



**MORNINGTON  
PENINSULA**  
*Shire*

**MINUTES**

**COUNCIL MEETING**

**TUESDAY, 11 JULY 2023**

**10.00AM**

**MUNICIPAL OFFICES  
BESGROVE STREET, ROSEBUD**

## MORNINGTON PENINSULA SHIRE COUNCIL

### WARDS AND COUNCILLORS

|                 |                                                           |
|-----------------|-----------------------------------------------------------|
| <b>Briars</b>   | Cr Steve Holland<br>Cr Anthony Marsh<br>Cr Despi O'Connor |
| <b>Cerberus</b> | Cr Lisa Dixon                                             |
| <b>Nepean</b>   | Cr Susan Bissinger<br>Cr Sarah Race                       |
| <b>Red Hill</b> | Cr David Gill                                             |
| <b>Seawinds</b> | Cr Simon Brooks<br>Cr Antonella Celi<br>Cr Debra Mar      |
| <b>Watson</b>   | Cr Kate Roper                                             |

### EXECUTIVE TEAM

|                                                                                          |                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr John Baker<br>Ms Tanya Scicluna<br>Ms Sam Stanton<br>Mr Mike McIntosh<br>Mr Bulent Oz | Chief Executive Officer<br>Director – Community Strengthening<br>Director – Corporate Strategy and Business Improvement<br>Director – Planning and Infrastructure<br>Chief Financial Officer |
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### RECORDING

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

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# 1 OPENING AND WELCOME

Meeting opened at 10.04am

Appointed Chairperson – Mayor, Cr Steve Holland

## 1.1 Acknowledgement of Country

(Read by Cr Despi O'Connor)

*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 – Dennis Gist

On behalf of my Councillor colleagues, Mornington Peninsula Shire staff and the broader community, I would like to pay my respects to the late Dennis John Gist and acknowledge his work as a volunteer radio presenter, an ambassador for maritime history and an advocate for Vietnam War veterans.

Dennis was a stalwart of local community radio station RPPFM, volunteering his time there for many years.

He was a champion of positive ageing, introducing a Peninsula Advisory Committee for Elders (PACE) on Air segment, featuring some of the important work the Shire does with PACE, and focusing on issues impacting older residents.

His 'radio voice' and MC skills were put to good use in support of numerous community causes, including the Western Port Festival. He also worked hard for many years to raise support for the creation of a maritime museum at Hastings.

Perhaps one of Dennis's greatest achievements was in fighting for justice for those sailors who served alongside him on HMAS Sydney and other ships during the Vietnam War.

Despite being deployed to provide logistical support for the war effort and twice sailing into the thick of battle, the Australian Government decided not to recognise the ship's crew as being on active service for war-service benefits. Dennis successfully challenged this in the High Court in 1986, ensuring those who served gained the honour and recognition they warranted.

Dennis will be remembered by many as one of life's gentlemen. He had a zest for life and was held in high esteem by the community.

During his lifetime he received numerous awards and honours, including our very own Delys Sergeant Award for Senior Achiever of the Year in 2019.

We take this opportunity to thank Dennis Gist for all that he did for our community, and we extend our condolences to his family: Dennis's partner Sandra, stepchildren Grant and Sherree, and grandchildren Frankie, Lola and George.

Vale, Dennis Gist.

## 2 PROCEDURAL MATTERS

### Present

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

Mr John Baker, Chief Executive Officer

### 2.1 Apologies

Nil.

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

Nil.

### 2.3 Confirmation of Minutes

#### RECOMMENDATION

That the Minutes of the previous Council Meeting held on 30 May 2023, be confirmed.

#### COUNCIL DECISION

Moved: Cr Race  
Seconded: Cr Dixon

That the recommendation be adopted.

**Carried Unanimously**

**2.4 Councillor Briefing Sessions****RECOMMENDATION**

That Council receives and notes the record of Councillor Briefing Sessions for 23 May, 6 and 20 June 2023.

**COUNCIL DECISION**

Moved: Cr Celi

Seconded: Cr Mar

That the recommendation be adopted.

**Carried Unanimously**

**2.5 Council Decision Register****RECOMMENDATION**

That Council receives and notes the Decision Register Summaries for 2019-2023 (Attachments 1-5) as at 30 June 2023.

**COUNCIL DECISION**

Moved: Cr Roper

Seconded: Cr Celi

That the recommendation be adopted.

**Carried**

Cr Gill wished for his opposition to be noted.

**2.6 Petitions and Joint Letters****RECOMMENDATION**

That Council receives and notes the above petition.

**COUNCIL DECISION**

Moved: Cr Gill

Seconded: Cr Bissinger

That the recommendation be adopted.

**Carried Unanimously**

## 2.7 Public Question Time

### QUESTIONS WITH NOTICE

#### Short Stay Rental Accommodation

Craig Thomson, a resident of Rye, asked the following question:

*As most of the intolerable behaviour from some (not all) guests at the Air BnB is largely caused by excessive alcohol consumption, would Council consider making it compulsory for Air BnB or short stay accommodation hosts to have liquor licences on the Mornington Peninsula?*

Council advises that:

Liquor licences are regulated by State legislation – the *Liquor Control Reform Act 1998* (the Act). Local laws are subordinate legislation and must not overlap, duplicate, conflict or be inconsistent with existing legislative provisions. A liquor licence is required by someone who sells or supplies liquor, which Short Stay Rental Accommodation (SSRA) do not do as a rule. Categories of liquor licences are clearly set out in the Act with no reference to SSRA. On the contrary, section 6A of the Act exempts bed and breakfasts from obtaining a licence.

#### Banning Natural Gas

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

*Will Council update its Natural Gas Phaseout Strategy and the Mornington Peninsula Planning Scheme to ban natural gas connections to new residential homes by 2030?*

Council advises that:

The Shire is currently developing its Gas Phaseout Strategy, which will lay out a roadmap to electrify all Shire facilities. In the meantime, facilities are already being electrified proactively or at the time of asset renewal. The increasing energy prices will impact the business case for electrification and in many cases, make it more financially favourable to do it sooner.

Otherwise, Council does not have the power to ban natural gas connections to new private homes via the Mornington Peninsula Planning Scheme. Ministerial Amendment VC221 changed all Victorian planning schemes in late 2022 to help facilitate all-electric developments in support of the State Government's Climate Change Strategy 2021 and Gas Substitution Roadmap 2022. The amendment removed the mandated requirement for new homes to be connected to reticulated gas, allowing consumers and developers to choose whether to connect to natural gas or build fully-electric homes. Whilst VC221 was a significant step toward supporting a clean and healthy energy future, it did not go so far as to provide councils with authority to prevent landowners from connecting to natural gas if they want to.

Irrespective of VC211, Council has been advocating for the introduction of new planning provisions in our planning scheme which would facilitate 'net zero carbon' and climate-resilient development. In late 2022, alongside 24 other councils under the Council Alliance for a Sustainable Built Environment (CASBE), Council sought Ministerial authorisation for the proposed 'Elevated Environmentally Sustainable Design' Particular Provision at Clause 53 of participating councils' planning schemes. The new provision does not seek to ban natural gas, but rather discourages its use as per proposed Standard A14 which states: "All new development should be designed to avoid consumption of natural gas or other onsite fossil fuels". Standard 14 would be a discretionary requirement, meaning that if new developments

demonstrate that they would produce net zero carbon emissions – even with a gas connection – such development could be supported under the new provision. The Minister is yet to make a decision about whether to authorise an amendment to introduce the proposed provision.

### Climate Change

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

*According to the National Aeronautics and Space Administration (NASA) Climate reports this month: declining coral reefs, wildfire volcanic ash, burn offs creating more gas emissions, plastic pollution to aquatic life, overlogging, diminishing wildlife, rising sea levels and short sighted officials. When is this and other government departments going to concentrated on the more serious matters instead of trivial ones?*

Council advises that:

Mornington Peninsula Shire Council has declared a climate emergency and is implementing its climate emergency plan which addresses:

- Emissions associated with energy, transport, waste and land use;
- Resilience to the changing climate and importantly the risks that come with the transition to a low carbon future; and
- Establishes leadership at Council and sets out advocacy objectives and action so we seek other levels of government and non-government organisation to be lead on climate action as well.

An example of some of the Climate Emergency projects currently being undertaken by the Shire:

- Secured I & S from the Federal Government's 'Community Batteries for Household Solar' program for the purchase and installation of a community battery in Flinders.
- Launched the Save Energy Save Money Program, providing free hot water heat pump installations for vulnerable households.
- Trained 25 volunteer 'Energy Heroes' to deliver free and impartial energy advice to residents.
- To date the Shire have installed or facilitated approximately 1.6MW of solar capacity on Shire operated and tenanted buildings, with an annual generation potential of 2,090MWh.

### Cost Shifting

Mr Kelvin Granger and Dean Hurlston from Council Watch inc. asked the following question:

*Can Council please advise the dollar (\$) amount of 'cost shifting from State Government' they estimate they incurred in the 2022/23 financial year?*

Council advises that:

Based on our initial calculations, it appears that there was a total cost shifting of I & S during the last financial year. However, it is important to note that these figures are subject to

further analysis and verification. A detailed report will be presented in this financial year, which will include further updates and provide a more comprehensive understanding of the cost shifting situation.

### 3 COUNCILLORS AND DELEGATES REPORTS

#### **Mornington Peninsula Koala Conservation Group (Cr Mar)**

Cr Mar reported that the Group is well on the way to meeting the quota of their planting schedule this year with a total of 10,000 indigenous trees and vegetation planted on private properties in the Green Wedge.

Cr Mar introduced the Kindred Clubhouse in Hastings to the Group and arranged a planting day for them to participate. This was received well.

The Group was presented with a Heritage Award by the National Trust (Mornington Peninsula Branch) at the Mornington Peninsula Heritage Awards night in June that Councillors and Chief Executive Officer John Baker attended. The recognition for the award was for covering the townships of Somers, Red Hill South and Flinders with over 25,000 indigenous trees and vegetation across 27 privately owned properties in the Green Wedge to create a future habitat corridor for koalas and native wildlife.

#### **Arts and Culture Advisory Panel (Cr Gill)**

A lot of interest has been shown in the Shire's Music agenda and the Performing Arts Centre and various other venues around the Shire allowing for performances. The Panel is interested in how the Shire is progressing in providing for the music industry.

#### **Mornington Peninsula Wildlife Management Plan Advocacy (Cr Gill)**

The Chief Executive Officer and three Councillors are involved in advocating to the State Government on having a Wildlife Management Plan for the Mornington Peninsula. Unfortunately not much headway is being made. This will be dealt with as a Notice of Motion at this meeting.

#### **Triple A Housing Committee (Cr Gill)**

Most discussion at the Triple A Housing Committee meetings is about homelessness. Problems include lack of housing and social housing on the Peninsula, low income people who cannot work on the Peninsula because they cannot afford to buy or rent. The committee comprises of all the not-for-profits, business including real estate agents who are very helpful as well as State Government bodies.

The one action coming out of the last meeting is Homelessness Week between 6 and 12 August. The Committee would like to see the Council taking as much action as possible to highlight homelessness on the Peninsula. There are approximately 1,000 people on the Peninsula who are homeless, many of whom are rough sleeping.

The Committee is very hopeful of making an impression on the State Government who provide no crisis housing, provide no housing for low income workers and provide very little funding for anything that involves homelessness on the Peninsula.

Cr Gill recently attended a fundraiser which included the three support centres – Mornington, Western Port and Southern Peninsula who do most of the hard work in terms of food, showering and trying to find a roof over people's heads. The CEO Ben Smith said that annually the support centres receive **I & S** each from the State Government, **I & S** each from the Federal Government and the Shire provides **I & S** to each centre. This is a State Government responsibility, not local government, but the Shire is filling the gaps; the cost shifting is onto us because we are closest to the community and we want to help.

**3 (Cont.)****South East Councils Climate Change Alliance (Cr Race)**

The following South East Councils Climate Change Alliance (SECCCA) joint submissions are currently being drafted. Final submissions will be circulated to the Councillor Advisory Group in the coming weeks:

- Inquiry into the 2022 Flood Event in Victoria
- Fuel Efficiency Standard
- Australia's preparedness to host Commonwealth, Olympic and Paralympic Games.

Federal Government updates – Net Zero Authority, National Climate Risk Assessment.

SECCCA Planning Day reflections and next steps – Review of SECCCA's preliminary recommendations.

SECCCA Update Residential and Community Resilience project.

Council updates 'hot topics' – Coastal inundation (included).

**Food Forum (Cr Roper)**

Mornington Peninsula Food forum was held recently bringing Mornington Peninsula producers together to discuss promotion of our quality produce and new possibilities. The themes were Provenance, Procurement and Circularity.

There were a number of influential speakers including Alice Zaslavsky, radio commentator, speaking about making it easy for your customer to find you and ways to tell your story. She spoke of overseas experiences in the way people market their local produce, highlighting providence becoming more important. Offering human to human experiences are proving to be more popular to the middle class with disposable income. QR codes on produce with short sharp messaging for education of provenance is also proving successful.

Sam Vincent, author of Native foods in the Plate Southern Land spoke of the transformation in the way they farm on their cattle and pig farm in the Yass Valley. A chance find on the property of a 5,000 year old artifact – a thumbnail scraper for getting ochre out of rocks was found, which started his interest in indigenous culture. 'Tucker' was an indigenous name for food and was only used in the English language after European settlement. He spoke of the very slow acceptance of indigenous foods and that settlers never assimilated native foods into their diet as they never had to survive on them. In other countries there is a regional cuisine, in Australia we have hardly any traditional area specialities. Two successful and popular native foods known worldwide are Macadamia nuts which is a **I & S** industry and Warragul greens, seeds of which were taken back to England and in France its known as Summer spinach.

Nornie Bero, celebrity chef and owner of Mabu Mabu restaurant, spoke of her childhood growing up on an island in the Torres Strait and their lifestyle of going fishing and collecting food to eat that day. Her father started her love of feeding people by converting half their house to a 'tuck shop'. She remembers making pumpkin damper and buns and catching big fish to make fish burgers for customers. She spoke of how 'mission foods' were now part of indigenous diets as they were so used to everything coming in cans.

She started her first café in Yarraville with a condiment business. Her first customer commented "I didn't know indigenous people had a cuisine". This inspired her to make the indigenous ingredients the hero of any dish she creates. She still finds sourcing native ingredients was very difficult at times, but she has built relationships with sustainable native

**3 (Cont.)**

farmers. There is a slowly growing market for bush foods. It was a shock to learn that less than 1% of indigenous food grown is owned by indigenous groups.

There were several other passionate speakers including representatives from Ozharvest speaking about their mission to get fresh produce to everyone in these difficult times.

The take away message is that Mornington Peninsula has a significant role to play in food produce now and in the future.

**Mornington Peninsula Friends of Lospalos (Cr Brooks)**

During May and June Cr Brooks attended two meetings of the Friends of Lospalos.

As previously reported the group is planning to visit Lospalos again this August to provide a similar service for the children in the community.

The group is finalising the mission and has requested that Cr Brooks seeks approval from Council to attend as an official representative of the Mornington Peninsula Shire who set up this intergovernmental Friends group following the independence of Timor Leste over 20 years ago. The visit will run from 26 August to 3 September.

The June meeting discussed the finalisation of the library week event and locked-in the 'Specs for Lospalos' mission to Timor Leste.

The July meeting had a guest, the Honorary Counsel for Timor Leste in Victoria, Andrew Mahar AM. Andrew has a 30 year involvement in social enterprises within the Asia Pacific region with a focus in recent years on Timor Leste.

Andrew is busy building social enterprise initiatives in Timor Leste through the Xpand Foundation including setting up a gold standard carbon offset program of reforestation. The scheme pays local farmers to look after trees planted as part of an accredited carbon offset program. The City of Port Phillip is a supporter of the scheme.

A reminder that Friends of Lospalos has an upcoming event in partnership with our Library in Mornington as part of Book Week where ex-pat Timorese will do a book reading from publications describing their experiences in Timor Leste and their journey into a new life in Australia. The event will be Thursday, 3 August at 6:00pm at the Mornington Library.

The Shire has again assisted with the marketing and advertising of this event; this is much appreciated by the Friends Group. Keep an eye out for the flyer! Cr Brooks will be MC'ing the event.

**Aquatic Centre Hypothetical – Melbourne** (a symposium on Best Practice Design and Operation of Aquatic Centres) (Cr Brooks)

Last Friday, 7 July Cr Brooks attended a symposium at the Ivanhoe Girls Grammar Performing Arts Centre where industry and local government representatives gathered to hear about best practice design and operation of aquatic centres.

The event was organised by Negawatt Projects, a consultancy which leads in the energy efficiency and electrification of new and existing aquatic centres.

In his previous term in late 2019 Cr Brooks attended an amazing forum 'Beyond Gas' where among many presenters, Derek Harbison from Negawatt Projects presented on electric heat pumps as a viable and low-carbon alternative to natural gas boilers.

At the time he was unable to convince our officers that they should at least be doing a comparative business case of changing Yawa to heat pumps before completion.

**3 (Cont.)**

Apparently these investigations are about to occur and it is likely that the cost calculations will recommend the gas boilers be swapped-out for electric heat pumps in the near future. In addition there are currently strong incentives offered by the State and Federal Governments to assist with electrification of public buildings.

Yawa consumes around 50% of the organisation's natural gas.

The speakers were from a variety of backgrounds and included officers from Yarra Ranges and Surf Coast, Operational consultants, Architects, Energy Technology experts, New Zealand Aquatic Centre efficiency consultants and the lead engineer for the St Sidwell's Aquatic Centre in the UK – the first Passivhaus Aquatic Centre.

Alan Pears AM from Melbourne University ran several of the sessions. Alan is recognised as the pre-eminent national energy expert in built form. His work is recognised internationally including by the UK where the net-zero aquatic centre was built.

#### Highlights:

- Yarra Ranges officers described their processes to bring the whole organisation into lock step around how to maximise their upcoming aquatic centre.
- Officers from Surf Coast spoke about their upcoming aquatic centre in Torquay and the persistent efforts required to 'educate' the appointed architects (Peddle Thorp) around true environmentally sustainable design.
- South Australian facilities manager Shane Stodden spoke about his work ensuring energy efficiency is an integral part of aquatic centre design for the SA Government and various local governments.
- New Zealand representatives from Beca are recognised internationally as leaders in data-driven best practice outcomes and have developed a world's best software product to model the performance of aquatic centres to minimise energy usage, provide comfortable environments for users and minimise degradation of the centres' interiors through careful design and building management systems. St Sidwells project designers utilised their services.
- Rick Edwards from Environmental Technology Solutions spoke about his successful heat-from-sewers heat pump technology. There is a huge opportunity for gathering the heat from sewer mains.
- Stephen Platt from MEP Engineering and an associate at Arup spoke at length about his involvement with St Sidwells Recreation Centre in Exeter, UK.

St Sidwells was designed utilising the best design data available and was constructed as a highly insulated and sealed building envelope. Glass in the pool hall faces south and the environmental systems are designed to maximise energy efficiency, minimise evaporation and condensation and provide high levels of comfort for users. St Sidwells utilised engineered timber internally to avoid corrosion issues and carries embodied carbon.

As a result St Sidwells has an air exchange rate of 0.3 cubic metres per square metre per hour. Peninsula Aquatic Recreation Centre in Frankston struggled to achieve 19. St Sidwells uses approximately 20 percent the energy of Yawa.

All in all it was an amazing symposium. Cr Books highly recommends our officers investigate the above technologies and skill sets before locking-in to any given contract when investigating how to reduce the substantial energy cost of Yawa and other facilities. City of Casey had the group present separately prior.

**3 (Cont.)**

**Australian Local Government Association National General Assembly** (Cr Mar, Cr Race and Cr Holland)

Cr Mar:

Cr Mar attended the Australian Local Government Association (ALGA) National General Assembly (NGA) in Canberra mid-June for three days to represent the Mornington Peninsula Shire Council and the communities we serve. Mayor Cr Steve Holland, Cr Sarah Race, Chief Executive Officer Mr John Baker and Ms Emma Lindsay, Coordinator for Advocacy for the Shire, participated, collaborated and advocated to Ministers, MPs and other Councillors in discussion-based meetings.

Cr Mar and Mr Baker, together with Zoe McKenzie, Federal Liberal MP for Flinders and Brian Mitchell, Federal Labor MP for Lyons, who is also Chair of the House Standing Committee and Communications for the Arts at Parliament House, met to discuss opportunities for networking among Federal Ministers and MPs to help support an Arts and Culture Precinct.

Mr Mitchell and Ms McKenzie were in agreeance to keep the project in sight to advocate when opportunities arise.

Also discussed were the needs and issues local communities are experiencing with mobile and digital connectivity and the lack of networks that result in poor coverage in some areas on the Peninsula as well as the issues that communities are confronted with towers placed in areas unpalatable for some communities.

Another meeting Cr Mar attended was again with Zoe McKenzie, Aaron Violi, Federal MP for Casey, Cr Jim Child, Mayor of Yarra Ranges and Ms Lindsay to discuss the Designated Area Migration Agreement, called DAMA which was set up as a Labour Agreement which enables approved employers to sponsor skilled and semi-skilled overseas workers for positions unable to be filled with local work in response to identified shortages in the hospitality, agriculture and viniculture sectors.

DAMA also works in tandem with the Working Holiday Maker Visa, which may allow those on this Visa to extend their stay longer if working under the DAMA.

Also discussed was the possibility of the Mornington Peninsula region being recognised as a DAMA with a Designated Area Representative in place.

Cr Race and Cr Mar attended the ALGWA networking breakfast with guest speaker Professor Michelle Ryan, Director of the Global Institute of Women's Leadership at the Australian National University.

The group also caught up with Peta Murphy, Federal MP for Dunkley and discussed a wide variety of matters.

In addition, Cr Mar caught up with the Mayor of Noosa Shire Council and two Councillors the following week to discuss similar community concerns, issues and share of knowledge and solutions pertaining to short stay accommodation, jet skis, crime and over-development.

The experience of gaining knowledge, networking and rallying around Ministers, local Federal MPs and decision makers face to face to advocate on behalf of our communities, was an opportunity for the Federal Government to hear our pleas and concerns. This has now made way for open dialogue for future talks to hopefully progress our grants and funding streams to benefit our communities.

Cr Mar came away from the conference with ideas and touchpoints to move forward. She also realised there are many other councils experiencing similar, if not the same issues, financial restraints and disappointment we feel for our communities and she thanked her

**3 (Cont.)**

colleagues for allowing her to represent our communities and the Mornington Peninsula Shire Council which she felt proud to do.

The task now for Councillors and Shire officers is to action the points raised in meetings and continue to build a working relationship with the Federal Government.

And lastly, it is with great pride to share that our Shire won the Rural and Remote Programs award in Canberra for a trial in an effort to decrease road trauma by reducing 33 Shire managed roads to 80 kilometres per hour. Mr Baker was there in person to accept the award.

Cr Race:

The NGA this year, combined with the Australian Council for Local Government, was an exciting, and worthwhile, opportunity to network, learn and advocate.

Cr Race attended meetings to represent the Shire, Women Leading Locally and the Mayoral Taskforce for Refugees. These meetings covered topics such as funding and provision for Emergency Relief, Gender Equity in Local Government and local leadership, and issues for Asylum Seekers on temporary visas. She met with the Senior Advisors for the Minister for Social Services and the Minister for Women and Finance and also met with Zoe Daniel MP and Senator Elizabeth Watson-Brown.

However, it was the dinner at Parliament House on the Friday night that was very fruitful for having discussions, and putting the Peninsula on the map, with the likes of the Health Minister, Mark Butler, Minister for Local Government, Kristy McBain, and Senator Malarndirri McCarthy, Assistant Minister for Indigenous Australians and Indigenous Health.

Cr Race learned a lot from the various sessions hosted at the conference, from the likes of Saul Griffiths and his electrify everything research, Mayors from across Australia who have experienced disasters in the past years and Mayors and Deputy Mayors speaking about the Voice and what it means to their First Nations communities.

Networking is essential to being a Politician or anyone in stakeholder relations – we cannot solve issues by ourselves. With over 530 local governments in Australia, one council has definitely tackled a similar problem. Cr Race met Mayors and Councillors from right across Australia, from Barkly in the Northern Territory, to Dundas in Western Australia, Federation in New South Wales, Noosa in Queensland, and down to Hobart in Tasmania, and everywhere north, south, east and west! And as always great to catch up with fellow Victorian Councillors!

These communities have tight budgets, potholes, and housing issues and have dealt with extreme weather events, from floods to fires and massive storms. Discussion took place on food security, short-term accommodation, graded and sealed roads, drains, coastal inundation and other unique issues in each region.

It is great to have fellow Councillors from across Australia to continue these discussions after the conference, keep talking and keep working to make our communities the best places they can be.

Cr Holland:

This was the first National General Assembly Cr Holland attended and overall it was a very positive and productive week.

It started with the regional forum. It was great to hear from the Federal Minister for Local Government Kristy McBain who described local government as a trusted delivery partner. Her opposition counterpart Darren Chester also spoke and a particular highlight of his

**3 (Cont.)**

speech was his suggestion that perhaps it was time to abolish State Government. There was a round of applause.

Perhaps the single biggest takeaway from the conference itself was the different experiences of Mayors and Councillors in other States. It underscored the poor relationship the local government sector has with the State Government in Victoria compared to other parts of Australia.

Throughout the week Cr Holland represented the Shire at several meetings with Ministerial advisers, canvassing a range of issues on behalf of our community from infrastructure funding, homelessness and housing to tourism and the arts.

The group met with advisers for Catherine King, Don Farrell and Julie Collins.

One highlight was a meeting we organised with several councils from around Australia to discuss issues related to short-stay accommodation. It was great to meet and share our experiences and work on a plan to advocate to State and Federal Governments for reform in this space.

Cr Holland reported that the policy motions the Shire put forward were carried.

After the NGA Cr Holland attended the Australian Council of Local Government. The Prime Minister and the Cabinet Ministers spoke very highly of the local government sector and were very generous with their time. We look forward to seeing some of the policies and funding streams for local government come to fruition.

There is an old saying in advocacy that if the politicians won't come to you, you should go to the politicians and given how warmly the group was welcomed Cr Holland believes that is certainly something this Council should be doing more of.

## 4 MANAGEMENT REPORTS

### PLANNING & INFRASTRUCTURE

#### 4.1 P20/1937 - 35 Sherwood Avenue, Rosebud - Development of five dwellings and vegetation removal

##### RECOMMENDATION

That the Council refuses Planning Application P20/1937 – 35 Sherwood Avenue, Rosebud on the following grounds:

1. The proposal fails to meet the objectives of the Mornington Peninsula Planning Scheme, in particular
  - Clause 11 – Settlement
  - Clause 11.03-5S – Distinctive areas and landscapes
  - Clause 12.01-1S – Protection of Biodiversity
  - Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs
  - Clause 13.01-1S – Natural Hazards and climate change
  - Clause 13.03-1S – Floodplain management
  - Clause 14.02-1S – Catchment planning and management.
2. The proposal does not meet the key principles outlined in the Department of Environment, Land, Water and Planning Guidelines for Development in Flood Affected Areas (2019).
3. The existing flood risk has not been acceptably mitigated through design measures.
4. The proposed development fails to meet the environmental objectives of Schedule 17 of the Environmental Significance Overlay. The removal of all vegetation from the riparian zone and increased run off caused by the development are likely to adversely impact on habitat, water quality and bank stability of the water course.
5. The proposal fails to meet the objectives of Clause 65 the Mornington Peninsula Planning Scheme, in particular:
  - The flooding of the adjoining Murray Anderson Creek poses a significant risk to the subject site and health and safety of future on site residents.
  - The proposed development will exacerbate the existing flood risk from the Murray Anderson Creek and poses a significant risk to the health and safety of residents within the flood plain.

**4.1 (Cont.)**

## Part B

That Council resolves that Attachment 13 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.

**UPDATED RECOMMENDATION**

That the Council does not support Planning Application P20/1937 - 35 Sherwood Avenue, Rosebud on the following grounds:

1. The proposal fails to meet the objectives of the Mornington Peninsula Planning Scheme, in particular
  - Clause 11 – Settlement
  - Clause 11.03-5S – Distinctive areas and landscapes
  - Clause 12.01-1S – Protection of Biodiversity
  - Clause 12.03-1S – River and riparian corridors, waterways, lakes, wetlands and billabongs
  - Clause 13.01-1S – Natural Hazards and climate change
  - Clause 13.03-1S – Floodplain management
  - Clause 14.02-1S – Catchment planning and management.
2. The proposal does not meet the key principles outlined in the Department of Environment, Land, Water and Planning *Guidelines for Development in Flood Affected Areas* (2019).
3. The existing flood risk has not been acceptably mitigated through design measures.
4. The proposed development fails to meet the environmental objectives of Schedule 17 of the Environmental Significance Overlay. The removal of all vegetation from the riparian zone and increased run off caused by the development are likely to adversely impact on habitat, water quality and bank stability of the water course.
5. The proposal fails to meet the objectives of Clause 65 the Mornington Peninsula Planning Scheme, in particular:
  - The flooding of the adjoining Murray Anderson Creek poses a significant risk to the subject site and health and safety of future on site residents.
  - The proposed development will exacerbate the existing flood risk from the Murray Anderson Creek and poses a significant risk to the health and safety of residents within the flood plain.

## Part B

That Council resolves that Attachment 13 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 Meeting Minutes****11 July 2023****4.1 (Cont.)****Deputations**

- Catherine Rutherford
- Gordon Coulter

**ATTENDANCE**

Cr Marsh left the meeting at 11.10am and returned 11.12am.

**Deputations (Cont.)**

- Kimberley Cott who also spoke for Susan Cott and Kane Evans
- Lea Oakes

**COUNCIL DECISION**

Moved: Cr Mar  
Seconded: Cr Marsh

That the updated recommendation be adopted.

**Carried Unanimously**

**ADJOURNMENT OF MEETING**

That the meeting be adjourned at 11.53am for a short break.

**RESUMPTION OF MEETING**

That the meeting be resumed at 12.02pm.

**4.2 Combined Planning Scheme Amendment C247morn and Planning Permits P21/3339 and P22/0291 - Woodbyne Crescent and Albany Way, Mornington – Authorisation report**

**RECOMMENDATION**

That Council:

1. Seeks authorisation from the Minister for Planning, pursuant to section 8A of the *Planning and Environment Act 1987* (the Act), to prepare combined Planning Scheme Amendment C247morn to the Mornington Peninsula Planning Scheme and Planning Permits P21/3339 and P22/0291 under section 96A of the Act generally in accordance with the documentation in Attachments 1 to 15 to this report.
2. Undertakes exhibition of combined Planning Scheme Amendment C247morn to the Mornington Peninsula Planning Scheme and Planning Permits P21/3339 and P22/0291 and the Development Plan in accordance with section 96C of the Act following receipt of authorisation from the Minister for Planning.
3. Authorises the Director of Planning and Infrastructure to make any editorial or administrative changes to Attachments 1 to 15, if required, prior to lodging the authorisation request with the Minister for Planning.

**COUNCIL DECISION**

**Moved:** Cr O'Connor

**Seconded:** Cr Race

**That the recommendation be adopted.**

**Carried Unanimously**

**4.3 Recreational Facilities for Mountain Bike and BMX Strategy****RECOMMENDATION**

That Council adopts the Recreational Facilities for Mountain Bike and BMX Strategy (Attachment 1) and the Dirt Jumps Pilot Program Evaluation Report/ Delivery Model (Attachment 2).

**COUNCIL DECISION**

**Moved:** Cr O'Connor

**Seconded:** Cr Mar

**That Council adopts the Recreational Facilities for Mountain Bike and BMX Strategy (Strategy) (Attachment 1) and the Dirt Jumps Pilot Program Evaluation Report/ Delivery Model (Attachment 2) and refers the Strategy to the mid-year Budget review.**

**Carried Unanimously**

#### 4.4 Coastal Advisory Groups Review

##### RECOMMENDATION

That Council:

1. Ceases the current model of Coastal Advisory Groups and establishes five area-based Coastal Advisory Groups as follows:
  - A. Northern Port Phillip: Mount Eliza, Mornington, Mount Martha
  - B. Central Port Phillip: Safety Beach, Rosebud, McCrae
  - C. Southern Port Phillip: Rye, Sorrento, Portsea
  - D. Northern Western Port: Bittern, Hastings, Somerville
  - E. Southern Western Port: Somers, Flinders.
2. Adopts the new Draft Terms of Reference (Attachment 2).
3. Supports the development of an organisation-wide Code of Conduct for Volunteers.

##### MOTION

Moved: Cr Celi  
Seconded: Cr Marsh

That the recommendation be adopted.

##### AMENDMENT

Moved: Cr Bissinger  
Seconded: Cr Brooks

4. That the Coastal Advisory Groups are evaluated yearly.

**Amendment was carried and became part of the substantive motion**

##### PROCEDURAL MOTION

Moved: Cr Mar  
Seconded: Cr Race

Defer the Officer Recommendation for a further in-person workshop between Shire officers and members of the Coastal Advisory Groups (CAGs), to gain a more constructive outcome in the Terms of Reference that accommodates and supports the future work of the CAGs, and to bring the Results report back to Council before the end of October 2023.

Vote by Division (Requested by Cr Mar)

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

Against: Cr Marsh, Cr Dixon, Cr Bissinger, Cr Celi and Cr Holland

**Carried**

#### 4.5 Carbon Neutral Policy Review

##### RECOMMENDATION

That Council adopts the revised Carbon Neutral Policy (Attachment 1).

##### COUNCIL DECISION

Moved: Cr Race

Seconded: Cr Gill

That the Carbon Neutral Policy Review be deferred until after the urgent establishment of a Community Reference Group, *to deliver on an outstanding Year 1 action of the Climate Emergency Plan*, to co-design solutions to achieve carbon neutrality both in corporate activity of the Shire by 2025, and the broader Mornington Peninsula community by 2030, and 'That an Expression of Interest be developed in consultation with interested Councillors and community to seek a skills-based membership of the group, and, 'That the Chief Executive Officer be responsible for the delivery of the above process such that the community reference group is functioning by the end of September 2023'.

**Vote by Division** (Requested by Cr Race)

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

Against: Cr Marsh, Cr Dixon, Cr Bissinger, Cr Celi and Cr Holland

**Carried**

## OFFICE OF THE CEO

### 4.6 Authorisations under the Planning and Environment Act 1987

#### RECOMMENDATION

1. That In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation, Council resolves that:
  - A. The members of Council staff referred to in Attachment 1 be appointed under the *Planning and Environment Act 1987*.
  - B. The Instruments come into force upon the resolution of Council.

#### COUNCIL DECISION

Moved: Cr Celi  
Seconded: Cr Marsh

That the recommendation be adopted.

Carried Unanimously

**4.7 Letters Under Seal - 2023 Australian Honours Recipients – The King's Birthday Honours List****RECOMMENDATION**

That the Common Seal of the Mornington Peninsula Shire be affixed to the documents described in the schedule of this report.

**COUNCIL DECISION**

**Moved:** Cr O'Connor

**Seconded:** Cr Roper

**That the recommendation be adopted.**

**Carried Unanimously**

**4.8 Victorian Electoral Commission Report on the Watson Ward By-election****RECOMMENDATION**

That Council receives and notes the attached Victorian Electoral Commission report titled 'Mornington Peninsula Shire Council Watson Ward By-election Report 2023' (Attachment 1).

**COUNCIL DECISION**

Moved: Cr Roper  
Seconded: Cr Bissinger

That the recommendation be adopted.

**Carried Unanimously**

**ADJOURNMENT OF MEETING**

That the meeting be adjourned at 1.24pm for a short break.

**RESUMPTION OF MEETING**

That the meeting be resumed at 1.51pm.

**ATTENDANCE**

Cr Dixon and Cr Marsh did not return after the adjournment of the meeting.

## 5 NOTICES OF MOTION

### 5.1 Notice of Motion 403 (Cr Race) - Coastal Hazard Planning Zone/Overlay

#### MOTION

1. That Council writes to the Hon. Sonya Kilkenney MP, Minister for Planning, urging her to provide clear and concise planning guidance in the form of a State Government led coastal hazard planning overlay for Port Phillip and Western Port Bay that responds to the most up to date scientific evidence in relation to sea level rise.
2. That copies be forwarded to our local Federal and State MPs.

#### COUNCIL DECISION

Moved: Cr Race

Seconded: Cr Mar

1. That Council writes to the Hon. Sonya Kilkenney MP, Minister for Planning, urging her to:
  - A. provide clear and concise planning guidance in the form of a State Government led coastal hazard planning zone and/or overlay that is specifically designed to address risks to land use and development around Port Phillip and Western Port Bay from predicted sea level rise, and
  - B. ensure that the zone and/or overlay is promptly applied and continually updated by the State Government in response to the most up to date scientific evidence regarding sea level rise.
2. That copies be forwarded to our local Federal and State MPs.

**Carried Unanimously**

**5.2 Notice of Motion 404 (Cr Race) - Planning Scheme Secondary Dwelling Code****MOTION**

1. That to address the Housing Crisis in the State of Victoria Council writes to the Hon. Sonya Kilkenney MP, Minister for Planning, urging her to reinstate clause 51.06 of the Victorian Planning Provisions, and allow Victorian councils to amend their local planning schemes to include a Secondary Dwelling Code, including the provision to require a Section 173 Agreement, if warranted, to ensure they are not used for Short Stay Accommodation.
2. That copies be forwarded to the Hon. Colin Brooks MP, Minister for the Housing and our local Federal and State MPs.

**COUNCIL DECISION**

**Moved: Cr Race**

**Seconded: Cr O'Connor**

1. That to address the Housing Crisis in the State of Victoria Council writes to the Hon. Sonya Kilkenney MP, Minister for Planning, urging her to:
  - A. Reinstate Clause 51.06 of the Victorian Planning Provisions to allow Victorian councils to implement the Secondary Dwelling Code.
  - B. Provide additional associated support and guidance to local councils to ensure the desired outcomes of the Secondary Dwelling Code will be achieved, including:
    - i. a provision within Clause 51.06 that requires a Section 173 Agreement that prohibits Secondary Dwellings from being subdivided or used for Short Stay Accommodation
    - ii. a standardised template for Section 173 Agreements to ensure consistency and reduce administrative costs
    - iii. further consideration of the practicality of using the VicSmart assessment pathway in municipalities where multiple planning controls apply to land
    - iv. clarity and certainty regarding the relationship between 'Tiny Homes' and Secondary Dwellings (if there is any), including appropriate definitions within the Victoria Planning Provisions
    - v. regulatory clarification or reform in relation to the definition of a Dependent Person's Units as per Mornington Peninsula SC v Premier Homes (Vic) Pty Ltd (Red Dot) [2021] VCAT 94.
2. That copies be forwarded to the Hon. Colin Brooks MP, Minister for the Housing and our local Federal and State MPs.

**Carried Unanimously**

**5.3 Notice of Motion 405 (Cr Mar) - Strategic Framework for Western Port Bay****MOTION**

1. That Council supports the Strategic Framework for the future of Western Port Bay, as a formal document advocating for the restoration and protection of the marine environment and surrounding catchment of Western Port, to establish an ecologically sustainable and thriving economy for the future. Council is particularly supportive that the proposed Framework recognises the importance of ensuring the future economic prosperity of the region in conjunction with promoting environmental protection and restoration.
2. That Council writes to the Minister for Environment and the Minister for Climate Action, Energy and Resources to request:
  - A. Recognition for Western Port, its bay and surrounding catchment areas – including the Biosphere Reserve and Ramsar wetlands – as an important environmental, social and economic region; and a public commitment to protect it for those who reside, work and visit.
  - B. Delivery of a Strategic Plan and a dedicated fund for Western Port, that restores and protects the marine life environment, and continues to provide for a sustainable, thriving economy for the future.
  - C. That the Department of Energy, Environment and Climate Action (DEECA) establish a new collaborative management partnership with Traditional Owners, Melbourne Water and other key stakeholders (including community and other Bay users), under the *Marine and Coastal Act 2018* and the State Environment Protection Policy (Waters) 2018, to protect and manage the bay's environmental values.
  - D. That the State Government acknowledges that the local community want projects that benefit a local green economy creating sustainable jobs in industries that support and value the Western Port environment. Mornington Peninsula Shire Council supports this position and sees it as an important region for sustainable industries.

**COUNCIL DECISION**

Moved: Cr Mar  
Seconded: Cr O'Connor

1. That Council supports the intent to develop a Strategic Framework for the future of Western Port Bay, as a formal document advocating for the restoration and protection of the marine environment and surrounding catchment of Western Port, to establish an ecologically sustainable and thriving economy for the future. Council is particularly supportive that the proposed Framework recognises the importance of ensuring the future economic prosperity of the region in conjunction with promoting environmental protection and restoration.
2. That Council writes to the Minister for Environment and the Minister for Climate Action, Energy and Resources to request:
  - A. Recognition for Western Port, its bay and surrounding catchment areas – including the Biosphere Reserve and Ramsar wetlands – as an important environmental, social and economic region; and a public commitment to protect it for those who reside, work and visit.

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5.3 (Cont.)

- B. Delivery of a Strategic Plan and a dedicated fund for Western Port, that restores and protects the marine life environment, and continues to provide for a sustainable, thriving economy for the future.
- C. That the Department of Energy, Environment and Climate Action (DEECA) establish a new collaborative management partnership with Traditional Owners, Melbourne Water and other key stakeholders (including community and other Bay users), under the *Marine and Coastal Act 2018* and the State Environment Protection Policy (Waters) 2018, to protect and manage the bay's environmental values.
- D. That the State Government acknowledges that the local community want projects that benefit a local green economy creating sustainable jobs in industries that support and value the Western Port environment. Mornington Peninsula Shire Council supports this position and sees it as an important region for sustainable industries.

**Carried Unanimously**

**5.4 Notice of Motion 406 (Cr Gill) - Protection of Peninsula Wildlife****MOTION**

That Council undertakes a timely social media campaign to help save Peninsula wildlife including koalas by:

1. Highlighting the urgent need for a Peninsula Wildlife Management Plan.
2. Attributing ownership for the plight of 600 kangaroos at Cape Schanck because of lack of action from State Government.
3. Requesting all local Members of Parliament to protect the future viability of our local indigenous wildlife.

**COUNCIL DECISION**

**Moved: Cr Gill**

**Seconded: Cr Brooks**

**That the motion be adopted.**

**Carried**

**5.5 Notice of Motion 407 (Cr Gill) - Independent Reviews of Municipalities****MOTION**

That Council asks the State Government and relevant Ministers to allow an independent body such as the Victorian Electoral Commission to undertake independent reviews as has previously applied to all municipalities in line with democratic traditions.

**COUNCIL DECISION**

**Moved:** Cr Gill

**Seconded:** Cr Mar

**That the motion be adopted.**

**Vote by Division** (Requested by Cr Gill)

**For:** Cr Gill, Cr O'Connor, Cr Bissinger, Cr Race, Cr Roper, Cr Mar, Cr Brooks and Cr Celi

**Against:** Cr Holland

**Carried**

## **6 URGENT BUSINESS**

Nil.

## 7 CONFIDENTIAL ITEMS

### Advice to the Public

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

### MEETING CLOSED TO THE PUBLIC

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

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- (b) Security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- (c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.
- (d) Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- (e) Legal privileged information, being information to which legal professional privilege or client legal privilege applies.
- (f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- (g) Private commercial information, being information provided by a business, commercial or financial undertaking that:
  - (i) Relates to trade secrets.
  - (ii) If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- (h) Confidential meeting information, being the records of meetings closed to the public under section 66 (2) (a).
- (i) Internal arbitration information, being information specified in section 145.
- (j) Councillor Conduct Panel confidential information, being information specified in section 169.
- (k) Information prescribed by the regulations to be confidential information for the purposes of this definition.
- (l) Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

**RECOMMENDATION**

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

**7.1 Somerville Soccer Investigation**

This matter is considered to be confidential under section 3 (1) (c) of the *Local Government Act 2020*. It contains information in relation to land use planning information.

**COUNCIL DECISION**

**Moved:** Cr Celi

**Seconded:** Cr Race

**That the recommendation be adopted.**

**Carried Unanimously**

## 7.1 Somerville Soccer Investigation

On 20 August 2024 Council resolved that the Council decision of the 11 July 2023 Council Meeting for item 7.1 Somerville Soccer Investigation be released.

### RECOMMENDATION

That Council:

1. Endorses officers to commence discussions with the Department of Education, the Victorian School Building Authority, Somerville Secondary College, Somerville Eagles Soccer Club and Football Victoria to investigate the potential to enter into a joint use agreement with Somerville Secondary College to enable community use of the existing synthetic soccer field on education land.
2. Receives a subsequent report detailing the findings of the above investigation for further consideration.

#### Part B

That Council resolves that the report, Council decision and Attachments 1-7 to this report be retained as confidential items pursuant to section 3 (1) (c) of the *Local Government Act 2020* as the report considers land in private ownership, possible relocation of existing sports facilities and possible disposal of public open space.

### COUNCIL DECISION

**Moved:** Cr Celi  
**Seconded:** Cr Roper

That Council:

1. Endorses officers to commence discussions with the Department of Education, the Victorian School Building Authority, Somerville Secondary College, Somerville Eagles Soccer Club and Football Victoria to investigate the potential to enter into a joint use agreement with Somerville Secondary College to enable community use of the existing synthetic soccer field on education land.
2. Receives a subsequent report detailing the findings of the above investigation for further consideration.

#### Part B

That officers begin discussions with Dromana Secondary College to develop a Memorandum of Understanding for the future use of the Dromana Racecourse Reserve and investigate the development of a District/Township level sporting facility at Dromana Racecourse Reserve to support football and cricket by creating a two oval dual use facility.

#### Part C

That Council resolves that the report, Council decision and Attachments 1-7 to this report be retained as confidential items pursuant to section 3 (1) (c) of the *Local Government Act 2020* as the report considers land in private ownership, possible relocation of existing sports facilities and possible disposal of public open space.

**Carried**

## **8 MEETING CLOSE**

As there was no further business, the meeting closed at 2.52pm.

Confirmed this 25<sup>th</sup> day of July 2023

.....  
Mayor, Cr Steve Holland, Chairperson - Council