMMENDATION

That Council receives and notes the Briefing Session information provided above.

2.7 Council Decision Register

- Attachment(s)
1. Council Decision Register 2017 - Outstanding Items
 2. Council Decision Register 2017 - Outstanding Items (confidential)
 3. Council Decision Register 2018 - Outstanding Items
 4. Council Decision Register 2018 - Outstanding Items (confidential)
 5. Council Decision Register 2019 - Outstanding Items
 6. Council Decision Register 2019 - Outstanding Items (confidential)

PURPOSE

Council has requested a Decision Register for all its Council resolutions to be maintained by Shire Team Leaders and Managers.

Attached are the Public and Confidential versions of the 2017, 2018 and 2019 Decision Register which contain only in progress or incomplete items as at 3 May 2019.

RECOMMENDATION

1. That Council receives and notes the Council Decision Register as shown in Attachments 1 to 6.
2. That Council resolves that Attachment 2, 4, 6 to this report be retained as confidential items pursuant to section 77(2)(a) and (b) of the Local Government Act 1989 as they contain information which may prejudice Council or any other person.

COUNCIL DECISION

Moved: Cr Roper

Seconded: Cr Martin

That the recommendation be adopted.

Carried

2.8 Public Question Time

Questions from the public shall be dealt with at commencement of the meeting.

The aim of public question time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Questions are received without notice and are responded to without research or reference to Council records.

Questions must be in writing, with the person submitting the question to be in the public gallery at the time.

Questions which contain material that relates to specific people or properties will be summarised at the discretion of Council.

Responses to public questions answered at the meeting, will be general in nature, provided in good faith and should not exceed two minutes. These responses will be summarised in the minutes of the meeting.

Questions requiring research or a detailed reply will be provided a written response as soon as possible following the meeting from the nominated officer. These written responses will be collated for each meeting and available via the Shire's website.

This segment does not substitute for appeal or other formal business procedures with the Council.

Library Opening Hours

Mr Alan Brygel, a resident of Hastings, asked the following question: *Why is it the Melbourne City Council and Boroondara Council can and does have their Libraries open on Sundays?*

The question was answered by Ms Jenny Van Riel, Director Communities, who responded as reported at the last Council Meeting we have undertaken a consultation process to ask the community for their feedback regarding opening hours and there will be information coming before Council in due course in terms of some potential options to increase operating hours across all four of our libraries (Rosebud, Mornington, Hastings and Somerville). The review will also look at operating hours for our mobile library.

Frankston to Stony Point Railway Line

Mr Alan Brygel, asked a follow up question: *Why can't we do what Adelaide to Adelaide Hills (The Belair railway line) has done?*

The question was answered by Mr David Bergin, Director Planning and Building, who responded Council's position is to peruse electrification of the train line to Hastings, the delivery of such a service is through the State Government. As a neighbouring municipality to the City of Frankston we are putting in joint efforts together in advocating for the electrification through to Hastings which is a major activity centre within Plan Melbourne which would better service the broader Peninsula on the Western Port side.

Warringine Park

Mr Fred Crump, a resident of Hastings, asked the following question: *Many months ago the Shire conducted three community consultations concerning the protection of the Green Wedge for future generations with Allan Cowley, and was promised feedback concerning the dirtiest sacred bushland known as Warringine Park, Pound Road, Hastings. All Government departments were notified at my expense by letter but to date the dreadful state of Warringine Park remains and no feedback from anyone. What's the use of Community*

consultations to rectify important issues concerning the environment if Government departments refuse to address them?

The question was taken on notice by Mr David Bergin, Director Planning and Building, who advised he was not aware of any specific consultation that has been undertaken regarding Warringine Park other than around the current environmental effects statement being put forward by AGL and APA which transverses through Warringine Park.

A written response will be provided to Mr Crump in due course and a copy of the answer will be available on the Shire's website.

Waste Service Charge

Mr Chris Maine, a resident of Williamstown, asked the following question: *Approximately how many rateable properties are outside the Council's domestic garbage collection service areas?*

The question was answered by Mr Mark Brady, Director Corporate Services who responded there are approximately 10,900 properties not receiving kerbside collection.

Bathing Boxes/Boatsheds

Mr Chris Maine asked a follow up question: *How many bathing boxes/boatsheds are there in each of the three proposed categories for the licensing of them, namely a) less than 5 square metres, b) 5 square metres to 17.99 square metres and c) 18 square metres and above?*

The question was answered by Mr Mark Brady, Director Corporate Services who responded in regards to the three categories the a) less than 5 square metres there are 74; b) 5 square metres to 17.99 square metres there are 170; and c) 18 square metres and above there are 585.

3 MANAGEMENT REPORTS

3.1 CN2392 - Safer Residential Areas - Dromana and Rosebud

Prepared By	Mitchell Heggen, Project Manager - Buildings and Open Space
Authorised By	Director - Place
Document ID	A8718922
Attachment(s)	1. Tender Evaluation CN2392 - Safer Residential Areas (confidential)

PURPOSE

To accept a tender submission for the construction of Local Area Traffic Management (LATM) devices and pedestrian infrastructure throughout the residential areas of Dromana and Rosebud.

BACKGROUND

The Safe System Road Infrastructure Program is a joint Traffic Accident Commission (TAC) and VicRoads project to upgrade high-risk roads throughout Victoria into some of the safest through vital safety upgrades. The upgrades are part of a greater State Government campaign to encourage people to stay healthy by promoting walking and cycling.

Council is working with TAC and VicRoads on identifying specific areas for local upgrades across the Mornington Peninsula. Extensive research into crash statistics, travel speeds and community concerns has identified Hastings, Rosebud and Dromana as having the highest risk local streets.

These three areas have been nominated for the program which will be delivered over the 2018/2019 and 2019/2020 financial years. The project aims to improve motorist and pedestrian safety by reducing travel speed on low speed local roads in Hastings in 2018/2019 and in Rosebud and Dromana in 2019/2020.

Types of LATM devices that will be installed in Dromana and Rosebud include:

- Raised safety platforms;
- Wombat crossings (raised pedestrian crossings);
- Pedestrian refuges;
- Splitter islands;
- Roundabouts; and
- Raised intersections.

This project is jointly funded between the Safe System Road Infrastructure Program – Safe Travel in Local Streets I & S and Council's Capital Works program I & S over two financial years which d by Council at its meeting of 10 October 2017.

Grant funding of I & S was received within the current financial year which has been matched by I & S of Council Capital Works funding. A further I & S of grant funding

3.1 (Cont.)

will be received within the 2019/020 financial year which will be matched by I & S of Capital Works funding which is included within the 2019/2020 draft Budget.

The project will be delivered in two stages with a contract recently awarded to undertake works in Hastings within the 2018/2019 financial year. Remaining funding from the 2018/2019 financial year will supplement funding from the 2019/2020 financial year to deliver Rosebud and Dromana as Stage 2 of the project.

TENDER INVITATION

Tenderers were invited by public notice in The Age Newspaper on 16 March 2019, the Shire's website and Tenderlink.

Tender submissions closed on Friday, 5 April 2019.

Five tender submissions were received.

TENDER EVALUATION

Five submissions were deemed to be conforming submissions and progressed to evaluation. Submissions were assessed against the following criteria:

Criteria		Weighting (%)
1	Contractor Management Pre-qualification and Verification System	Pass/Fail
2	Independent financial assessment and capability	Pass/Fail
3	The price submitted for the supply of the services	60
4	Previous and relevant experience in delivering similar or comparable projects and demonstrated ability to comply with the construction specification	20
5	Construction methodology and demonstrated capacity to deliver the services within the nominated construction period.	20
	TOTAL	100

EVALUATION PANEL

The Evaluation Panel consisted of:

Name and Title	Role in Evaluation Process i.e. Price/Non-price/ Financial/Technical etc.	Scoring or Non-Scoring Member
Michael Ballard	Technical	Scoring
Mitchell Heggen	Technical	Scoring
Mark Newnham	Technical	Scoring

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Domenic Mazza	Procurement	Non-scoring
Mark Schubert	Financial	Scoring

CONTRACT VALUE

The recommended contract value is **Irrelevant & Sensitive**

A lump sum contract has been adopted as both the quantity and quality of the works has been specified. It is the simplest form of contract to administer and actual quantities do not have to be measured in the field for payment purposes. It further limits exposure for construction cost overruns. A schedule is included for the purpose of calculating any variations, should any be required.

TERM OF CONTRACT

Construction works are scheduled between June and October 2019. A 12-month defect liability period will follow after the practical completion of the works.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation or approvals of this report has a direct or indirect interest requiring disclosure.

RECOMMENDATION

1. That Council, having considered all tender submissions, hereby submission received from Tenderer A for the lump sum value of **Irrelevant & Sensitive** inclusive of contingency sums being for Contract Number 2392, Safer Residential Areas Dromana and Rosebud.
2. That the Common Seal of the Mornington Peninsula Shire Council be affixed where necessary and relevant documents be signed by the authorised officers.
3. That Council resolves that Attachment 1 to this report be retained as a confidential item pursuant to Section 77(2)(a) and (b) of the *Local Government Act 1989* as it contains information of a contractual nature.

COUNCIL DECISION

Moved: Cr Celi
Seconded: Cr Martin

1. That Council, having considered all tender submissions, hereby accepts the **Irrelevant & Sensitive** aw Civil Pty Ltd for the lump sum value of inclusive of contingency sums being for Contract Number 2392, Safer Residential Areas Dromana and Rosebud.
2. That the Common Seal of the Mornington Peninsula Shire Council be affixed where necessary and relevant documents be signed by the authorised officers.

3.1 (Cont.)

3. That Council resolves that Attachment 1 to this report be retained as a confidential item pursuant to Section 77(2)(a) and (b) of the *Local Government Act 1989* as it contains information of a contractual nature.

Carried Unanimously

3.2 Living Melbourne - Our Metropolitan Urban Forest

Prepared By	Simon Thorning, Team Leader – Natural Systems
Authorised By	Director - Place
Document ID	A8727869
Attachment(s)	1. Living Melbourne: Our Metropolitan Urban Forest Strategy

PURPOSE

The purpose of this report is to recommend that Council formally endorse the Living Melbourne: Our Metropolitan Urban Forest Strategy.

BACKGROUND

Living Melbourne: Our Metropolitan Urban Forest has been developed collaboratively over two years and provides the opportunity for 32 metropolitan councils, state government agencies, non-government and community organisations to unite around a common vision for an urban forest – thriving and resilient communities, connected through nature. Developing an urban forest strategy for the greater Melbourne area is a flagship strategy of Resilient Melbourne auspiced by the world-wide 100 Resilient Cities project.

Living Melbourne aligns with the Council Plan 2017-2021 community outcome: the protection and enhancement of the unique natural and built characteristics of the Mornington Peninsula. Action 91 in Plan Melbourne also supports a whole-of-government approach to cooling and greening urban areas including the Mornington Peninsula.

DISCUSSION

Living Melbourne provides a business case for nature as a driver of urban resilience and liveability. Its proposed framework aims to assist communities across the broader urban environment adapt, survive and thrive in the face of acute shocks and chronic stresses challenging our greater urban area, both now and in the future.

The Living Melbourne strategic framework includes the following:

- A vision: our thriving communities are resilient and connected through nature;
- Three goals:
 - o Healthy people;
 - o Abundant nature; and
 - o Natural infrastructure.
- Six key actions:
 - o Protect, restore species habitat and enhance connectivity;
 - o Set targets and track progress;
 - o Scale up greening the private realm;

3.2 (Cont.)

- o Collaborate across sectors and regions;
- o Build a toolkit of resources to underpin implementation; and
- o Fund the protection and enhancement of the urban forest.

Living Melbourne serves to foster collaboration and drive particular actions however it does not aim to replace the priorities of local councils. Endorsing the strategy does not diminish an individual council's rights or ability to develop and promote localised urban forest and urban planning approaches.

ISSUES

The local approach to urban greening on the Mornington Peninsula needs to clearly articulate valuing, protecting and improving the unique characteristics and way of life on our Peninsula. Our coastal towns and villages receive a large influx of visitors over summer, which in a time of climate change and global warming, highlights the value of assessing opportunities to incorporate nature, and particularly canopy trees, into streetscapes to improve thermal comfort, absorb traffic pollution, interact positively with stormwater management, reduce energy costs of cooling buildings, and provide benefits to mental and physical well-being.

Living Melbourne sets tree canopy targets for the various regions of Melbourne with the Mornington Peninsula being in the southern region along with Cities of Frankston, Kingston, Casey, Greater Dandenong, and Cardinia Shire. Achieving the numbers in collaboration with other councils should not pose an issue on the Mornington Peninsula.

The key urban greening challenges for the Mornington Peninsula, which endorsing Living Melbourne will assist with, are to:

- Retain, manage and where needed, replace our urban vegetation over time using the best tree science to guide community input;
- Use good design to incorporate nature and canopy trees to address localised 'heat islands';
- Provide valued vegetated streetscapes; and
- Support private land owners to establish and retain trees.

Bushfire exemptions and Bushfire Management Overlay clearing, are considered to have the potential to constrain urban forest objectives. While the rights of residents in high fire risk areas to create defensible space through the 10/30/50 right are supported we also need to review the need for this right to exist in urban areas of the Peninsula and to advocate for changes if required.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

CONCLUSION

Living Melbourne: Our Metropolitan Urban Forest is a strategy that has been developed collaboratively for the greater Melbourne area including the Mornington Peninsula and aligns with and supports the community outcome of the Council Plan 2017 – 2021 to protect and enhance the unique natural and built characteristics of the Mornington Peninsula.

3.2 (Cont.)**RECOMMENDATION**

1. That Council endorses the Living Melbourne: Our Metropolitan Urban Forest Strategy.
2. That Council writes to the Minister for Planning to inform him of the endorsement of the Living Melbourne – Our Metropolitan Urban Forest Strategy as further support for our submission to the current review of the Bushfire Management Overlay.
3. That the Mornington Peninsula Shire works with Resilient Melbourne to develop a communications strategy specific to interface Councils.

COUNCIL DECISION

Moved: Cr Fraser

Seconded: Cr Morris

1. That Council endorses the Living Melbourne: Our Metropolitan Urban Forest Strategy.
2. That Council writes to the Minister for Planning to inform him of the endorsement of the Living Melbourne – Our Metropolitan Urban Forest Strategy as further support for our submission to the current review of the Bushfire Management Overlay.
3. That the Mornington Peninsula Shire works with Resilient Melbourne to develop a communications strategy specific to interface Councils.
4. That a further paper be brought to Council reviewing any right to remove vegetation throughout the Shire under the 10/30 and 10/50 right, including redevelopment of land to require canopy tree planting, incorporating acknowledgement of the Localised Planning Statement and establish an advocacy position for Council to adopt.

Carried Unanimously

3.3 Personal Watercraft Use on the Mornington Peninsula - Submissions

Prepared By	Jeska Dee, Strategic Planner - Coastal
Authorised By	Director - Place
Document ID	A8713544
Attachment(s)	1. Council Report Personal Watercraft Zones and Usage - 24 July 2018 2. All Submissions Written and Verbal - PWC Usage 3. Dolphin Research Institute - Dolphin and Vessel Presence Tyrone Coast Final 4. Dolphin Research Institute - Dolphin Presence Tyrone 2018 - 24 September 2018 5. Dolphin Research Institute - Social Research Marine Mammal Regs Final 6. Current Boating and Swimming Zone Maps 7. Boating Zone Review Fact Sheet 8. Boating Zone Review Report - Final - 2017 9. 2016 Boating Zone Improvements Decision

PURPOSE

To provide Council with the feedback received through the public exhibition period on personal watercraft (PWC) zones and usage. Public submissions were received verbally at the Forward Planning Meetings held in Safety Beach and Rye, and online via the 'Have your say' section of the Mornington Peninsula Shire's website.

BACKGROUND

On 24 July 2018 a report titled 'Personal Watercraft Zones and Usage' was presented to Council regarding existing waterway rules along the Mornington Peninsula Shire beaches and to advocate for stronger enforcement and patrolling of PWC within existing boating and swimming zones (Attachment 1).

At the meeting, Council resolved, among other things:

9. *Resolves that this briefing paper and this resolution be placed on the Shire's website for public comment and also referred to public Forward Planning Committee Meetings of Council to be held at Safety Beach Life Saving Club and Rye Civic Hall.*

In accordance with the resolution, Forward Planning Committee Meetings were held on 14 November 2018 at Safety Beach Sailing Club and 10 December 2018 at Rye Civic Hall. The Council report entitled 'Personal Watercraft Zones and Usage' was placed on the 'Have your say' section of the Shire's website from 25 October 2018 to 28 December 2018.

DISCUSSION

A total of 29 verbal submissions were made at the Forward Planning Committee Meetings and 148 written submissions were received online via the 'Have your say' section of the website. All submissions are contained in Attachment 2. Information was also received from the Dolphin Research Institute relating to dolphins in Port Phillip Bay (Attachments 3, 4 and 5).

3.3 (Cont.)

Submission Type	Submissions
Written	148
Verbal Safety Beach	5
Verbal Rye	24
Total	177

Figure 1 – Submissions count by location and type

The themes discussed in the 177 submissions are summarised in Figure 2 below (note – submissions may have discussed more than one theme). There were 12 submissions made in support of PWCs along the Mornington Peninsula Shire beaches and 26 submissions that supported a full ban on the use of PWCs.

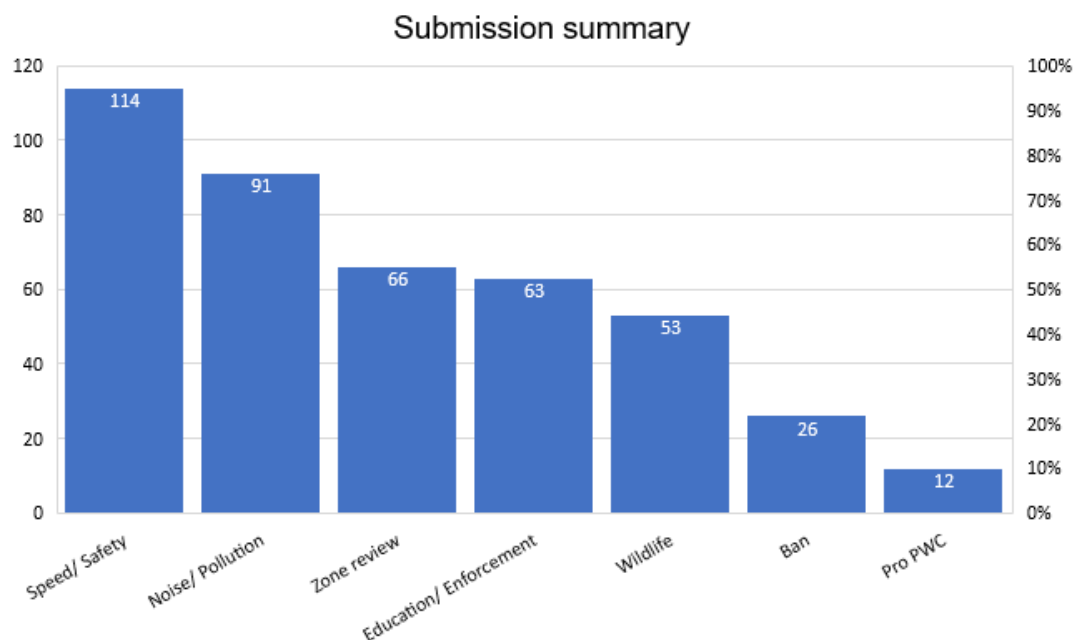


Figure 2 – Submission based on themes

For reference, maps of the current boating and swimming zones for the Mornington Peninsula are included at Attachment 6.

ISSUES

The compliance and enforcement activities being undertaken by Parks Victoria (PV) and Water Police are not sufficient to effectively manage the increased use and non-compliant activity of PWCs along the Mornington Peninsula Shire beaches.

The common issues raised in relation to the use of PWCs on Port Phillip Bay waters are:

- Non-compliance of Swimming Zones;
- Exceeding the 5-knot speed limit in shared Boating and Swimming Zones;
- Risk to swimmers and beachgoers;
- Excessive speed in marine waters; and
- Interference with marine life (e.g. dolphin pods) and the inability to issue on the spot fines in regard to breaching proximity to wildlife rules.

3.3 (Cont.)

Common issues on foreshore reserves are:

- Crowding of beaches with PWCs;
- Safety of swimmers in proximity of parked PWCs;
- Re-fuelling on beaches and associated pollution; and
- Interruption to beach amenity.

At present, there are no 'No Personal Watercraft' zones along the Port Phillip beaches of the Mornington Peninsula. Whilst there are 'swimming only' zones, this does not address the issue of PWCs in isolation but prohibits all vessels from entering the zone. It is considered that a review of the existing zones, with the possibility of implementing 'No Personal Watercraft' zones along particular sections of the beaches may assist in addressing the safety issues associated with PWCs.

At the conclusion of the Forward Planning Committee meetings, Council continued to directly advocate to MSV for the implementation of trial PWC exclusion zones to address safety concerns of beach users. This advocacy (validated by the feedback received from the community) included the need for better management of the use of PWC to address the variety of safety issues observed (including on-beach refuelling practices), the creation of PWC pathways to allow access past the 5 knot zone and the expansion of swimming only zones.

In 2017 PV submitted requests for waterway rule changes to Maritime Safety Victoria (MSV) for boating zone improvements. The improvements were outcomes of community consultation that was undertaken in 2016.

The Director of Maritime Safety conducted a thorough and detailed review of the requests during 2018. A summary of the changes that effect waters adjacent to the Mornington Peninsula can be found in Attachment 7.

The full Boating Zone Review Report 2017 (Attachment 8) contains further details in relation to the minor changes implemented at Point Leo and Shoreham and the Director of Maritime Safety's report is available in Attachment 9.

PV stated that they will continue discussions with MSV with regard to trialling specific zones to manage congestion and the associated waterway safety risks linked to increased PWC use at some locations. MSV indicated that implementation of this project is due to commence in November 2019 and expected to run from 2019-2021.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

CONCLUSION

Submissions received from the community outline safety concerns associated with increased usage and non-compliant activity of PWCs and that current enforcement and patrolling of existing zones is not satisfactory in addressing safety concerns. The current boating and swimming zones are not considered effective in managing the use of PWCs along Mornington Peninsula beaches.

3.3 (Cont.)**RECOMMENDATION**

That Council:

1. Receives and notes the written and verbal submissions made by the community in relation to personal watercraft use along the Mornington Peninsula Shire coastline.
2. Forwards all submissions received to Maritime Safety Victoria, Parks Victoria and Water Police.
3. Advocates to Maritime Safety Victoria to implement trial personal watercraft exclusion zones adjacent to Rye Foreshore, The Pillars and Safety Beach Foreshore.
4. Advocates to Maritime Safety Victoria, Parks Victoria and Water Police to undertake a targeted education and enforcement campaign along the Southern end of the Peninsula, focusing on Rye and Safety Beach, during the 2019/2020 summer period to address issues on non-compliance.
5. Continues to advocate to Water Police, Marine Safety Victoria and Parks Victoria for increased surveillance, patrolling and enforcement of personal watercraft.
6. Advocates to Maritime Safety Victoria for the separate regulation of powered personal watercraft under the Marine Safety Act 2010.
7. Advocates to Maritime Safety Victoria to empower Mornington Peninsula Shire to manage and enforce the use of powered personal watercraft and zones under the Marine Safety Act 2010.
8. Advocates to Maritime Safety Victoria to provide financial support to Mornington Peninsula Shire to assist Water Police, Maritime Safety Victoria and Parks Victoria to undertake increased surveillance, patrolling and enforcement of personal watercraft.

COUNCIL DECISION

Moved: Cr Fraser

Seconded: Cr Celi

That Council:

1. **Receives and notes the written and verbal submissions made by the community in relation to personal watercraft including specifically jet skis use along the Mornington Peninsula Shire coastline.**
2. **Forwards all written and transcripts of oral submissions received to Maritime Safety Victoria, Parks Victoria and Water Police.**
3. **Advocates to Maritime Safety Victoria to implement trial personal watercraft exclusion zones adjacent to Rye Foreshore, The Pillars and Safety Beach Foreshore.**
4. **Advocates to Maritime Safety Victoria, Parks Victoria and Water Police to undertake a targeted education and enforcement campaign along the Southern end of the Peninsula, focusing on Rye and Safety Beach, during the 2019/2020 summer period to address issues on non-compliance.**
5. **Continues to advocate to Water Police, Marine Safety Victoria and Parks Victoria for increased surveillance, patrolling and enforcement of personal watercraft.**

3.3 (Cont.)

6. **Advocates to Maritime Safety Victoria for the separate regulation of powered personal watercraft under the Marine Safety Act 2010.**
7. **Advocates to Maritime Safety Victoria to empower Mornington Peninsula Shire to manage and enforce together with all other proper authorities the use of powered personal watercraft and zones under the Marine Safety Act 2010.**
8. **Advocates to Maritime Safety Victoria to provide financial support to Mornington Peninsula Shire to assist Water Police, Maritime Safety Victoria and Parks Victoria to undertake increased surveillance, patrolling and enforcement of personal watercraft.**
9. **That a further report be brought back to a meeting of Council within 6 weeks of the date of today's meeting detailing safety measures, regulations and laws (including better licencing of persons in control of jet skis and registration of jet skis) to better protect the community.**

Carried Unanimously

4 COUNCILLORS AND DELEGATES REPORTS

At each Council Meeting, all Councillors will have the opportunity to provide an overview of any meetings attended as an appointed representative of Council.

If a Councillor chooses to provide details, the name of the conference/event and the Councillor attending will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be included in the Minutes, the Councillor must submit it in writing to Governance by 12.00 noon the day following the meeting.

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Arts and Culture Advisory Panel	Cr Gill	Cr Celi	Jane Alexander, Coordinator – Arts and Culture
Association of Bayside Municipalities	Cr Clark	Cr Brooks Cr Colomb	Jeska Dee, Strategic Planner – Coastal
Audit and Risk Committee	Cr Fraser Cr Payne	Cr Hearn Cr Roper	Matthew Green, Chief Financial Officer
Australia Day Committee	Cr Brooks	Cr Clark Cr Colomb	Bianca Lord, Events Project Officer
Australian Coastal Councils	Cr Colomb	N/A	Jeska Dee, Strategic Planner – Coastal
Bass Park Trust	Cr Gill	N/A	Manager – Governance
Blue Scope Steel Consultative Committee	Cr Roper	Cr Brooks	Tania Treasure, Executive Manager – Innovation and Advocacy
Community Consultative Committee on Gaming	Cr Martin	Cr Hearn	Roz Franklin, Senior Social Planner, Housing Justice and Advocacy
Communities That Care (CTC)	Cr Hearn	Cr Celi Cr Colomb	Andrew Joseph, Team Leader – Youth Services
Disability Advisory Committee (formerly All Abilities Consultative Committee)	Cr Celi	Cr Roper	Virginia Richardson, Disability Community Inclusion – Metro Access Officer
First Shot Committee	Cr Payne	N/A	Manager – Governance
Friends of Lospalos Community Committee	Cr Fraser	Cr Hearn Cr Morris	Kathy Heffernan, Team Leader, Social Planning and Community Development
Health and Wellbeing Committee	Cr Celi	Cr Clark Cr Colomb	Kate Hills, Senior Social Planner – Health and Wellbeing

Council Meeting Minutes**14 May 2019****4.1 (Cont.)**

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Innovation Advisory Committee	Cr Brooks Cr Celi Cr Hearn Cr Payne	Cr Colomb Cr Roper	Tania Treasure, Executive Manager – Innovation and Advocacy
Inter Council Aboriginal Consultative Committee	Cr Hearn	Cr Celi Cr Roper	Deb Mellett, Acting Senior Planner – Aboriginal and Torres Strait Islander Culture and Community Development
Interface Councils	Cr Gill	Cr Clark	Tania Treasure, Executive Manager – Innovation and Advocacy
Keep Victoria Beautiful Tidy Towns – Sustainable Communities Awards	Cr Clark Cr Colomb	Cr Brooks Cr Celi	Michelle McCready, Acting Climate Change Community Engagement Officer
Literacy Advisory Committee	Cr Roper	Cr Celi	Stephanie Wilson, Coordinator Libraries
Metropolitan Transport Forum	Cr Celi	Cr Martin	Matt Ashdown, Traffic and Transport Engineer
Metropolitan Waste and Resource Recovery Forum	Cr Brooks	Cr Celi Cr Fraser Cr Roper	Daniel Hinson, Team Leader – Waste Resources
Mornington Liquor Industry Accord	Cr Clark	Cr Hearn Cr Morris	Tania Treasure, Executive Manager – Innovation and Advocacy
Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd	Cr Colomb	Cr Gill	Simon Thorning, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Celi Cr Martin Cr Roper	N/A	Manager – Governance
Mornington Peninsula Marine Alliance	Cr Colomb Cr Roper	Cr Morris	Tania Treasure, Executive Manager – Innovation and Advocacy
Mornington Peninsula Regional Tourism Board - Tourism Industry Leaders Forum	Cr Celi Cr Clark	N/A	Tania Treasure, Executive Manager – Innovation and Advocacy
Mornington Railway Preservation Society – Advisory Board	Cr Clark	Cr Martin	Sally Robbins, Local History Coordinator
Municipal Association of Victoria (MAV)	Cr Gill	Cr Payne	Manager – Governance

Council Meeting Minutes**14 May 2019****4.1 (Cont.)**

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
MAV Emergency Management Committee	Cr Martin	Cr Brooks Cr Morris	Brett Fletcher, Emergency Management Coordinator
MAV Planning Committee	Cr Colomb		Manager – Governance
Municipal Emergency Management Planning Committee	Cr Martin	Cr Brooks Cr Morris	Brett Fletcher, Emergency Management Coordinator
Peninsula Advisory Committee for Elders (PACE)	Cr Clark	Cr Celi	Jo Bradshaw, Manager – Aged and Disability Services
Point Nepean National Park Management Advisory Committee	Cr Fraser	N/A	Allan Cowley, Manager – Strategic Projects
South East Melbourne (SEM)	Cr Gill	N/A	Tania Treasure, Executive Manager – Innovation and Advocacy
South East Water Sewerage Treatment and Environment Protection Community Liaison Committee	Cr Martin	Cr Colomb	Mark Upton, Team Leader – Environmental Health
Triple A Housing Committee	Cr Brooks	Cr Celi Cr Hearn Cr Roper	Roz Franklin, Senior Social Planner, Housing Justice and Advocacy
Victorian Local Governance Association (VLGA)	Cr Brooks	Cr Payne	Manager - Governance

Metropolitan Waste and Resource Group Forum (Cr Simon Brooks)

On Thursday, 9 May Cr Brooks attended the Metropolitan Waste and Resource Recovery Group Forum in Melbourne with fellow Councillor Antonella Celi and Daniel Hinson, Team Leader – Waste Services.

With Lina Messina from Darebin the newly elected chair, a new dynamic was apparent, and the format of the meeting was altered with presenters and a discussion panel first, followed by reports from the two subcommittees, the Board and the Chair.

Brooke Donnelly (Chief Executive Officer, Australian Packaging Covenant)

The first presenter was Brooke Donnelly, the Chief Executive Officer of the Australian Packaging Covenant Organisation, an alliance of individuals and organisations including many larger producers of packaging.

Brooke presented this not-for-profit's position on packaging and how they are moving towards 2025 targets set by a recent Council of Australian Governments agreement to:

1. Set a 100% reuse/recycle or compost target.
2. Set a 70% plastics recycle or compost target.
3. Set a minimum 30% average recycled content across all packaging.

4.1 (Cont.)

4. Phase-out problematic and single-use plastics where possible; redesign, innovate and use alternative delivery methods.

The timeline Brooke set out is:

- 2019-20 to do the necessary foundation work.
- 2019-22 to do the development work.
- 2011-25 to realise the programs and actions to achieve the targets.

Brooke went into detail as to the importance of doing the groundwork otherwise unintended consequences can occur and at worst case create more problems than are being solved.

Brooke mentioned some projects that were underway including the Boomerang Alliance running a single-use plastics phase-out in Noosa.

It was interesting however to hear Brooke's position on the consumer needing to drive packaging culture rather than the industry. This appears to fly in the face of recognised best practice overseas where a combination of regulation and education is driving change from both producers and consumers.

Skye Holcombe-Henley (DELWP)

Skye Holcombe-Henley from Department Environment, Water, Land and Planning (DEWLP) presented the State Government's current actions on waste; particularly in the area of single use plastics:

- She noted that grass roots actions were driving change at local level and the need for local Government to engage with community in this space.
- She acknowledged that state policies needed to compliment local policies. The State Government is producing a plastic pollution plan.
- She also linked-in the Federal policy alignment citing the COAG agreement, a National Policy that is under development and the work of the APCO on packaging targets.
- The importance of following international trends including unilateral and multilateral actions in partnership with private organisations.

The Victorian Government's state-wide ban on single use plastic bags of 35 microns or less will come into effect in November this year. Skye went through the objectives driving this ban and explained that the National Retailers Association has been engaged by Government to gain feedback from the industry and help educate their members as the ban approaches. A working group has developed this program and have recommended a broad approach targeting the supply chain and taking a collective responsibility.

Skye emphasised that the Government wanted to help and was aware of the need to move and maintain the momentum that was clearly underway.

Kelly Barnes (Environment Officer, Darebin)

Kelly Barnes, Environment Officer from Darebin, presented on her Council's recent actions on banning single-use plastics.

Following a Notice of Motion Darebin Council passed a resolution in June 2017 to eliminate single use plastics at events, on Council land and Council-owned roads. Kelly explained that the resolution came at the end of the budget cycle so the resources to undertake this had to

4.1 (Cont.)

come from their operating budget. This fact in itself meant that the process had to be streamlined and flexible.

The plan took 6 months to develop and launch. During this development stage it was recognised that there needed to be a transition period for some user groups. It was also determined that there would need to be exemptions for Occupational Health and Safety reasons or if there were no other viable alternatives.

The Council Action Plan had to be altered and other actions such as advocacy and school engagement were initiated.

There were initial cost implications including fitting dishwashers to premises and buying cutlery and crockery.

Kelly explained that it was a real case of stakeholder-relationship management and that they worked with others to produce an 'Elimination Guide' for event planners, worked with caterers.

Rob Millard (Chief Executive Officer, Metropolitan Waste and Resource Recovery Group (MWRRG))

Metro Waste CEO Rob Millard provided his update to the forum:

- The MWRRG was working towards collective procurement in the recycling area in particular to drive transparency and attempt to bring new players into the market.
- The Group has undertaken a survey of current data and future aspirations of Councils to help inform their actions.
- They have also consulted with industry to ask, 'what should they be looking at?'
- They have contacted all Local Government CEOs to engage at metro level.
- 2021 March contract s expire for landfill tenders; transitional discussions are being held now.
- Flexible contract development is occurring to allow the introduction of alternatives as they become available.
- The AWP (Advanced Waste Processing) project is progressing with four core Councils driving this including Mornington Peninsula Shire Council.
- Back to Earth initiative; driving action in organics and adding value to this process.
- Competition for schools and groups.
- Planning for an inner metro sustainable hub at Fisherman's Bend.
- Mentioned the Western Centre of Excellence; a partnering of government, tertiary, community and industry to drive action in waste.
- There have been compostable waste audits undertaken for 12 Local Governments.
- A social research project has investigated litter and illegal dumping.
- Waste management in multi-unit developments is a challenge and work are occurring to solve these challenges and provide solutions to this growing sector. Workshop for LG on this upcoming.

4.1 (Cont.)

- Illegal dumping forum upcoming.

Rob finished with an update on the e-waste ban coming in July and the survey of LG:

- In general, Councillors do not have a full understanding of the policy and compliance requirements.
- Some capacity issues in LGs have been identified.
- Grants are available to look at alternative technologies (Yarra is going to separate glass for recycling).

Updates from Subcommittees

Cr Peter Castaldas is the new chair of Strategic Projects Advisory Group (SPAG). He gave us a run-down of his background and what he hoped to achieve in this position.

Cr Colleen Gates is the Chair of the MWRRG Board and also gave us a run-down of her background and of the need for the Forum to help drive action back into government through careful consideration and targeted actions. She made mention of the interesting dynamic of her position as a Councillor and as a Board Chair of a statutory body reporting to Government.

Metropolitan Transport Forum (Cr Antonella Celi)

On the 1 May Cr Celi attended the Metropolitan Transport Forum at the City of Melbourne along with Shire Officer Davey Smith, Executive Manager Infrastructure Strategy and Climate Change.

It was a productive evening, where the Shire, for the first time, was given an opportunity to present to the Transport Forum Executive and Victorian Council member group on our MPS Better Buses for the Peninsula Advocacy issues paper.

Mr Smith addressed the forum and gave a thorough presentation speaking to the chronic transport issues facing our community on the Peninsula including the alarming facts that:

- 82% of the Mornington Peninsula is not serviced by public transport, we have the second lowest provision of public transport in Victoria out of the 30 Councils in the metro Melbourne region and we are severely disadvantaged when it comes to investment in our services;
- The Route 788 bus carries over half a million passengers annually with:
 - o Current frequencies from 45 minutes to 100 minutes;
- Our bus service routes are antiquated;
- Buses are overcrowded; and
- The urgent need for integrated and upgraded express bus routes to Frankston Hospital, Frankston railway station and Monash University.

The Forum was in disbelief hearing about our poorly serviced bus transport on the Peninsula. The presentation was very well received, supported and noted by the Forum for inclusion in broader advocacy efforts directly to State government.

It was pleasing to receive a voiced support from the Frankston City Council representative, who is also all too familiar with the lack of bus service provision faced by our commuting

4.1 (Cont.)

residents across both municipal areas in particular to the Frankston Hospital and Railways Station.

The Forum Executive also reminded us about the State's pre-election Metropolitan Transport forum held in Frankston in June 2018 where candidates Paul Edbroke (ALP), Nina Springle (Greens) and David Davis (LIB) expressed their concerns at the lack of attention given to our poorly serviced bus transport system on the Peninsula.

The recording of their views is available on the Metropolitan Transport Forum Website:

<http://www.transportforum.org.au/frankston-and-mornington-peninsula-wednesday-27-june-mechanics-hall/>

The Forum and Members commended the Shire on the presentation and duly acknowledged the extensive and exhaustive advocacy efforts put in by the Council and our community, relentlessly advancing forward to cover every possible advocacy opportunity, and yet, we still lack a proactive response from the State Government.

Advocacy for our inadequate Bus Transport Service will continue until we see a breakthrough in the improvement of the services for our community and our region delivered by this State government.

Mornington Liquor Industry Accord (Cr Rosie Clark)

On Wednesday, 24 April 2019 Cr Morris and Cr Clark attended the Mornington Liquor Accord meeting at the Mornington Police Station.

Uber Drives have been competing with Taxis for pick up points in Mornington for a while now causing great concerns. It has been decided that there will be designated points for Uber drives. These points are yet to be decided.

The Australian Defence Force is also forming contracts for a bus service to and from Mornington for their Recruits to be able safely enjoy their recreational time in Mornington.

They have a family day planned where there could be up to 150 new recruits at one time all descending on Mornington on one day.

Mornington Cup days are well planned with minimal Police presence needed.

Venues in Mornington are doing a great job addressing situations early by contacting the station before incidents get out of hand. Venues are reporting that they identify up to 5-6 fake ID's a week, with their systems in place they are able to ban any person from any other venue in Victoria.

It has been suggested that we hold our next meeting on the Cerberus Base which should be very interesting.

Friends of Lospalos (Cr Fraser)

Cr Fraser presented a report on behalf of the Friends of Lospalos in relation to their activities for the last three months. On 18 March there was an excellent presentation by the Timor-Leste Day embassy in the Mornington Library, concerning and encouraging the use of seasonal horticultural workers in the Shire which is a visa appropriate area. It was a very successful and detailed presentation of information as to those visa requirements and the associated costs.

4.1 (Cont.)

Secondly the friends have successfully raised the requisite ^{irrelevant & sensitive} which is being paid to the ADM Order of Nuns in Lospalos to provide new computer equipment to assist female disadvantaged early school leavers to acquire sound business skills. I make reference to that particular sum of money in a country and nation where the annual income is between ^{irrelevant & sensitive} dollars per annum. As to monies previously raised to provide English language courses in Lospalos, that money has also been remitted over and all courses are proceeding successfully and are indeed are booked out.

The current major project is a fundraiser to send a qualified Rosebud Optometrist and supporting team over to Lospalos to provide spectacles to the local Lospalos Community. This was a major initiative five years ago where standard glasses were taken with a variety of prescription lenses in them, this time it will be the ability to have a qualified Optometrist to go to measure and prescribe glasses and that visit is anticipated to be in the second half of July. This is a critical issue for the Timorese, particularly the Timorese women who do all the very neat and exacting needle work which provides a substantial part of their income. Many have been unable to do this work and make an income due to their deteriorating eye sight which will be corrected with this initiative. In that regard the first Secretary from the Embassy in Canberra is visiting to have a look at the facilities in Rosebud where there is a training program underway to train the team that will be going over there as to how to repair and fit prescribed lenses to glasses.

The final matter is the restoration of East Timor or Timor-Leste Independence Day on 20 May, that's being celebrated amongst the friends of Lospalos of the Mornington Library, as part of the Shire's library week. On 23 May at 6.00pm in the Mornington Library it will be consisting of a book launch of a recently written book by Professor Clinton Fernandes from Canberra, who has written a book called 'Island off the coast of Asia'. The book launch is going to take place in the course of a conversation with lawyer Bernard Collaery who is acting for Witness K in the celebrated whistle-blower case of the Australian Government bugging the Timor-Leste Government offices in Dili, those proceedings are still pending in the magistrate's court in Canberra itself. So, it's an open invitation to everyone to attend what should be a very interesting conversation and book launch between Clinton and Bernard in the Mornington Library on 23 May at 6.00pm.

Shire Waste Forum and Waste Workshop (Cr Gill)

Cr Gill attended the Shire's Waste Forum and Waste Workshop on Saturday, 11 May with the highlight being Craig Reucassel from the ABC's War on Waste and the Mornington Peninsula Shire's 2019 Citizen of the Year, Josie Jones. The day comprised of many stalls and demonstrations, from industry, Government organisations and community members. The day finished with a Question and Answer segment with a panel including Craig Reucassel and Cr Gill and an audience of over 400.

5 NOTICES OF MOTION

Notices of Motion must be received three (3) clear business days prior to a meeting.

Nil.

6 URGENT BUSINESS

Under Council's Meeting Procedure and Common Seal Local Law, no business may be admitted as urgent business unless it:

1. Relates to a matter which has arisen since distribution of the Agenda.
2. Cannot because of its urgency, be reasonably listed in the Agenda of the next Council Meeting.
3. Councillors by a majority vote, vote in favour of a matter being dealt with as urgent business.

Cr Brooks sought leave of Council to introduce an item of Urgent Business.

PROCEDURAL MOTION

Moved: Cr Celi
Seconded: Cr Morris

That Cr Brooks be granted leave of Council to introduce an item of Urgent Business.

Carried

6.1 Container Deposit Scheme (Cr Brooks)

COUNCIL DECISION

Moved: Cr Brooks
Seconded: Cr Roper

1. That Council demands that the State Government implement a container deposit scheme as soon as practically possible.
2. That the Mornington Peninsula Shire proceeds with a submission to the State Government inquiry in recycling and waste management responding to the Terms of Reference criteria and in particular referring to part 4B relating to the container deposit schemes.

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 77(2)(c) of the *Local Government Act 1989*.

The Council may resolve that the meeting be closed to members of the public in accordance with Section 89(2) of the *Local Government Act 1989*.

MEETING CLOSED TO THE PUBLIC

Section 89(2) of the *Local Government Act 1989* states:

A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:

- (a) *Personnel matters;*
- (b) *The personal hardship of any resident or ratepayer;*
- (c) *Industrial matters;*
- (d) *Contractual matters;*
- (e) *Proposed developments;*
- (f) *Legal advice;*
- (g) *Matters affecting the security of Council property;*
- (h) *Any other matter which the Council or special committee considers would prejudice the Council or any person; and*
- (i) *A resolution to close the meeting to members of the public.*

RECOMMENDATION

That Council considers the confidential report listed below in a meeting closed to the public in accordance with section 89(2) of the *Local Government Act 1989*:

7.1 Community Kinders Plus

This matter is considered to be confidential under Section 89(2)(h) of the *Local Government Act 1989*.

COUNCIL DECISION

Moved: Cr Martin
Seconded: Cr Morris

That the recommendation be adopted.

Carried

8 MEETING CLOSE

As there was no further business, the meeting closed at 8.31pm

Confirmed this 28th day of May 2019

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Mayor, Cr David Gill, Chairman - Council