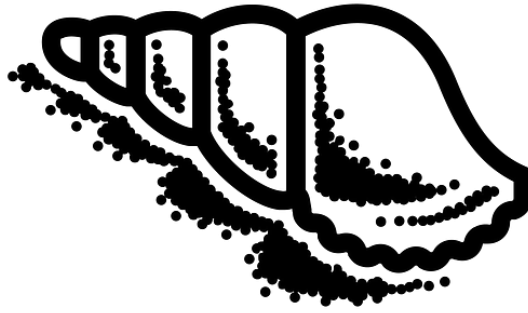




**Mornington
Peninsula Shire**

COUNCIL MEETING

TUESDAY, 14 APRIL 2026

6:30 PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

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

EXECUTIVE TEAM

Mr Mark Stoermer Ms Cheryl Casey Mr Andrew Pomeroy Mr Davey Smith Ms Kelly Gillies	Chief Executive Officer Director – Communities Director – Planning and Liveability Director – Assets and Infrastructure Chief of Staff
---	---

RECORDING

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

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING AND WELCOME	5
1.1	Acknowledgement of Country	5
2	PROCEDURAL MATTERS	6
2.1	Apologies	6
2.2	Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the <i>Local Government Act 2020</i>	6
2.3	Confirmation of Minutes	7
2.4	Councillor Briefing and Workshop Sessions.....	7
2.5	Petitions and Joint Letters	8
2.6	Public Question Time.....	9
3	COUNCILLORS AND DELEGATES REPORTS	12
4	MANAGEMENT REPORTS.....	13
	OFFICE OF THE CEO	13
4.1	Draft 2026/2027 Annual Budget	13
4.2	Request to attend Australian Tidy Towns Sustainability Awards 2026 – Councillor Max Patton	14
	ASSETS & INFRASTRUCTURE	15
4.3	Draft Long-Term Capital Works Plan	15
4.4	Proposed Lease to Telstra at Citation Reserve Mount Martha.....	16
4.5	Proposed Sale of Land – 71–75 High Street, Hastings.....	17
	PLANNING & LIVEABILITY	18
4.6	Planning Scheme Amendment C247morn and Planning Permits P23/2400 and P23/2402 (Woodbyne Residential Estate) – Consideration of Planning Panel report	18
4.7	P24/1892 – Development of a Dwelling and Vegetation Removal – 37 Bayview Road, Balnarring Beach, VIC 3926	21
4.8	Motorcycle Safety Levy Infrastructure Projects	28

4.9	Transport Infrastructure (including Road and School Safety) Advocacy Priorities.....	34
4.10	Response to Notice of Motion 504 – Pedestrian Link between Jetty Road and Cleek Crescent, Rosebud	35
5	NOTICES OF MOTION.....	36
6	URGENT BUSINESS	36
7	CONFIDENTIAL ITEMS	36
8	MEETING CLOSE	37

1 OPENING AND WELCOME

Meeting opened at 6.30pm

Appointed Chairperson – Deputy Mayor, Cr Paul Pingiaro

1.1 Acknowledgement of Country

(Read by Cr Roper)

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

2 PROCEDURAL MATTERS

Present

Deputy Mayor, Cr Paul Pingiaro (Chairperson)

Cr Andrea Allen

Cr Stephen Batty

Cr David Gill

Cr Max Patton

Cr Bruce Ranken

Cr Kate Roper

Cr Michael Stephens

Cr Cam Williams

Ms Rebecca McKenzie, Municipal Monitor

Ms Prue Digby, Municipal Monitor

Mr Mark Stoermer, Chief Executive Officer

2.1 Apologies

Mayor, Cr Anthony Marsh (Leave of Absence)

Cr Patrick Binyon (Apology)

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

Cr Patton, declared a Material, Conflict of Interest in regard to item 4.2, Request to Attend Australian Tidy Towns Sustainability Award 2026 – Councillor Max Patton, as Cr Patton is the subject of the report.

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meeting held on 17 March 2026, be confirmed.

COUNCIL DECISION

Moved: Cr Batty

Seconded: Cr Williams

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

2.4 Councillor Briefing and Workshop Sessions

RECOMMENDATION

That Council receives and notes the record of:

1. Councillor Workshop Sessions for 10 March 2026
2. Councillor Briefing Sessions for 31 March 2026

COUNCIL DECISION

Moved: Cr Roper

Seconded: Cr Allen

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

2.5 Petitions and Joint Letters

RECOMMENDATION

That Council receives and notes the Petition relating to limited dog access on Somers Beach.

COUNCIL DECISION

Moved: Cr Allen

Seconded: Cr Roper

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

2.6 Public Question Time

QUESTION WITH NOTICE

Intersection Upgrades

Peter Leonard, a resident of Mount Eliza, asked the following question:

Can the intersection at Tower Road / Nepean Highway / Volitans Avenue in Mount Eliza be placed on the list for review due to the number of accidents, reported and unreported, and the increasing number of near misses. There are multiple breaches of Road Law occurring on a daily basis adding to the Safety concerns here.

Council advised that the intersection of Tower Road, Nepean Highway and Volitans Avenue is managed by the Department of Transport and Planning (DTP). Therefore, any upgrades are their responsibility. There have been five reported crashes in the last five years at this intersection, four of which involved vehicles turning right. Three of these were serious injury crashes and two other injury crashes.

At the time that the DTP were installing the Pedestrian Operated Signals that are just north of Volitans Avenue intersection, intersection signals were considered. However, they were not considered feasible, and the existing pedestrian crossing was installed instead. The pedestrian signals have detector loops in Tower Road which turn the signals on when vehicles are waiting to turn out of Tower Road to improve safety and reduce queuing. Breaches of road regulations are best managed through enforcement by Victoria Police.

Council is currently developing a footpath project along Nepean Highway between Mornington Secondary College and Volitans Avenue, Mount Eliza. One of the key elements of the scope is the upgrade of the Volitans Avenue / Nepean Highway intersection. The proposal includes removal of the existing left-turn slip lane, provision of a short left-turn lane on Nepean Highway, and installation of a raised safety platform on the Volitans Avenue approach near the intersection. The goal of this treatment is to improve driver behaviour and reduce vehicle speeds when entering and exiting the intersection. The delivery of his project is subject to the availability of funding.

During last year's Shire wide road safety community consultation this intersection was raised by 2 community members. This intersection is included in the DTP Road Safety Advocacy List which can be seen in the Transport Infrastructure (including Road and School Safety) Advocacy Priorities report which is on tonight's agenda.

Motorcycle Safety Levy Projects

David Maddocks, a resident from Shoreham asked the following question:

The Red Hill Community Association believes Mornington Peninsula Shire Traffic Team did not identify the curve alignment markers (CAMs) installation as part of the “Visual Impact Assessment” and the CAMs strongly affect the visual character of the project areas. The CAMs are at 30m and 40m longitudinal separation. Can Council seek a reassessment of the CAM spacing?

Can Council request the Traffic Team to minimise the CAMs by setting the longitudinal placement in accordance with AS1742.2, section 4.5.2, Table 4.3 by which the current speed limits will allow 50m minimum separation and hence gain an overall ~40% reduction in CAMs.

Council advised The Visual Impact Assessment (VIA) did consider the use and placement of curve alignment markers (CAMs), including their spacing, as part of the design for each project site. This is reflected in the visualisations in the VIA which show a reduced number of CAMs in locations where safety barriers are proposed.

CAM spacing was also specifically reviewed in consultation with the Red Hill Community Association in early February. During development, the proposed CAM signage was assessed against AS1742.2-2022, which informed the required treatment and spacing considerations and contributed to a reduction in the overall number of CAM installations. As a result of this review and assessment process, the final design includes 19 fewer CAMs across the four project sites in the Green Wedge compared to existing conditions.

AS1742.2-2022 does not support the application of a uniform 50 metre spacing for CAMs. The standard requires spacing to be determined based on road environment, alignment, operating speed, and the function of the device, rather than a single prescriptive value. Table 3 of AS1742.2-2022, section 4.3.6.1 provides the relevant guidance for delineation treatments and does not prescribe or enable a 50 metre CAM spacing outcome for these locations.

On this basis, CAM spacing has been determined in accordance with the standard and there is no technical basis to further amend the spacing or seek a different outcome under AS1742.2-2022.

QUESTIONS WITHOUT NOTICE

The following questions were received without notice. Responses will be provided to submitters and published on the Shire website.

Waste Limit

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

Could Mornington Peninsula Shire consider reviewing the 3 cubic metre waste limit at Tyabb Resource Recovery Centre to avoid residents and businesses who are rejected at the gate for having over 3 cubic metres of waste from illegally dumping their waste around Tyabb, Hastings, Bittern and Crib Point?

Appointment of Municipal Monitors

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

Given differing public statements regarding who initiated the appointment of Municipal Monitors and whether the decision was politically motivated, can Council confirm the basis for the Monitor's appointment and provide a timeline of events?

3 COUNCILLORS AND DELEGATES REPORTS

Peninsula Advisory Committee for Elders (PACE) (Cr Williams)

Disability Advisory Committee (Cr Williams on behalf of Cr Binyon)

Climate Resilience Community Reference Group (Cr Gill)

Metropolitan Transport Forum (Cr Patton)

The Metropolitan Transport Forum met in March and April 2026. Councillor Patton and Shire Officer Peter Bourlotos attended both meetings as Shire delegates. The March meeting featured an advocacy workshop with representatives from Public Transport Users Association (PTUA), Victoria Walks, Better Buses, and Bicycle Network, focused on transport priorities ahead of the 2026 state election. Members participated in breakout groups across three modes, with key recommendations emerging around delivery of the State's Strategic Cycling Corridors, extension and increased frequency of bus services, and advocacy for 30 kilometre per hour (km/h) speed limits in residential streets. Mr Bourlotos represented the Shire in the public transport group, speaking to Western Port bus services and rail reform, and made contact with Bicycle Network's Alison McCormack to explore alignment between the Shire's Integrated Transport Strategy (ITS) and Strategic Cycling Corridor advocacy. Councillor Patton participated in the cycling and walking groups, raising the Peninsula Trail, the need for active transport to be central to the ITS, road renewal contracts that include cycling infrastructure provision, the Principal Pedestrian Network, state government footpath funding, and the use of the updated speed zoning policy to support 30 km/h trials around schools.

The April meeting featured a guest presentation by Professor Simon Kingham of the University of Canterbury, titled "Streets for People or Roads for Cars: How Low Cost Changes Can Reap Big Benefits." Professor Kingham presented research demonstrating that higher traffic volumes directly reduce social connection and neighbourly interaction, and that low-cost street changes can deliver significant community wellbeing benefits. Research also showed that while residents typically oppose street changes prior to implementation, opinions frequently shift positively once changes are in place, supporting the use of trials. He further noted that commonly cited disbenefits of cycling infrastructure, including impacts on property values and business activity, are not supported by the evidence. It is noted that the breakout format of the March workshop meant two significant Shire advocacy priorities, Southern Peninsula network planning and Western Port freight, were not able to be raised. It is hoped the May workshop, scheduled for 13 May 2026, will provide an opportunity to address these

4 MANAGEMENT REPORTS

OFFICE OF THE CEO

4.1 Draft 2026/2027 Annual Budget

RECOMMENDATION

That:

1. Council approves the Draft 2026/2027 Annual Budget being placed on public exhibition for a period of 4 weeks to seek community feedback.
2. Council notes a further report will be presented to Council seeking adoption of the 2026/2027 Annual Budget following the public exhibition period and will include a summary of community feedback and any proposed amendments to the Budget.
3. The Chief Executive Officer is authorised to make any administrative changes to the Draft 2026/2027 Annual Budget.

Moved: Cr Ranken

Seconded: Cr Batty

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

4.2 Request to attend Australian Tidy Towns Sustainability Awards 2026 – Councillor Max Patton

Attendance

Having disclosed a conflict of interest Cr Patton, left the meeting at 7.26pm and returned to the meeting at 7.33pm, after the matter had been finalised. Cr Patton, took no part in the discussion or voting on this item.

RECOMMENDATION

That Council approves the attendance of Councillor Max Patton at the Australian Tidy Towns Sustainability Awards 2026, to be held in Launceston, Tasmania from Friday 15 May to Sunday 17 May 2026, with the cost of registration, flights and accommodation to be met from Councillor Patton's Training, Conferences, Seminars and Events budget.

UPDATED RECOMMENDATION

That Council:

- 1. Approves the attendance of Councillor Max Patton at the Australian Tidy Towns Sustainability Awards 2026 to be held in Launceston, Tasmania from Friday 15 May to Sunday 17 May 2026.**
- 2. Notes the cost of registration, flights and accommodation to be met from Councillor Patton's Training, Conferences, Seminars and Events budget.**
- 3. Notes the final accommodation cost of \$271.54 is less than the amount of \$424 estimated in the Council Agenda.**

Moved: Cr Roper

Seconded: Cr Stephens

That the updated recommendation be adopted.

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

Against: Cr Allen

Carried

ASSETS & INFRASTRUCTURE

4.3 Draft Long-Term Capital Works Plan

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

RECOMMENDATION

That Council:

1. Approves the Draft Long-Term Capital Works Plan being placed on public exhibition for a period of 4 weeks to seek community feedback.
2. Notes that a further report will be presented to Council seeking final endorsement of the Long-Term Capital Works Plan following the public exhibition period and will include a summary of community feedback and any proposed amendments to the Long-Term Capital Works Plan.

Moved: Cr Patton

Seconded: Cr Williams

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

4.4 Proposed Lease to Telstra at Citation Reserve Mount Martha

RECOMMENDATION

That Council:

1. Pursuant to section 115 of the *Local Government Act 2020*, proposes to lease part of the land at 515 Nepean Highway, Mount Martha to Telstra Corporation Limited on the following terms:
 - A. A commencing rental of \$19,000 per annum plus GST
 - B. Fixed annual rental increase of 3 per cent
 - C. A term of approximately 3 years expiring on 22 March 2029
 - D. Permitted use as an equipment shelter
 - E. Such other terms and conditions as may be required by Council's Legal Counsel.
2. Notes the community engagement has been carried out in accordance with Council's community engagement policy.
3. Authorises the Manager – Assets, Buildings and Property to execute the lease.

Moved: Cr Ranken

Seconded: Cr Allen

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

4.5 Proposed Sale of Land – 71-75 High Street, Hastings**RECOMMENDATION**

That Council:

1. Resolves to commence statutory procedures pursuant to section 114 of the *Local Government Act 2020* (the Act) for the sale of the land from the reserve adjoining 71-75 High Street Hastings, shown as Lot 1 and 2 on PS931615 (Land).
2. Gives notice on Council's website of its intention to sell the Land to the owners of 71 High Street and 73-75 High Street, Hastings, by private treaty in accordance with Council's Disposal of Property Deemed 'Excess and/or Inappropriate' Policy.
3. As part of its community engagement process, invites written submissions on the proposed sale of the Land.
4. Resolves that a further report be presented to Council to determine whether to sell the Land in full, part of the Land or not to sell the Land. All submissions received will be considered in making this decision.

Moved: Cr Stephens

Seconded: Cr Roper

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

PLANNING & LIVEABILITY

4.6 Planning Scheme Amendment C247morn and Planning Permits P23/2400 and P23/2402 (Woodbyne Residential Estate) – Consideration of Planning Panel report

RECOMMENDATION

That Council:

1. Receives and considers the Planning Panel Report dated 17 November 2025 for combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 as at Attachment 2 to this report, in accordance with sections 27 and 96F of the *Planning and Environment Act 1987*.
2. Adopts Amendment C247morn to the Mornington Peninsula Planning Scheme with changes, including accepting all recommendations in the Planning Panel Report and additional minor drafting edits recommended by Shire officers pursuant to section 29 (1) of the of the *Planning and Environment Act 1987*, generally in accordance with Attachment 10 of this report, upon the later of:
 - A. All landowners of the Amendment land entering into an agreement under section 173 of the *Planning and Environment Act 1987* (section 173 Agreement) to Council's satisfaction and the agreement/s being recorded on the titles to the Amendment land. The section 173 Agreement must:
 - i. Implement the Woodbyne Precinct – Precinct Infrastructure Funding Plan prepared by Urban Enterprise (dated 19 March 2026, version 9) (Woodbyne PIFP) (as at Attachment 12).
 - ii. Secure the payment of a fixed financial contribution of \$500,000 (Monetary Payment) towards the cost of road, transport and pedestrian infrastructure upgrades to benefit the precinct in lieu of delivery of infrastructure items RD-02 and TR-03 by the first mover developer/subdivider before a statement of compliance is issued or development starts, noting the Monetary Payment is identified as item codes RD-02 and TR-03 in the Woodbyne PIFP.
 - iii. Provide that Council may apply the Monetary Payment to other road, transport and pedestrian infrastructure upgrades to benefit the precinct at Council's discretion.

4.6 (Cont.)

- B. Council entering a contract of sale for approximately 1,627 square metre (sqm) of Reserve No. 1 on PS346179 and vesting of alternate public open space in Council. The contract of sale and vesting of alternate public open space in Council must be to the satisfaction of Council as landowner.
- 3. Authorises the Director – Planning & Liveability to, upon the later of 2A and 2B above occurring, submit Amendment C247morn to the Minister for Planning for approval and gazettal pursuant to section 31(1) of the *Planning and Environment Act 1987*.
- 4. If 2A and 2B are not met by 14 April 2027, abandon the Amendment with effect from that date.
- 5. Delegates authority to the Director – Planning & Liveability to negotiate and enter into the section 173 Agreement referred to in 2A above on Council's behalf under section 173 of the *Planning and Environment Act 1987* and determine whether the agreement is to the satisfaction of Council as the responsible authority.
- 6. Recommends to the Minister for Planning that Planning Permits P23/2400 and P23/2402 at Attachment 10 are granted in accordance with section 96G of the *Planning and Environment Act 1987* and submits the proposed Permits P23/2400 and P23/2402 to the Minister for Planning in accordance with section 96H of the *Planning and Environment Act 1987*.
- 7. Determines that the Development Plan prepared in accordance with the proposed amended Schedule 25 to the Development Plan Overlay at Attachment 11 has been prepared to the satisfaction of the Responsible Authority.
- 8. Authorises the Director of Planning & Liveability to make any minor administrative or editorial changes to Attachment 10 of this report if required.
- 9. Notes that combined Planning Scheme Amendment C247morn and proposed Planning Permit P23/2400, proposes to (amongst other things):
 - A. Remove reserve status from the part of RES1 PS346179 located between 8 and 10 Woodbyne Crescent, Mornington
 - B. Develop that land for residential lots and roads
 - C. Vest replacement public open space in Council.

4.6 (Cont.)

10. Notifies the proponent and all submitters to combined Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 in writing of Council's decision.

Moved: Cr Ranken

Seconded: Cr Williams

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

ADJOURNMENT OF MEETING

That the meeting be adjourned at 8.07pm for a short recess.

RESUMPTION OF MEETING

That the meeting be resumed at 8.15pm.

4.7 P24/1892 – Development of a Dwelling and Vegetation Removal – 37 Bayview Road, Balnarring Beach, VIC 3926

RECOMMENDATION

Part A

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme (the Planning Scheme) and the *Planning and Environment Act 1987*, having considered all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P24/1892 be supported and the following issued:

Grant a Permit with the following permissions and conditions:

Planning Scheme Clause	Matter for which the permit has been granted
Clause 42.01-2 (Environmental Significance Overlay (ESO) 21)	Construct a building or construct or carry out works.
Clause 43.02-2 (Design and Development Overlay (DDO) 3)	Construct a building or construct or carry out works.
Clause 44.01-2 (Erosion Management Overlay (EMO)1)	Construct a building or construct or carry out works.
Clause 44.01-2 (EMO7)	Construct a building or construct or carry out works.

Conditions

Amended plans

- Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the Application but modified to show:

4.7 (Cont.)

- A. The retention of the *Corymbia maculata* (Spotted Gum) identified as Tree 1 within 'Tree Assessment and Development Impact Report' Version 1, Report Reference 24097 BAL. Prepared by Jarrad Miller dated: 11 November 2024.
- B. A Tree Management and Protection Plan (TMPP) prepared by a Level V (Australian Qualifications Framework (AQF)) Arborist in accordance with Australian Standard AS 4970-2025 Protection of Trees on Development Sites. The TMPP must include all retained trees on the subject site or adjoining land whose Notional Root Zones (NRZ) fall within the proposed development footprint (including any associated buildings, works or excavation), and demonstrate that the trees will remain viable during all stages of development. The report must include:
 - i. The appointment of a Level 5 Project Arborist.
 - ii. A design review including recommendations as to any design modifications, required setbacks, special construction methods, or special construction materials, required to ensure the trees will be protected and remain viable.
 - iii. A requirement for the footings of the architectural cladding within the NRZ of Tree 1 (Spotted Gum), to be engineered so that they use minimally intrusive screw piles (or similar) designed by an engineer, with holes to be dug by hand under the supervision of the project arborist and the position of the support poles and holes to be relocated to avoid structural or significant roots as required.
 - iv. A requirement for all excavation within the NRZ of Tree 1 to be undertaken under the direct supervision of the Project arborist, using a method which is minimally-destructive to tree roots.
 - v. Tree Protection Specifications (TPS) including:
 - a. A description of all tree protection fencing, special construction methods, special construction materials, and tree protection measures, which must be implemented and certified

4.7 (Cont.)

- b. A Supervision Timetable to ensure arboricultural oversight during critical stages of the development.
 - c. a Certification Document using a logical and sequential process.
- vi. A Tree Protection Plan (TPP) drawn to scale.
- C. A notation to be included on all site plans and ground floor plans stating that “The footings for the architectural cladding within the Tree Protection Zones (TPZ) of Tree 1 must be engineered using screw piles or similar, with all excavation to be dug by hand under the supervision of the project arborist in accordance with the Tree Management and Protection Plan”.
- D. Amended development plans which show any design modifications; amended setbacks; special construction methods; or special construction materials; required to comply with the recommendations resulting from conditions 1(b) without a reduction in the setback between the development and any common boundary.
- E. The geotechnical report must be amended, if requested, to the written satisfaction of the peer reviewer, and a copy of the amended geotechnical report and written confirmation from the peer reviewer lodged with the Responsible Authority.
- F. Written confirmation from the peer reviewer of the geotechnical report regarding their satisfaction that the amended Land Stability Assessment Report No: 1250229-1, Issue 2 has incorporated their comments.

Approved Development Not Altered

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

4.7 (Cont.)**Colours/Materials**

3. The materials and colours of the exterior finish of the building must be in accordance with the endorsed plans unless with the further permission of the Responsible Authority.

Finishes

4. Prior to the initial occupation of the dwelling external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.

Disturbed Surfaces

5. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.

Driveway/Crossover

6. A driveway must be provided to the land and surfaced to the satisfaction of the Responsible Authority. It must be completed prior to the initial occupation of the dwelling.

Environmental Health

7. All sewerage and sullage wastewater must be discharged into a reticulated sewerage system to the satisfaction of the Responsible Authority prior to occupation of the dwelling.

Tree Protection

8. Prior to the commencement of any demolition, excavation or works and during all stages of development, the TPZ, tree protection fencing, recommendations, design modifications, required setbacks, special construction methods, special construction materials and tree protection measures identified in the approved TMPP must be implemented, complied with, and certified to the satisfaction of the Responsible Authority. A final certified copy of the TPP, demonstrating that compliance with the plan has been implemented and achieved must be prepared and made available at the reasonable request of a statutory authority.
9. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons

4.7 (Cont.)

operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.

10. No trenching or soil excavation is to occur within the NRZ of retained trees during development unless shown on the endorsed plans, without the prior written consent of the Responsible Authority.

Engineering

11. Before any works associated with the development starts, detailed construction plans of the dwelling must be completed in accordance with planning permit conditions, endorsed plans and the recommendations of the geotechnical report.
12. Any proposed changes to the building footprint or modifications after the date of the report must include a written response from the geotechnical consultant and be submitted to the Responsible Authority to be endorsed.
13. The dwelling and retaining walls must be designed and constructed in accordance with the planning permit conditions, endorsed plans, and recommendations of the peer reviewed geotechnical report.
14. All retaining walls must be designed by a qualified structural engineer in accordance with the recommendations of the geotechnical report.
15. All sites cut and fill batter slopes must be in accordance with the recommendations of the geotechnical report.
16. No watering systems are permitted in the potentially unstable areas.
17. A drainage surcharge route within the development to avoid inundation of the dwelling.
18. All stormwater and subsoil drainage must be directed to a legal point of discharge.
19. Prior to the commencement of any works for the development, a Form A 'Geotechnical Declaration and Verification Development Application' in accordance with the Australian Geomechanics Society (AGS) 'Practice Note Guidelines for Landslide Risk Management 2007' must be completed by a Specialist Geotechnical Engineer or a Specialist Engineering Geologist as

4.7 (Cont.)

defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007', and a copy lodged with the Responsible Authority.

20. Prior to the commencement of any works for the development, a Form B 'Structural/Civil/Geotechnical Engineering Declaration' in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007' must be completed by a Structural Engineer Registered as a Civil or Structural Endorsed Building Engineer with the Victorian Business Licencing Authority and also a Specialist Geotechnical Engineer or a Specialist Engineering Geologist as defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007', and a copy lodged with the Responsible Authority.
21. Prior to the occupation of the development, a Form F 'Geotechnical Declaration Final Structural / Civil Certificate', along with 'as constructed' documents in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007' must be completed by a Structural Engineer Registered as a Civil or Structural Endorsed Building Engineer with the Victorian Business Licencing Authority, and a copy lodged with the Responsible Authority.
22. Prior to the occupation of the building, a Form G 'Final Geotechnical Certificate' in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007' must be completed by a Specialist Geotechnical Engineer or Specialist Engineering Geologist as defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007', and a copy lodged with the Responsible Authority.

Expiry

23. This permit will expire if one of the following circumstances applies:
 - A. The development is not started within 3 years of the issued date of this permit.
 - B. The development is not completed within 5 years of the issued date of this permit.

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

4.7 (Cont.)

Part B

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

Moved: Cr Gill

Seconded: Cr Roper

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

4.8 Motorcycle Safety Levy Infrastructure Projects

RECOMMENDATION

That Council:

1. Endorses scope changes to the following four projects (as per Attachment 8):
 - A. Main Creek Road, Main Ridge
 - B. Browns Road, Main Ridge
 - C. Baldrys Road, Main Ridge
 - D. Shands Road, Shoreham
2. Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following six projects (subject to Department of Transport and Planning (DTP) approving the proposed scope changes for projects a) and b):
 - A. Main Creek Road, Main Ridge
 - B. Browns Road, Main Ridge
 - C. Baldrys Road, Main Ridge
 - D. Shands Road, Shoreham
 - E. Hodgins Road and Carpenters Lane intersection, Hastings
 - F. Tyabb-Tooradin Road, Pearcedale
3. Abandons the Main Creek Road, Main Ridge and Browns Road, Main Ridge projects if the Department of Transport and Planning does not approve the proposed scope changes (as per Attachment 8).
4. Accepts construction funding through the MSL Program for the follow 2 projects should they receive a construction funding offer:
 - A. Bayview and Old Cape Schanck Road intersection, Rosebud
 - B. Browns and Jetty Road intersection, Boneo

Moved: Cr Ranken

Seconded: Cr Batty

That the motion be voted on in parts.

4.8 (Cont.)

ADJOURNMENT OF MEETING

That the meeting be adjourned at 8.32 pm for a short recess.

RESUMPTION OF MEETING

That the meeting be resumed at 8.36pm.

AMENDMENT

- 5. Investigates the provision of low-cost-wildlife-strike mitigation measures for the locations where MSL construction funding for guard rail is accepted, including (but not limited to) speed limit reductions, enhanced road markings, targeted signage, virtual fencing and considers funding for any recommended measures through Council's annual budget process. Noting such treatments are not eligible for funding through the MSL program.**

Moved: Cr Patton

Seconded: Cr Roper

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

Against: Nil

Carried Unanimously

The Amendment became part of the Substantive Motion.

The Motion was then voted on in parts.

That Council:

- 1. Endorses scope changes to the following four projects (as per Attachment 8):**
- A. Main Creek Road, Main Ridge**
 - B. Browns Road, Main Ridge**
 - C. Baldrys Road, Main Ridge**
 - D. Shands Road, Shoreham**

For: Cr Stephens, Cr Williams, Cr Allen, Cr Patton, Cr Roper and Deputy Mayor, Cr Pingiaro

Against: Cr Gill, Cr Ranken and Cr Batty

4.8 (Cont.)

Carried

2. Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following projects (subject to Department of Transport and Planning (DTP) approving the proposed scope changes for projects a) and b):

A. Main Creek Road, Main Ridge

For: Cr Williams, Cr Allen, Cr Ranken and Deputy Mayor, Cr Pingiaro

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

Lost

2. Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following projects (subject to Department of Transport and Planning (DTP) approving the proposed scope changes for projects a) and b):

B. Browns Road, Main Ridge

For: Cr Stephens, Cr Allen, Cr Ranken and Deputy Mayor, Cr Pingiaro

Against: Cr Gill, Cr Williams, Cr Batty, Cr Patton and Cr Roper

Lost

2. Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following projects (subject to Department of Transport and Planning (DTP) approving the proposed scope changes for projects a) and b):

C. Baldrys Road, Main Ridge

For: Cr Stephens and Deputy Mayor, Cr Pingiaro

Against: Cr Gill, Cr Williams, Cr Allen, Cr Ranken, Cr Batty, Cr Patton and Cr Roper

Lost

2. Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following projects (subject to Department of Transport and Planning (DTP) approving the proposed scope changes for projects a) and b):

D. Shands Road, Shoreham

4.8 (Cont.)

For: Deputy Mayor, Cr Pingiaro

Against: Cr Gill, Cr Stephens, Cr Williams, Cr Allen, Cr Ranken, Cr Batty, Cr Patton and Cr Roper

Lost

- 2. Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following projects (subject to Department of Transport and Planning (DTP) approving the proposed scope changes for projects a) and b):**

E. Hodgins Road and Carpenters Lane intersection, Hastings

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

Against: Nil

Carried Unanimously

- 2. Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following projects (subject to Department of Transport and Planning (DTP) approving the proposed scope changes for projects a) and b):**

F. Tyabb-Tooradin Road, Pearcedale

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

Against: Nil

Carried Unanimously

- 3. Abandons the Main Creek Road, Main Ridge and Browns Road, Main Ridge projects if the Department of Transport and Planning does not approve the proposed scope changes (as per Attachment 8).**

VOID

- 4. Accepts construction funding through the MSL Program for the follow 2 projects should they receive a construction funding offer:**

A. Bayview and Old Cape Schanck Road intersection, Rosebud

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

4.8 (Cont.)

Against: Nil

Carried Unanimously

- 4. Accepts construction funding through the MSL Program for the follow 2 projects should they receive a construction funding offer:**

B. Browns and Jetty Road intersection, Boneo

For: Cr Gill, Cr Stephens, Cr Williams, Cr Allen, Cr Ranken, Cr Batty, Cr Roper and Deputy Mayor, Cr Pingiaro

Against: Cr Patton

Carried

- 5. Investigates the provision of low-cost-wildlife-strike mitigation measures for the locations where MSL construction funding for guard rail is accepted, including (but not limited to) speed limit reductions, enhanced road markings, targeted signage, virtual fencing and considers funding for any recommended measures through Council's annual budget process. Noting such treatments are not eligible for funding through the MSL program.**

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

Against: Nil

Carried Unanimously

For clarity the Council Decision is repeated below.

COUNCIL DECISION

That Council:

- 1. Endorses scope changes to the following four projects (as per Attachment 8):**
- A. Main Creek Road, Main Ridge**
 - B. Browns Road, Main Ridge**
 - C. Baldrys Road, Main Ridge**
 - D. Shands Road, Shoreham**

4.8 (Cont.)

2. **Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following projects:**
 - A. **Hodgins Road and Carpenters Lane intersection, Hastings**
 - B. **Tyabb–Tooradin Road, Pearcedale**
3. **Accepts construction funding through the MSL Program for the follow 2 projects should they receive a construction funding offer:**
 - A. **Bayview and Old Cape Schanck Road intersection, Rosebud**
 - B. **Browns and Jetty Road intersection, Boneo**
4. **Investigates the provision of low-cost-wildlife-strike mitigation measures for the locations where MSL construction funding for guard rail is accepted, including (but not limited to) speed limit reductions, enhanced road markings, targeted signage, virtual fencing and considers funding for any recommended measures through Council’s annual budget process. Noting such treatments are not eligible for funding through the MSL program.**

Carried

4.9 Transport Infrastructure (including Road and School Safety) Advocacy Priorities

RECOMMENDATION

That Council:

1. Notes the road and school safety locations and community sentiment (Attachment 1 and 2) and that these will be shared with the State Government to demonstrate locations of concern.
2. Endorses the Transport Infrastructure Priorities, as at Attachment 3, as the priority for ongoing advocacy and for the State election.
3. Endorses further investigation and community consultation for potential 30 kilometre per hour speed limit trials around Tootgarook Primary School, Mount Martha Primary School and Eastbourne Primary School noting that a report will be presented to Council once this has been completed for a decision on whether to proceed with the trials.

Moved: Cr Gill

Seconded: Cr Williams

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

Ms Prue Digby left the meeting at 9.30pm and did not return.

4.10 Response to Notice of Motion 504 – Pedestrian Link between Jetty Road and Cleek Crescent, Rosebud

RECOMMENDATION

That Council:

1. Notes the assessment of the missing pedestrian link between Jetty Road and Cleek Crescent, including its indicative mid-range priority ranking and identified constraints.
2. Notes that the funding options include a community initiated Special Charge Scheme or funding through Council's annual budget considerations.

Moved: Cr Patton

Seconded: Cr Gill

That the recommendation be adopted.

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

Against: Nil

Carried Unanimously

5 NOTICES OF MOTION

Nil.

6 URGENT BUSINESS

Nil.

7 CONFIDENTIAL ITEMS

Nil.

8 MEETING CLOSE

As there was no further business, the meeting closed at 9.44pm

Confirmed this 12th day of May, 2026.

.....

Deputy Mayor, Cr Paul Pingiaro, Chairperson – Council