

**MINUTES OF MORNINGTON SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MISSION ROAD, GUNUNA
ON WEDNESDAY, 17 NOVEMBER 2021 AT 9AM**

1 OPENING OF MEETING

The meeting was opened by Mayor Kyle Yanner at 9.09am.

2 ACKNOWLEDGMENT OF COUNTRY

I would like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Lardil people of Mornington Island and pay our respects to Elders past and present. We would also like to acknowledge the Kaiadilt and Yangkaal people who share our homelands

3 PRESENT

Mayor Kyle Yanner, Cr Dwayne Rogers, Deputy Mayor David Barnes, Cr Roxanne Thomas, Cr Bob Thompson, Mr Adam Seiler arrived 9.24am

Ronald Nichols (Mr), David Sechtig (Mr), Geffrey Rewald (Mr), Elizabeth Mitchell (Ms), Violet Taulanga (Ms), Jim Evans (Mr), Kristy Nau (Ms), Jo Fiorenza (Ms) (Minute Taker)

4 LEAVE OF ABSENCE

Tayla Wilson (Miss)

5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF

Nil

6 CONDOLENCES AND MEMORIALS

One minute Ssilence for recent youth life lost

7 CONFIRMATION OF MINUTES**7.1 CONFIRMATION OF MINUTES - COUNCIL MEETING - 20 OCTOBER 2021****RESOLUTION 2021/93**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

1. That the Minutes of the Council held on Wednesday 20 October 2021 be received and the recommendations therein be adopted.

CARRIED 5/0

7.2 CONFIRMATION OF MINUTES - COUNCIL MEETING - 11 OCTOBER 2021**RESOLUTION 2021/94**

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

1. That the Minutes of the Council held on Monday 11 October 2021 be received and the recommendations therein be adopted.

CARRIED 5/0

8 DEPUTATIONS

Presentation by Luke Bowering Principal Mornington Island State School including update on recent school attendance statistics and briefing on future curriculum planning strategies. Separate meeting to be held early December with all stakeholders for input to plan.

Apprenticeship completion strategies audio link presentation by Phoebe Burgess Regional Director North Queensland Department of Employment, Small Business and Training.

9 ACTION SCHEDULE

Refer to attached schedule report 11.4.

RECEPTION & CONSIDERATION OF OFFICERS REPORTS

10 MAYOR AND COUNCILLORS REPORTS

Nil

11 CHIEF EXECUTIVE OFFICER'S REPORTS

11.1 BUILDING OUR REGIONS ROUND 6 - WATER SECURITY

Two components to grant submission.

1. Dam expansion
2. Water sewerage plant

David Sechtig to add in-kind aspects to grant submission.

RESOLUTION 2021/95

Moved: Cr Dwayne Rogers

Seconded: Deputy Mayor David Barnes

That Council receive and note the contents of the report and the minutes of the Water Security meeting held on 26/10/2021.

CARRIED 5/0

11.2 LOCAL DISASTER MANAGEMENT PLANNING DOCUMENTS

Minor adjustments to plan and changes made at meeting.

RESOLUTION 2021/96

Moved: Deputy Mayor David Barnes

Seconded: Cr Bob Thompson

That: Council receive and adopt

- (a) the Local Disaster Management Plan 2021/22 and
- (b) the Community Disaster Management Plan – Evacuation Sub Plan
- (c) and that consideration be given to including any additional amounts of funding required at the 2021/22 six-month budget review process.

CARRIED 5/0

11.3 WORKPLACE HEALTH AND SAFETY REPORT OCTOBER 2021

Tony Walters on Island and meeting with CEO 22/11/21.

Elections for WHSR and training for representatives and supervisors being arranged.

Looking to improve batching plant and radio network.

RESOLUTION 2021/97

Moved: Cr Bob Thompson

Seconded: Cr Dwayne Rogers

That Council receive and note the report

CARRIED 5/0

11.4 ACTION SCHEDULE

RESOLUTION 2021/98

Moved: Cr Bob Thompson

Seconded: Mayor Kyle Yanner

That Council accepts updated Action Schedule.

CARRIED 5/0

12 STAFF REPORTS - FINANCIAL SERVICES

12.1 FINANCIAL REPORT AS AT 31 OCTOBER 2021

At 9:51 am, Mr Adam Seiler left the meeting.

At 9:54 am, Mr Adam Seiler returned to the meeting.

Expression of Interest to be put out for Kiosk tenders.

Cash equivalents from funding against capital projects, housing revenue and cash flow explained.

RESOLUTION 2021/99

Moved: Deputy Mayor David Barnes

Seconded: Cr Dwayne Rogers

That Council receives and notes this report.

CARRIED 5/0

Break at 10.02am

Meeting resumed at 10.35am

Deputation - Phoebe Burges, Jeanie McIntosh and Shelly Cooper from Department of Employment, Small Business and Training regarding Apprenticeship Completion Strategies

Suggestions included:

Explanation given on future planning strategies

Visual assessment/competency based with less classroom style learning

More support on Island to have Tafe trainers come to Island for theory learning as the apprentices are not suited to attend Tafe off Island

Builders on mainland to take on Apprentices for practical assessments

Cowboys house and school holiday programs

Invite to meeting with education stakeholders early December

At 10:57 am, Mayor Kyle Yanner left the meeting.

At 11:03 am, Mayor Kyle Yanner returned to the meeting.

12.2 COMMUNITY DEVELOPMENT ACTIVITIES

Meeting regarding permit to be held 13/12/21

RESOLUTION 2021/100

Moved: Cr Dwayne Rogers

Seconded: Deputy Mayor David Barnes

1. That Council receive and note the Community Development Report – November 2021.
2. That Council provide “in principle” support for the submission of the 3 applications for a Community Liquor Permit

CARRIED 5/0

At 11:13 am, Cr Roxanne Thomas left the meeting.

At 11:16 am, Cr Roxanne Thomas returned to the meeting.

13 STAFF REPORTS - GOVERNANCE AND COMMUNICATIONS

13.1 LOCAL LAW NO. 2 (ANIMAL MANAGEMENT)

Discussion on roaming pigs and off lease dogs to be a priority following the containment of horses.

At 11:26 am, Cr Roxanne Thomas left the meeting.

At 11:27 am, Cr Roxanne Thomas returned to the meeting.

RESOLUTION 2021/101

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That Council resolves:

1. pursuant to section 29(2) of the *Local Government Act 2009* (“**the Act**”), to adopt *Amending Subordinate Local Law No. 1 (Animal Management) 2021* in the format considered at Council’s meeting (“**Amending Subordinate Local Law**”);
2. to delegate to the Chief Executive Officer the power to take all steps necessary to publish the Amending Subordinate Local Law, and consolidated versions of the Subordinate Local Law which the Amending Subordinate Local Law amend, in accordance with sections 29B and 32 of the Act.

CARRIED 5/0

13.2 COUNCILLOR EXPENSES REIMBURSEMENT POLICY

Policy and procedure have been separated.

RESOLUTION 2021/102

Moved: Cr Bob Thompson

Seconded: Deputy Mayor David Barnes

That:

1. Council adopt the Councillor Expenses and Reimbursement Policy as attached
2. The newly adopted Councillor Expenses and Reimbursement Policy is uploaded to Council’s document management system and website

CARRIED 5/0

13.3 VEHICLE POLICY

RESOLUTION 2021/103

Moved: Cr Dwayne Rogers

Seconded: Deputy Mayor David Barnes

That:

1. Council adopt the Vehicle Policy as attached
2. The newly adopted Vehicle policy is uploaded to Council’s document management system and website

CARRIED 4/0

13.4 ENTERTAINMENT AND HOSPITALITY POLICY

RESOLUTION 2021/104

Moved: Cr Roxanne Thomas

Seconded: Mayor Kyle Yanner

That:

1. Council adopt the Entertainment and Hospitality Policy as attached
2. The newly adopted Entertainment and Hospitality Policy is uploaded to Council's document management system and website

CARRIED 6/0

13.5 CORPORATE PLAN DEVELOPMENT SCHEDULE

Next plan to be drafted and reviewed prior to budget scheduled for July 2022.

RESOLUTION 2021/105

Moved: Cr Roxanne Thomas

Seconded: Cr Bob Thompson

That Council notes and adopts the proposed schedule for the development of the next Corporate Plan, as attached.

CARRIED 5/0

Break 11:37am

Meeting resumed 12:37pm

At 12:37pm, Cr Roxanne Thomas left the meeting.

14 STAFF REPORTS - INFRASTRUCTURE & TECHNICAL SERVICES

14.1 DRAFT-CUSTOMER SERVICE STANDARDS 21

Standards document both internal and external obligations.

RESOLUTION 2021/106

Moved: Cr Bob Thompson

Seconded: Deputy Mayor David Barnes

That the Council adopts the Mornington Shire Council - CUSTOMER SERVICE STANDARDS 2021-2025.

CARRIED 4/0

14.2 STAFF AND CONTRACTOR- TROPICAL CYCLONE AND NATURAL DISASTER MANAGEMENT PLAN

RESOLUTION 2021/107

Moved: Cr Bob Thompson

Seconded: Cr Dwayne Rogers

That the Council adopts the Mornington Shire Council - Staff and Contractor- Tropical Cyclone and Natural Disaster Management Plan 2021.

CARRIED 5/0

14.3 DRINKING WATER QUALITY POLICY

RESOLUTION 2021/108

Moved: Cr Bob Thompson
Seconded: Mayor Kyle Yanner

That the Council adopts the Mornington Shire Council - Drinking Water Quality Policy 2021.

CARRIED 4/0

14.4 WATER SUPPLY - INCIDENT AND EMERGENCY RESPONSE PLAN

RESOLUTION 2021/109

Moved: Mayor Kyle Yanner
Seconded: Cr Dwayne Rogers

That the Council adopts the Mornington Shire Council - Water Supply - Incident and Emergency Response Plan.

CARRIED 4/0

14.5 DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) FOR PROPOSED DEVELOPMENT OF LOT 9 AND 10 SP247300 CORNER OF LARDIL AND JINKIYA STREETS MORNINGTON ISLAND

SECTION 60 AND 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (OFFICE, OUTDOOR SPORT AND RECREATION AND COMMUNITY USE), RECONFIGURING A LOT (REALIGNMENT OF BOUNDARIES) AND OPERATIONAL WORKS (EARTHWORKS)

RESOLUTION 2021/110

Moved: Deputy Mayor David Barnes
Seconded: Mayor Kyle Yanner

That **Council:**

1. **note** that the public were consulted and provided with information on the proposed development through:
 - a. Notification period 1 October to 22 October 2021
 - b. Two notices posted on the development site, Lot 9
 - c. Notices posted on the community notice boards
 - d. Notices on the council's website
 - e. Notice to the adjoining lessee, Lot 10
 - f. Notices on the councils Facebook page
 - g. Availability of the development application to the community at the council office.
2. **approve** (subject to conditions):
 - a. The Development Application lodged with Council by Remote Indigenous Land and Infrastructure Program Office of the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships on behalf of the Mornington Shire Council for:

- i. Material Change of Use of Lot 9 on SP247300 to permit ‘Staged Development’ within the Centre Zone for:
 - Mornington Shire Council Administration Office and Parking Area
 - Future Enterprise Hub and Business Incubator and Serviced Offices
 - Outdoor Sport and Recreation:
 - Splash Park
 - Community Use:
 - Cyclone Shelter
 - Entertainment Centre
 - Training Centre
 - Community Space, and
 - Library.
- ii. A Staged Development, planned to occur as and when finances become available with indicative stages:
 - Stage 1: Mornington Shire Council Administration Office and parking area
 - Stage 2. Realignment of Boundaries
 - Stage 3: Firepit, Amphitheatre and Ceremony Space
 - Stage 4: Splash Park
 - Stage 5-7: Small Business Area
- iii. Reconfiguring a lot (Realign common boundary between Lot 9 and Lot 10 on SP247300 to align with existing palisade fencing between Lot 9 and Lot 10 and to contain the existing drainage/on-site stormwater infrastructure within Lot 9).
- iv. Operational Works (Earthworks) to prepare land for the construction of the facilities.

Subject to the below conditions:

CONDITIONS OF APPROVAL		TIMING								
(1)	<p>Administration</p> <p>1.1 The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.2 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.3 The development must unless stated, be designed, constructed, and maintained in accordance with relevant Council policies, guidelines, and standards, the conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.</p>	At all times								
(2)	<p>Currency Period</p> <p>The currency period applicable to this approval is 6 years.</p>	As per condition								
(3)	<p>Approved Site Drawings</p> <p>3.1 The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:</p>	At all times								
<table border="1"> <thead> <tr> <th>Plan / Document Name</th> <th>Drawing Number</th> <th>Issue</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Plan / Document Name	Drawing Number	Issue	Date				
Plan / Document Name	Drawing Number	Issue	Date							

Concept Site Development Plan Mornington Shire Council Administration Office & Parking Area, Future Enterprise Hub, Business Incubator, Serviced Offices, Sport and Recreation (Splash Park) and Community Uses	Dwg 1	N/A	21.10.2021
Proposed Boundary Realignment Proposed Administration Centre Relocation Project Detail Feature Contour & As Constructed Survey Gununa	2 1036/DTM /01	N/A	24/06/2021
Cultural Heritage Significant Tree within Lardill Street Road Reserve and existing	Photos x 2	N/A	02/06/2021

3.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

3.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.

(4) Construction and Soil Excavation

As per condition

4.1 Any cranes or other equipment used during construction are not to exceed 5 meters in height due to the Morning Airport Take-off / approach path RWY 09/27 5 meter height restriction.

4.2 Any soil excavated below 5 m AHD to be tested for acid sulfate in accordance with the National Acid Sulfate Soil Sampling and Identification Methods Manual / Queensland Acid Sulfate Soil Technical Manual.

4.3 Any construction work associated with this development shall be carried out in accordance with sound engineering practice.

4.4 No nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.

4.5 Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.

4.6 Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.

4.7 A traffic Management Plan be completed prior to construction commencement of construction to the satisfaction of the Chief Executive Officer.

(5) Infrastructure and Damage to Infrastructure

At all times

5.1 All new infrastructure services to be designed in accordance with relevant Council policies, guidelines, and standards, the conditions of approval, the requirements of Council's Planning Scheme and best practice engineering.

5.2 In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.

5.3 All works must be completed prior to the issue of a Compliance Certificate, Building Act.

(6) Drainage

At all times

6.1 The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.

6.2 Any works as a result of the development must not interfere with natural

- stormwater flow over or through the land.
- 6.3 Drainage Management Plan must be provided, compliant with Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer prior to commencement of works on the site. Prior to the commencement of work
- (7) **Car Parking and Access** Prior to the commencement of the use
- 7.1 The proposed parking of 20 spaces is sufficient for Stage 1 only. Further stages of development are to provide additional carparking commensurate to the proposed floor area and demonstrated at the time of detailed design, and prior to approval of the subsequent Building Approval (Certification).
- 7.2 Access must be provided/constructed in accordance with Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.
- 7.3 Bicycle and Vehicle parking requirements and Parking Design must meet the requirements of the Australian Standards.
- (8) **Infrastructure Services** At all times
- 8.1 Water supply must be provided to the site or demonstrate that such is already in existence.
- 8.2 Sewer connection or suitable alternative on-site treatment must be provided to the site or demonstrate that such is already in existence.
- 8.3 Electricity provision certificate must be provided to the Local Authority.
- 8.4 Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority or demonstrate that such is already in existence.
- (9) **Fire Hydrants and Fire and Emergency Access** At all times
- 9.1 Fire Hydrants are to be installed and located to enable fire services to access water safely, effectively, and efficiently.
- 9.2 Road widths, and construction within the development are to be adequate for fire emergency vehicles to gain access to a safe working area.
- 9.3 Fire Hydrants are suitably identified so that fire services can locate them at all hours.
- (10) **Hazardous Materials** At all times
- 10.1 The development must manage the use, storage and disposal of hazardous material and prescribed hazardous chemicals in such a manner to minimise the potential contamination of ground water.
- (11) **Landscaping and Fencing** Prior to the commencement of the use.
At all times
- 11.1 Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites.
- 11.2 The landscaping and fencing must be maintained to an appropriate standard.
- (12) **Cultural Heritage** At all times
- 12.1 A Tree situated within the Lardil Street Road Reserve is of Cultural Heritage Significance to the community and must be retained in its current state.
- (13) **Building and Structure Height Restriction** At all times
- 13.1 Buildings or other structures are not to exceed a maximum of 5 meters due to the take-off / approach path RWY 09/27 (Area A: Maximum – 5 meters)
- 13.1 Due to the proximity to the Mornington Airport, the development must comply

with Australia Standard AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.

Recommended:

R.1 Installation of Bicycle Racks for Cyclists including visitors to the numerous attractors onsite and Employees.

R.2 Instillation of End of trip cycling facilities (shower and lockers) for employee use.

R.3 Construction of footpaths that ensure safe interactions for cyclists, pedestrians, wheelchairs and disability scooters and prams etc. (The Mornington Island Master Plan 2020 has published the Mornington Island community’s aspirations to have a safe all-abilities pedestrian access established on Lardil Street linking the Festival Grounds, the Lardil Street Shops, Civic Centre and the Health Precinct within the Town Centre Precinct Plan area. This proposal will advance the Precinct Plan’s walkability aspirations).

CARRIED 4/0

14.6 DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) FOR PROPOSED RECONFIGURATION OF LOT 172 WENKA STREET MORNINGTON ISLAND 172SP270889

SECTION 60 AND 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR RECONFIGURING OF ONE LOT INTO TWO LOTS IN THE GENERAL RESIDENTIAL ZONE

RECOMMENDATION

That Council approve:

- a. Reconfiguring of Lot 172 Wengka Street 172SP270889 from one (1) into two (2) lots being Lot A 172 and Lot B 172 Wengka Street Mornington Island for residential purposes in the General Residential Zone.

Subject to the below conditions:

CONDITIONS OF APPROVAL		TIMING
(1)	<p>Administration</p> <p>1.1 The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.2 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.3 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards;</p> <p>1.4 The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.</p>	At all times
)	<p>Currency Period</p> <p>The currency period applicable to this approval is 4 years.</p>	As per condition
(3)	<p>Approved Site Drawings</p> <p>3.1 The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:</p>	At all times

Initial: _____

Plan / Document Name	Drawing Number	Date
Proposed Reconfiguration of Lot 172 on SP270889	172SP270889	18/10/2021

- 3.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 3.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.

- (4) **Construction** At all times
- 4.1 Any construction work associated with this development shall be carried out in accordance with sound engineering practice.
- 4.2 No nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.
- 4.3 Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.
- 4.4 Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.
- (5) **Damage to Infrastructure** At all times
- 5.1 In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.
- (6) **Drainage** At all times
- 6.1 The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.
- 6.2 Any works as a result of the development must not interfere with natural stormwater flow over or through the land.
- (7) **Access** Prior to the commencement of the use.
- 7.1 Access provision to the development must be provided/constructed in accordance with best practise engineering principles and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.
- (8) **Infrastructure Services** At all times
- 8.1 Water Supply connection or suitable alternative adequate water supply must be provided to the site.
- 8.2 Sewer connection or suitable alternative on-site treatment must be provided to the site.
- 8.3 Electricity provision certificate must be provided to the Local Authority.
- 8.4 Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.
- (9) **Landscaping and Fencing** Prior to the
- 9.1 Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites.

9.2 The landscaping and fencing must be maintained to an appropriate standard. commencement of the use.
At all times

Reasons for Decision

The proposed development is considered to be consistent with the following and relevant overall outcomes of the Planning Scheme, in particular:

- The proposed lots A and B are located within the General Residential Zone, are surrounded by existing residential land, the proposal can be considered to be consistent with the surrounding land uses and best use of the lot.
- All services are available for connection to the proposed lots which is a cost effective and efficient use of resources.
- The proposed development will assist in the provision of residential land in the community.
- The Subject Site is not impacted upon by Natural Hazards.
- The design of the allotments takes into consideration liveable communities principals as it forms part of densification and is located next to a collector road that make provision for shared pathways.

RESOLUTION 2021/111

Moved: Cr Dwayne Rogers
Seconded: Mayor Kyle Yanner

That Councils accepts the recommendation as outlined in this report.

CARRIED 4/0

14.7 DEVELOPMENT APPLICATION (SECTION 51 OF THE PLANNING ACT 2016) FOR PROPOSED RECONFIGURATION OF LOTS AT LARDIL AND WENGKA STREETS, GUNUNA, LOT 925SP270889

SECTION 60 AND 63 OF THE PLANNING ACT 2016, DEVELOPMENT PERMIT FOR RECONFIGURING OF ONE LOT INTO TWO LOTS IN THE GENERAL RESIDENTIAL ZONE

RESOLUTION 2021/112

Moved: Cr Dwayne Rogers
Seconded: Cr Bob Thompson

That **Council approve:**

- ii) The Reconfiguration of:
 - a. Lardil & Wengka Streets, Lot 925 SP270889 from one (1) into two (2) lots
 - b. Lot A (528m²) for residential purposes and balance lot (259m²) to be used for the protection of existing council Infrastructure and Open Space purposes.

Subject to the below conditions:

CONDITIONS OF APPROVAL	TIMING
(1) Administration 1.1 The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: 1.2 The specifications, facts and circumstances as set out in the application	At all times

Initial: _____

submitted to Council, including recommendations and findings confirmed within relevant technical reports;

- 1.3 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards;
- 1.4 The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.

) **Currency Period**

The currency period applicable to this approval is **4 years**. As per condition

(3) **Approved Site Drawings** At all times

3.1 The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:

Plan / Document Name	Drawing Number	Date
Proposed Reconfiguration of Lot 925 on SP270889	105	08/09/2021

- 3.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 3.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.

(4) **Construction** At all times

- 4.1 Any construction work associated with this development shall be carried out in accordance with sound engineering practice.
- 4.2 No nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.
- 4.3 Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.
- 4.4 Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.

(5) **Damage to Infrastructure** At all times

5.1 In the event that any part of Council’s infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced, at no cost to Council.

(6) **Drainage** At all times

- 6.1 The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.
- 6.2 Any works as a result of the development must not interfere with natural stormwater flow over or through the land.

(7) **Access** Prior to the commencement

7.1 Access provision to the development must be provided/constructed in commencement

accordance with best practise engineering principles and to the satisfaction of the use. of the Chief Executive Officer or demonstrate that such is already in existence.

- | | | |
|------|---|---------------------------------------|
| (8) | Infrastructure Services | At all times |
| | 8.1 Water Supply connection or suitable alternative adequate water supply must be provided to the site. | |
| | 8.2 Sewer connection or suitable alternative on-site treatment must be provided to the site. | |
| | 8.3 Electricity provision certificate must be provided to the Local Authority. | |
| | 8.4 Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority. | |
| (9) | Height | At all times |
| | 9.1 The height of structures is to not exceed 8m (Airport overlay area B). | |
| (10) | Landscaping and Fencing | Prior to the commencement of the use. |
| | 10.1 Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites. | At all times |
| | 10.2 The landscaping and fencing must be maintained to an appropriate standard. | |

Reasons for Decision

The proposed development is considered to be consistent with the following and relevant overall outcomes of the Planning Scheme, in particular:

- The proposed lots are located within the General Residential Zone, are surrounded by existing residential land, the proposal can be considered to be consistent with the surrounding land uses and best use of the lots.
- All services are available for connection to the proposed lots which is a cost effective and efficient use of resources.
- The proposed development will assist in the provision of residential land in the community.
- The Subject Sites are not impacted upon by Natural Hazards.
- The design of the allotments takes into consideration liveable communities principals as it forms part of future growth area, densification and is located next to a collector road that make provision for shared pathways.

CARRIED 5/0

At 1:35pm, Cr Roxanne Thomas returned to the meeting.

At 1:47pm, Vicki Theobald left the meeting

At 1:50pm, Vicki Theobald returned to the meeting

14.8 MORNINGTON SHIRE COUNCIL - TRADE WASTE POLICY 2021

Drainage inspection to be undertaken on current issues.

RESOLUTION 2021/113

Moved: Cr Dwayne Rogers

Seconded: Cr Bob Thompson

That the Council adopts the Mornington Shire Council - Trade Waste Policy 2021

Initial: _____

CARRIED 5/0

14.9 ENGINEERING REPORT

RESOLUTION 2021/114

Moved: Cr Bob Thompson

Seconded: Cr Roxanne Thomas

That Council receives and notes this report.

CARRIED 5/0

14.10 HOUSING REPORT

At 2:09pm, Cr Dwayne Rogers left the meeting.

At 2:09pm, Vicki Theobald left the meeting

RESOLUTION 2021/115

Moved: Cr Bob Thompson

Seconded: Deputy Mayor David Barnes

That Council note and accept this report.

CARRIED 4/0

At 2:10pm, Mayor Kyle Yanner left the meeting.

Lunch Break 2:21pm

At 2:21pm, Ronald Nicolas, David Sechtig, Geoff Rewald and Elizabeth Mitchell left the meeting.

Meeting resumed at 3:35pm

At 3:35PM, Mayor Kyle Yanner returned to the meeting.

At 3:35pm, Cr Dwayne Rogers returned to the meeting.

15 STAFF REPORTS - HUMAN SERVICES

Nil

Meeting went into close at 3:35pm

16 CONFIDENTIAL REPORTS

RESOLUTION 2021/116

Moved: Cr Roxanne Thomas

Seconded: Deputy Mayor David Barnes

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the Local Government Regulations 2012:

16.1 BARGE SERVICE REVIEW

This matter is considered to be confidential under Section 254J3(g) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;.

16.2 HR Department Report for the Month of November 2021

This matter is considered to be confidential under Section 254J3(b) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees;.

16.3 Rent Report October 2021 – Mayor Yanner

This matter is considered to be confidential under Section 254J3(g) of the Local Government Regulations 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;.

CARRIED 5/0

RESOLUTION 2021/117

Moved: Cr Bob Thompson

Seconded: Deputy Mayor David Barnes

That Council moves out of Closed Council into Open Council.

CARRIED 5/0

16.1 BARGE SERVICE REVIEW**RESOLUTION 2021/118**

Moved: Deputy Mayor David Barnes

Seconded: Cr Bob Thompson

That Council received the letter and consideration be given to including the cost of the Barge Service Review at the 2021/22 six-month budget review stage. Further investigation required by CEO.

CARRIED 5/0

16.2 HR DEPARTMENT REPORT FOR THE MONTH OF NOVEMBER 2021

Mr Adam Seiler declared a conflict of interest in relation to item 16.2, due to personal interest.

RESOLUTION 2021/119

Moved: Deputy Mayor David Barnes
Seconded: Mayor Kyle Yanner

Defer for discussion at December Meeting. More information required to be considered.

CARRIED 5/0

16.3 RENT REPORT ITEM 16.6 OCTOBER REPORT 2021 - MAYOR YANNER

Mayor Kyle Yanner and Cr Roxanne Thomas declared a declared a conflict of interest in relation to item 16.3, due to personal interest.

RESOLUTION 2021/120

Moved: Deputy Mayor David Barnes
Seconded: Cr Dwayne Rogers

Defer for discussion at December Meeting. More information required to be considered.

CARRIED 3/0

17 NEXT MEETING

The next meeting will be held on 8 December 2021.

18 CLOSURE

Mayor Yanner closed the meeting at 5.19pm

Adam Seiler
Chief Executive Officer.

Minutes Confirmed:

Mayor

Date: 26/11/21

Initial: _____

Adam Seiler
Chief Executive Officer

Initial: _____