



**MORNINGTON
PENINSULA**
Shire

AGENDA

COUNCIL MEETING

TUESDAY, 20 FEBRUARY 2024

6.30PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL

WARDS AND COUNCILLORS

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

EXECUTIVE TEAM

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

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

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

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1 OPENING AND WELCOME

Appointed Chairperson – Mayor, Cr Simon Brooks

1.1 Acknowledgement of Country

To be read by Cr 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.

2 PROCEDURAL MATTERS

2.1 Apologies

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

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meetings held on 6 February and 13 February 2024, be confirmed.

2.4 Presentations

Presentation to Roper Gulf Regional Council

Representatives from the Roper Gulf Regional Council in the Northern Territory are visiting the Mornington Peninsula Shire on 20 February.

A gift will be presented to the Roper Gulf Regional Council delegation by the Mayor.

2.5 Councillor Briefing Sessions

Councillor Briefing Sessions – 30 January 2024

RECOMMENDATION

That Council receives and notes the record of Councillor Briefing Sessions for 30 January 2024.

2.6 Council Decision Register

- Attachment(s)
1. 2019 Council Decision Register Summary
 2. 2020 Council Decision Register Summary
 3. 2021 Council Decision Register Summary
 4. 2022 Council Decision Register Summary
 5. 2023 Council Decision Register Summary
 6. 2024 Council Decision Register Summary

PURPOSE

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

Attached are Summaries of the 2019-2024 Decision Registers (Attachments 1-6) as at 12 February 2024.

RECOMMENDATION

That Council receives and notes the Decision Register Summaries for 2019-2024 (Attachments 1-6) as at 12 February 2024.

2.7 Petitions and Joint Letters

Australia Day Events

A petition with approximately 5,000 signatories has been received from Council Watch. The petition asks that Council leave Australia Day alone and hold community events that celebrate Australia day, acknowledge Indigenous culture and mark Australia Day with citizenship ceremonies.

Immediate Comment

Council provides support to community groups running events on Australia Day through the Mornington Peninsula Shire's community grants process. This includes both Australia Day and Survival Day events. The Shire's Australia Day citizenship ceremony has been held every year on 26 January.

Action Officers: Rebecca Levy, Manager – Destinations, Recreation and Community Connection and Pamela Vercoe, Team Leader – Governance Services

Harry Potter Experience at the Briars

A petition with approximately 23,755 signatories has been received from Save Briars Sanctuary Inc. requesting that Council relocate the Harry Potter Experience from the Briars Wildlife Sanctuary.

Immediate Comment

Thank you to those who have expressed their love for The Briars Wildlife Sanctuary. Council has heard the community's concerns and had productive discussions with the event organisers to explore options which will ensure this event is a great one which the community are excited by.

On 13 February 2024 Council resolved to move the experience to The Briars Community Forest (off-leash dog park).

Further information is available on the Shire's website, under the Harry Potter FAQ's.

We wish to thank all of those in the community who have expressed their views on this experience. Not only will your feedback inform this decision but it will inform future decisions about experiences at The Briars.

We look forward to welcoming visitors and the community to this exciting event.

Action Officer: Rebecca Levy, Manager – Destinations, Recreation and Community Connection

RECOMMENDATION

That Council receives and notes the above petitions.

2.8 Public Question Time

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

The aim of public question time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Questions with or without notice can be submitted.

Questions with notice are to be received in writing by 12.00pm the Friday prior to the relevant Council Meeting and can be lodged via the Shire's website. Questions received by this time will be provided with a considered response prepared by the relevant Shire officer and read by the Chief Executive Officer (CEO) at the Council Meeting.

Questions without notice must be lodged in person no later than 15 minutes prior to the commencement of the meeting. The question will be read by the CEO and taken on notice with a written response forwarded to the person asking the question within 7 days of the Council Meeting and published on the Shire's website.

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

3 COUNCILLORS AND DELEGATES REPORTS

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

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

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Arts and Culture Advisory Panel	Cr Gill	Cr Dixon Cr O'Connor	Tori Hayat, Team Leader – Arts and Culture
Association of Bayside Municipalities	Cr Marsh	Cr Roper	Laura Crilly, Team Leader – Water and Coasts
Audit and Risk Committee	Cr Marsh Cr Roper	Mayor	Bulent Oz, Chief Financial Officer
Australian Coastal Councils	Cr Race	N/A	Laura Crilly, Team Leader – Water and Coasts
Bass Park Trust	Cr Marsh	N/A	David Taylor, Manager – Legal and Governance
Community Consultative Committee on Gaming	Cr O'Connor	Cr Dixon	Kathleen van der Weerden, Social Planning Officer and Kate Hills, Team Leader – Community Wellbeing
Climate Emergency Community Reference Group	Cr Race	Cr Roper	Chris Yorke, Energy and Carbon Management Officer
Disability Advisory Committee	Cr Dixon	Cr O'Connor	Monica Seal, Disability Community Inclusion Officer
Friends of Lospalos	Cr Brooks	N/A	Chris Munro, Manager – Community Partnerships
Greater South East Melbourne	Mayor	Deputy Mayor	John Baker, Chief Executive Officer
Hastings Liquor Industry Accord	Cr Dixon	N/A	Katherine Cooper, Team Leader – Economic Development
Health and Wellbeing Committee	Cr Celi	Cr O'Connor	Kate Hills, Team Leader – Community Wellbeing
Hinterland Local Area Action Plan Advisory Committee	Cr Mar	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Interface Councils	Mayor	Deputy Mayor	Emma Lindsay, Coordinator – Advocacy

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Koala Conservation Group	Cr Mar	N/A	James Rose, Team Leader – Natural Systems
Local Government Mayoral Taskforce Supporting People Seeking Asylum	Cr Brooks	Cr Race	Chris Munro, Manager – Community Partnerships
Metropolitan Transport Forum	Cr O'Connor	Cr Celi	Justine Lewis, Transport Strategy Coordinator
Mornington Liquor Industry Accord	Cr O'Connor	N/A	Katherine Cooper, Team Leader – Economic Development
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Mar	Cr Race	James Rose, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Celi Cr O'Connor Cr Roper	Cr Holland	Jenny Brown, Senior Cemeteries Officer
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	David Taylor, Manager – Legal and Governance
MAV Emergency Management Committee	Cr Mar	N/A	Andrew Joseph, Team Leader – Community Resilience and Emergency
MAV Human Services Committee	Cr Celi	N/A	Tanya Scicluna, Director – Community Strengthening
Northern Mornington Peninsula Local Area Action Plan Advisory Committee	Cr O'Connor	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Peninsula Advisory Committee for Elders	Cr Dixon	Cr Roper	Helen Ridgeway, Positive Ageing Officer
South East Councils Climate Change Alliance	Cr Race	Cr Brooks	Nicci Tsernjavski, Climate Change Partnerships Officer and Chris Yorke, Energy and Carbon Management Officer
Southern Mornington Peninsula Local Area Action Plan Advisory Committee	Cr Celi	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment
Southern Peninsula Liquor Industry Accord	Cr Celi	N/A	Katherine Cooper, Team Leader – Economic Development
Triple A Housing Committee	Cr Gill	Cr O'Connor	Kate Hills, Team Leader – Community Wellbeing
Victorian Local Governance Association (VLGA)	Cr Roper	Cr Mar	David Taylor, Manager – Legal and Governance

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Western Port Local Area Action Plan Advisory Committee	Cr Dixon	N/A	Jayde Hayes, Manager – Economic Development, Tourism and Investment

4 MANAGEMENT REPORTS

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.1 Quarterly Community Report October - December 2023

Prepared By	Adam Wenczel, Innovation and Organisational Performance Officer; Jarrod Lawson, Team Leader - Corporate Performance
Authorised By	Director - Corporate Strategy and Business Improvement
Document ID	A12779178
Briefing Note Number	BN1839 – 13 February 2024
Attachment(s)	<ol style="list-style-type: none">1. Quarterly Community Report October - December 20232. Community Report Summary

EXECUTIVE SUMMARY

The purpose of this report is to present the Quarterly Community Report (Attachment 1) to a meeting of the Council, which is open to the public, in accordance with section 97 of the *Local Government Act 2020* (the Act). The summary (Attachment 2) contains key service highlights, customer fast facts, financial highlights, and a key highlight from each Strategic Objective.

RECOMMENDATION

That the Quarterly Community Report October – December 2023 (Attachments 1 and 2) be received and noted.

COUNCIL AND WELLBEING PLAN

The Quarterly Community Report outlines progress against each of the Council and Wellbeing Plan's Strategies for the second quarter of 2023-2024.

Theme 1: A healthy natural environment and well-planned townships.

Theme 2: A robust, innovative and diverse economy.

Theme 3: A flourishing, healthy and connected community.

GOVERNANCE PRINCIPLES

Section 9 of the Act states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles G and I which are:

G. The ongoing financial viability of the Council is to be ensured;

I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

4.1 (Cont.)**DISCUSSION****Purpose**

The Quarterly Community Report is a key component of our accountability to the community. It provides the community with a detailed overview of the Council's activities during the quarter, reporting items of achievement and progress in alignment with the Council and Wellbeing Plan 2021-2025 and covers the financial performance and position of the Council.

Background

The Quarterly Community Report outlines progress against each of the Council and Wellbeing Plan's Strategies and the actions from our Annual Plan and includes a two-page Community Highlights for each Theme. The report also includes sections on community engagement, highlighting some fast facts on how the community has engaged with the Mornington Peninsula Shire (Shire) and the various 'have your say' activities for the quarter, as well as Service Highlights, Key Achievements of the Climate Emergency Plan and updates on major projects, including Capital Works.

Presentation of the Quarterly Community Report ensures compliance with section 97 of the Act in relation to budget reporting. Financial commentary is provided in the summary Finance Report at an organisational level in a Standard Financial Statements format. The Finance Report includes a user-friendly financial highlights section for the community, financial commentary and the status of key priority projects and capital works.

Council and Wellbeing Plan Highlights

The activities outlined in October – December 2023 Quarterly Community Report demonstrate the ways in which Council has not only sought to deliver on our Council and Wellbeing Plan 2021-2025 but maintained its focus on our community. Highlights over the quarter include:

- Launching our Visitor Paid Parking Pilot.
- Making our road intersections safer and easier to navigate.
- Opening Mount Martha Skate Park.
- Assessing our 690km network of footpaths.
- Holding our 2023 Business Excellence Awards.
- Holding three Positive Ageing Community Conversations.
- Wrapping up our 2023 Citizens' Panel.
- 90% of the tasks within our Climate Emergency Plan are in progress or complete.

Financial

- Cash position remains strong at \$120.7 million, driven by prior year Capital works carry forwards.
- Net Operating position of \$131.8 million year-to-date (YTD) – an 11% increase to Forecast YTD.
- YTD spent on Capital Works projects is \$26.4 million (net \$14.0 million).

4.1 (Cont.)

- \$2.4 million in grants, subsidies and sponsorships have been approved for payment YTD.
- \$1.5 million in loan repayments year to date has reduced total borrowings to \$34.0 million.
- \$83.1 million is invested in term deposits, \$29.0 million is held in at-call accounts and \$8.6 million of funds are held in Trust.

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Once noted, the Quarterly Community Report and Summary will be made available on the Shire's website. The summary and report will also be promoted on the Shire's social media channels.

LEGAL AND REGULATORY FRAMEWORK

In accordance with section 97 of the Act, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council Meeting that is open to the public (as soon as practicable after the end of each quarter of the financial year).

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

OFFICER DIRECT OR INDIRECT INTEREST

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

CORPORATE STRATEGY & BUSINESS IMPROVEMENT

4.2 Infrastructure Grant Project Proposals

Prepared By	Nicole Rotter, Infrastructure Grants & Advocacy Facilitator
Authorised By	Director - Corporate Strategy and Business Improvement
Document ID	A12902510
Briefing Note Number	BN1836 – 13 February 2024
Attachment(s)	1. Tiny Towns Fund Shortlisted Projects ↓

EXECUTIVE SUMMARY

The following three funding programs are now open:

1. Disaster Ready Fund (DRF)
2. Tiny Towns Fund (TTF), and
3. Enabling Tourism Fund (ETF).

These Federal and State Government programs present Council with an opportunity to attract significant funding that will help offset its Capital Works Program. Council will need to commit funding at the specified ratios in FY25 and /or FY26 to support the delivery of successful grant projects.

The proposed projects are being recommended for their capacity to either allow for the delivery of necessary works that will offset Council's future budgets, or for the opportunity to achieve significant savings to an already identified Council priority.

RECOMMENDATION

That Council:

1. **Endorses a grant application for the project Mount Martha Landslip be submitted to the Disaster Ready Fund 2024-25.**
2. **Endorses a grant application for the project Bittern Public Hall Amenity Block Renewal be submitted to the Tiny Towns Fund 2023-24.**
3. **Endorses a grant application for the project The Briars Tichin-Gorourke Children's Garden Detailed-design be submitted to the Enabling Tourism Fund 2024.**
4. **Matches the funding of successful projects from in its current and subsequent years' Capital Works Programs according to the specified funding ratios of each grant program.**

COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

Theme 1: A healthy natural environment and well-planned townships.

- Strategic Objective 1.1: An accessible and unique natural environment that helps our community to be healthy and well.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with Principle G which is:

G. The ongoing financial viability of the Council is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION

Purpose

The purpose of this report is to seek a Council resolution to endorse the submission of three grant applications to three funding programs that are currently open and offered by the Federal and State Governments.

Background

The Disaster Ready Fund is now open and accepting submissions for projects that will:

- Reduce the physical, social, and economic impacts of disasters
- Reduce the risk of disaster, and/or
- Improve preparedness for disaster.

The fund is uncapped up to \$197 million and requires a \$1:\$1 funding ratio.

The State Government's new Tiny Towns Fund (TTF) supports local small projects in towns with populations of less than 5,000. Project funding is capped at \$50,000, at a \$1:\$1 obligation and is available over four rounds offered from now until 2027. The fund will support upgrades to community facilities, public open spaces, street beautification, tourism attractions and accessibility works, or the planning phases of similar projects.

The State Government has also announced a second round of the Enabling Tourism Fund (ETF). The ETF supports the planning stages of infrastructure projects that will help the tourism sector grow and strengthen Victoria's reputation as a global tourism destination. Council submitted projects to the first round of ETF without success and Shire officers propose to try again, this time focusing on a project that is more likely to gain traction and realistically be delivered in the foreseeable future.

4.2 (Cont.)

Options for Consideration***Disaster Ready Fund***

Shire officers recently met with Emergency Management Victoria (EMV) who are acting as the DRF State Lead Agency for Victoria, to discuss potential projects. While several proposals were put forward, only one stood out to EMV – Mount Martha Landslip.

This project is a good contender for the DRF and is proposed for submission with the following reasoning:

- The project is designed and investment-ready.
- It aligns well with DRF objectives, outcomes, and timelines.
- Mount Martha Landslip is a well-socialised issue that has gained much attention and garnered support from community, Department of Transport and Planning, and local members.
- Application for the Mount Martha Landslip to the DRF shows the community that Council is serious about addressing disaster impacts and is committed to sourcing funding from other levels of government to deliver this project.

Project	Estimated Total Cost	Council	DRF
Mount Martha Landslip	\$4,200,000	\$2,100,000	\$2,100,000

This project was initially planned to be funded jointly by Department of Transport and Planning (DTP) and Council, with a Council budget allocation of \$2.1 million. DTP has since withdrawn its commitment, leaving Council to cover or source funding for the full scope of works. During Quarter 2 budget considerations, the project's scope and funding allocation was reduced to cover only basic mitigation works. If successful in the DRF, \$1.57 million will need to be returned to this project – re-establishing the Council contribution to \$2.1 million and allowing the full delivery of works.

Tiny Towns Fund

The combination of Council's highly constrained capital budget, along with the restrictive parameters of the TTF, has resulted in fewer project options than anticipated. A shortlist of the projects considered can be found in Attachment 1 – Tiny Towns Fund Shortlisted Projects.

Shire officers are proposing that Council support the submission of the project – Bittern Public Hall Amenity Block Renewal, with the following reasoning:

- The project needs to be completed to renew a deteriorating facility.
- It aligns with the TTF objectives and timeline.
- It will allow for the delivery of a required renewal (Category 2) project that would otherwise not be delivered in FY25.
- If successful, the TTF grant will offset Council's required renewal expenditure.

4.2 (Cont.)

Project	Estimated Total Cost	Council	TTF
Bittern Public Hall Amenity Block Renewal	\$290,000	\$240,000	\$50,000

Finance have confirmed that this project can be added to Council's FY25 Capital Works Program at Quarter 1 if it is successful in the TTF, and the Council contribution sourced from within the Capital Works Program.

Enabling Tourism Fund

The following projects were submitted last year, and reconsidered for Round 2 given their strong tourism flavour:

- Performing Arts Centre Feasibility Study.
- The Briars Masterplan Site Investigations.
- Peninsula Trail Preliminary Concept Design.

Feedback from ETF indicated that the projects were not only very broad, but also covered too extensive a range of planning activities. Shire officers are currently scheduled to meet with ETF representatives again this year to discuss submission of the following project with the below reasoning:

The Briars Tichin-Gorourke Children's Garden:

- The project is for the detailed design of one realistically deliverable component of an overall Master Plan.
- It is very strongly aligned with ETF outcomes and timelines.
- It strongly supports 4 out of the 5 tourism product priorities of Experience Victoria 2033 (the State's 10-year strategic plan to shape its visitor economy).

ETF funding is capped at \$500,000 with a generous ratio of ETF \$4:\$1 Council. Only one application may be submitted to Round 2.

Project	Estimated Total Cost	Council	ETF
The Briars Tichin-Gorourke Children's Garden (Detailed Design)	\$410,000	\$82,000	\$328,000

The current Briars Master Plan Implementation project budget has \$82,000 available that can be transferred to cover Council's contribution if this project is successful in the ETF. This project would therefore be achieved at no additional cost to Council.

Note: Cost estimates for the above three projects are subject to change as Shire officers finalise grant submission documents including Quantity Survey Reports and Cost Summaries.

ENGAGEMENT

Shire officers have sought feedback from the EMV and TTF and are scheduled to meet with ETF representatives to further inform the above selection of projects.

4.2 (Cont.)

Internally, Shire officers have presented the projects for feedback to Shire's Capital Works Steering Committee.

COMMUNICATIONS PLAN

At this stage of the grants process, the community would be made aware of Council's applications to these funding programs through Shire's Quarterly Community Report. Once the outcome of the grants is known and released from embargo, successful projects will be celebrated through Ministerial visits, social media, and print media releases.

Formal Communications Plans will be incorporated within the Project Plans for each successful project and will be updated with relevant media and event milestones according to the scale of the project.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Council's commitment to sustainable practices is demonstrated through the Climate Emergency Declaration of August 2019 and the Climate Emergency Plan, adopted in August 2020. Council Policies and Strategies that guide all grant-funded infrastructure projects include:

- ESD Policy for Council Buildings and Civil Works
- Carbon Neutral Policy
- Biodiversity Conservation Plan
- Beyond Zero Waste Strategy
- Integrated Water Management Strategy.

These documents set out guidelines for all Shire projects to achieve objectives relating to energy and water efficiency, sustainable and recycled materials, biodiversity, climate change resilience, waste management, active transport, and other positive environmental outcomes.

FINANCIAL CONSIDERATIONS

In determining endorsement for grant applications, Council will need to consider funding implications to its current and subsequent years' Capital Works Programs.

- All three projects do not obligate Council to commit significant extra funding to that already allowed for in the current and future Capital Works Program.
- All three projects are supported by Council and are identified in Council's Long-term Capital Works Program.
- They are application-ready and investment-ready projects that can achieve completion well in line with the funding program guidelines.

Should Council be successful in one or more of the projects, this would represent an external contribution towards Council's FY25 Capital Works Program of up to \$2.5 million.

4.2 (Cont.)

OFFICER DIRECT OR INDIRECT INTEREST

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

PLANNING & INFRASTRUCTURE

4.3 Planning Application P23/1456 - 7/11 High Street, Hastings - Amendment to liquor licence

Prepared By	Thomas Gamble, Planner
Authorised By	Director - Planning and Infrastructure
Document ID	A12775414
Briefing Note Number	Not Applicable
Attachment(s)	<ol style="list-style-type: none">1. Internal Floor Plan2. Proposed 'Red Line' Plan3. Existing Liquor Licence (32001167)4. Officer's Assessment5. Submissions (confidential)6. Annotated Site Photos7. Planning Provisions

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's decision regarding Planning Application P23/1456 for extending the existing area for the sale of liquor at 7/11 High Street, Hastings. The application has been called in by Councillor Dixon for a decision by the Council.

The application seeks to extend the area in which liquor can be sold and consumed. The land is subject to an existing packaged liquor licence (reference: 32001167). The area in which liquor is allowed to be sold is commonly referred to as a 'red line' area. In this case, the red line area is proposed to extend across the entire interior ground floor area of the premises.

The use of the land for a 'Bottle shop', which is a type of 'Retail premises', does not require a planning permit within the Commercial 1 Zone (C1Z). The proposal has been considered having regard to the relevant provisions of the *Planning and Environment Act 1987* and Planning Scheme, specifically Clause 52.27 – Licenced Premises.

The application received a total of 18 objections. The concerns and issues raised can be summarised as:

- Clustering of bottle shops within Hastings
- Economic impact on local packaged liquor premises
- Social impacts of liquor consumption
- Safety impacts
- Lack of need
- Traffic impacts, and
- Character impacts of exterior design of the bottle shop.

4.3 (Cont.)

Consideration has been given to similar applications that have been determined by the Victorian Civil and Administrative Tribunal (VCAT). A similar application was considered by VCAT in *Coles Group Property Developments Ltd v Mornington Peninsula SC (Correction) [2012] VCAT 600 (Coles Group)*. In *Coles Group*, VCAT set aside Council's decision and directed that a permit be granted, stating that Clause 52.27 of the Mornington Peninsula Planning Scheme does not enable the consideration of wider social harms unless they have an amenity impact of the surrounding area. It was concluded that the cumulative impact on amenity would be neutral to low.

The proposal is considered acceptable having regard to the relevant provisions of the *Planning and Environment Act 1987* and the Planning Scheme. The application is recommended for approval via a Notice of Decision to Grant a Permit, subject to the conditions contained within this report.

RECOMMENDATION**Part A**

That Council, being the Responsible Authority under the Mornington Peninsula Planning Scheme and the *Planning and Environment Act 1987*, having considered all submissions received to date and all matters required under Section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Application P23/1456 to extend the area for the sale of liquor, at 7/11 High Street, Hastings be supported and that a Notice of Decision to Grant a Planning Permit be issued, subject to the permit conditions set out as follows:

PROPOSED PERMIT CONDITIONS:

- 1. Before the use 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 and three copies must be provided. The plans must be generally in accordance with the plans forming part of the application but modified to show the following:**
 - A. The location of all security camera(s) and lighting required in accordance with Condition 6.**
- 2. The layout and extent of area used to sell liquor on the endorsed plan must not be altered without the written consent of the Responsible Authority.**
- 3. This permit only provides for the sale of packaged liquor to be consumed off-site.**
- 4. The sale of packaged liquor from the bottle shop shall not occur outside of the following hours:**
 - A. Monday to Saturday: 9.00am to 11.00pm.**
 - B. Sunday: 10.00am to 11.00pm.**
 - C. ANZAC Day: 12.00 noon to 11.00pm.**
 - D. Good Friday and Christmas Day: No trade.**
- 5. Before the use starts, a management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The**

4.3 (Cont.)

management plan must provide for the operation and management of the bottle shop, and which outlines the bottle shop manager will implement Responsible Service of Alcohol Practices. The approved management plan must be complied with and not be altered or modified without the consent of the Responsible Authority.

6. Before the use starts, security lighting and a video surveillance recording system must be installed on the land to the satisfaction of the Responsible Authority. The video surveillance recording system must be able to clearly identify individuals and must record the date and time and provide continuous images of all persons entering and exiting the bottle shop. The security lighting and a video surveillance recording system must be maintained to the satisfaction of the Responsible Authority.
7. The use must be managed so that the amenity of the area is not detrimentally affected by the use through the:
 - A. Transport of materials, goods or commodities to or from the land
 - B. Appearance of any building, works or materials
 - C. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - D. Presence of vermin.
8. This permit will expire if the use does not commence within two (2) years of the date of this permit.

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

Part B

That Council resolves that Attachment 5 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person of their personal affairs.

COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

Theme 1: A healthy natural environment and well-planned townships.

- Strategic Objective 1.4: An accessible built environment that supports diverse, current and future community needs.

Theme 2: A robust, innovative and diverse economy.

- Strategic Objective 2.4: A diverse economy, with green and renewable opportunities, encouraging entrepreneurship, investment and innovation.

Theme 3: A flourishing, healthy and connected community.

4.3 (Cont.)

- Strategic Objective 3.3: A community in which people from all generations, backgrounds and abilities can access local services.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles (A, G, and I) which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- G. The ongoing financial viability of the Council is to be ensured.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

RELEVANT COUNCIL DECISIONS AND POLICIES**Planning Application P20/1886*****GAA One Pty Ltd v Mornington Peninsula SC [2022] VCAT 103 (9 February 2022)***

- Shop 4-6, 20 Victoria Street, Hastings.
- The use of the land for a bottle shop to sell packaged liquor for consumption off the premises.
- The Mornington Peninsula Shire (Shire) Planning Officer's recommended approval, via a Notice of Decision.
- The application was refused at a Council Meeting on 27 January 2021.
- Decision was set aside by VCAT and approved on 10 February 2022.

Planning Application P10/2577***Coles Group Property Developments Ltd v Mornington Peninsula SC (Correction) [2012] VCAT 600***

- 1301-1311 Point Nepean Road, Rosebud.
- Buildings and works for a bottle shop, use of the land to sell liquor under a packaged liquor licence, the display of advertising signs, the alteration of access to land in a Road Zone Category 1, and a reduction in car parking requirements.
- Refused by Council on 19 July 2011.
- Decision was set aside by VCAT and approved on 25 May 2012.

DISCUSSION**Purpose**

The purpose of this report is to provide a summary of:

- any relevant background of the site

4.3 (Cont.)

- the proposal
- the key issues, and
- the assessment against the relevant provisions of the *Planning and Environment Act 1987* and Mornington Peninsula Planning Scheme.

For a detailed assessment of all the relevant matters please see Attachment 4 – Officers Assessment.

Proposal	Use of the land to sell liquor (increase the area where liquor can be sold).
Planning Scheme controls	<p>Zone:</p> <ul style="list-style-type: none"> • Commercial 1 Zone (C1Z). <p>Overlays:</p> <ul style="list-style-type: none"> • Design and Development Overlay – Schedule 27 (DDO27) • Parking Overlay – Schedule 1 (PO1).
Permit Triggers	Clause 52.27 – A planning permit is required to use land to sell or consume liquor if the area that liquor is allowed to be consumed or supplied under a licence is to be increased.
Advertising	The application was advertised by sending direct notice to all adjoining properties and erecting a sign on-site for 14 days.
Submissions	Eighteen (18) submissions were received.
Consultation	No other consultation was undertaken.
Key Issues	<p>Will the proposal have an acceptable impact with regard to the amenity of the surrounding area (sale or consumption of liquor, hours or number of patrons)?</p> <p>Will the proposal have an acceptable cumulative impact having regard to any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area?</p> <p>Social impacts associated with liquor consumption.</p> <p>Consideration of the objections.</p>
Recommendation	Issue a Notice of Decision to Grant a Planning Permit subject to conditions.

BACKGROUND

Subject Site and Surrounds

The subject site is formally described as Lot 7 and 8 SP 37610 within the Coastal Village Shopping Centre. The shopping centre is located on the corner of High Street and Salmon Street within the Hastings Activity Centre, with an area of 3,049 square metres. The shopping centre is double storey and encompasses the entire land.

The subject tenancy is located at the southern portion of the land. Access to the premises is through an internal walkway within the shopping centre that runs north-south. Access from the north is via High Street or south via the Shire-owned car park at 148-156 Salmon Street. The tenancy is located at the southern end adjoining the car park.

The premises is currently vacant, after the previous occupant concluded its tenure at the site. The previous use of the site was a supermarket that included an ancillary bottle shop (Licence No. 32001167), which held the appropriate licence. The proposed extension of the liquor sales area will utilise the existing packaged liquor licence which runs with the premises, expanding it to the whole of the retail area.

Immediately to the north of the site on the opposite side of High Street is the Westernport Hotel, which also includes a bottle shop (Thirsty Camel). On the opposite side of Salmon Street to the east is the Hastings Library. To the south is the Shire-owned car park at 148-156 Salmon Street. In-between 11 and 21 High Street to the west is a walkway that provides direct pedestrian access between the car park to the south and High Street to the north. There is a mixture of shops, retail premises, a car park and childcare to the west of the site, that front either High Street or King Street.

Refer to Attachment 6 – Annotated Site Photos for further detail.

The subject site is shown below outlined in red with the approximate location of the subject premise is shown with a yellow star:

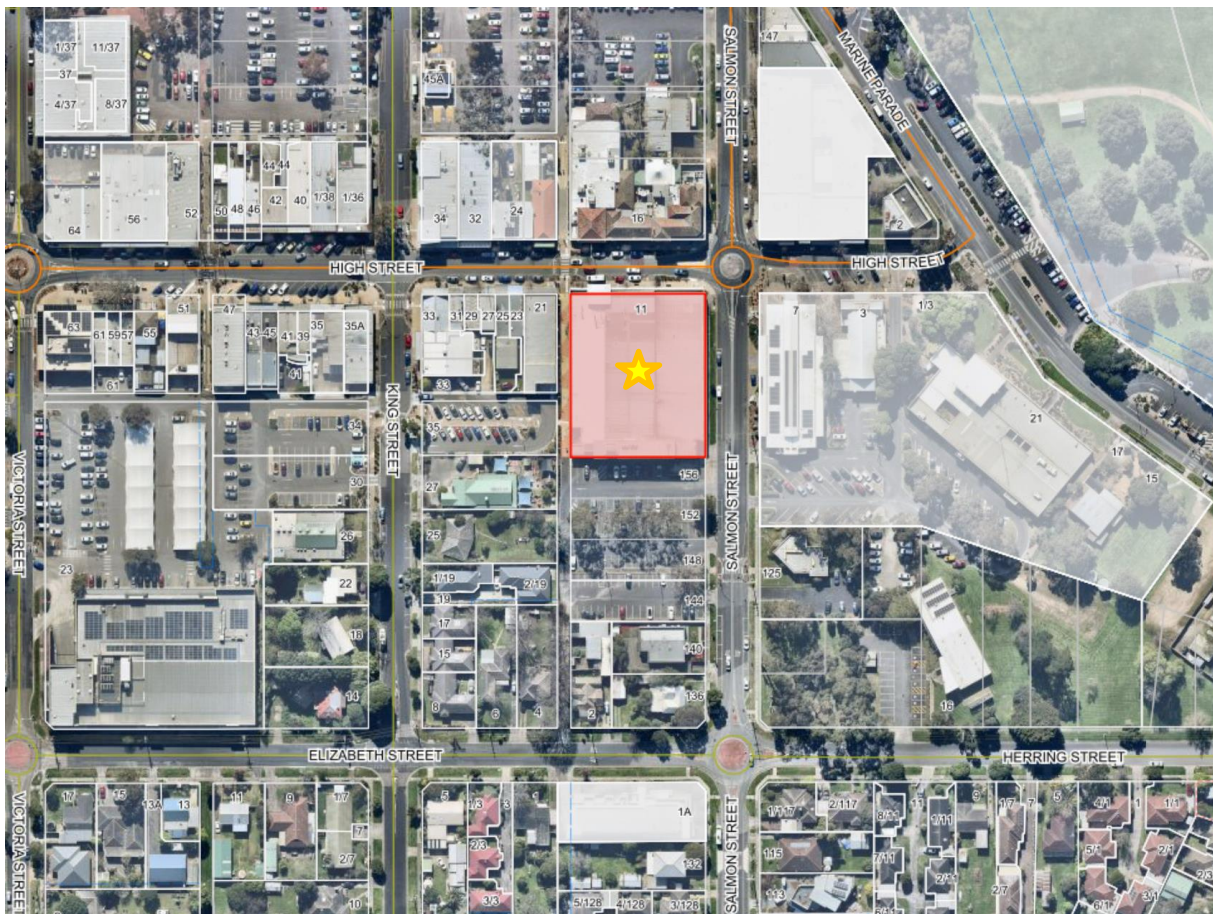


Figure 1: Aerial image of the Coastal Village Shopping Centre as sourced from Council's Intramaps

4.3 (Cont.)

Relevant permits and history

Council records indicate that the site has been used for a retail premises for a considerable period of time. These include:

1. Certificate of Occupancy/Occupancy Permit No. 209 for the premises is dated 11 March 1975.
2. Building Permit No. C7091/96 was issued by a Private Building Surveyor on the 4 July 1996 for additions and alterations to a sign. A final inspection was approved, and a Certificate of Final Inspection No F98941 is dated 10 April 1998.
3. Building Permit No. C2540/03 was issued by a Private Building Surveyor on the 6 May 2003 for internal alterations to an existing supermarket. A final inspection was approved and a Certificate of Occupancy Permit No 04098 is dated 19 January 2004.

Of most relevance is the existing Packaged Liquor Licence 32001167 (refer to Attachment 3 – Existing Liquor Licence) that related to the previous tenant being Ritchies IGA.



Figure 2: Google Image (Nov 2019) of Ritchies IGA Liquor tenancy from car park to the south of subject site.

Proposal

The application seeks an extension to the area in which liquor can be sold. A permit is required under Clause 52.27 – Licensed Premises to increase the area that liquor is allowed to be consumed or supplied under a licence.

The proposed sale of liquor would operate in conjunction with the use of land for a 'bottle shop', which is a Section 1 use under the C1Z, meaning a planning permit is not required under the Zone.

The hours of operation are not proposed to be altered from the previous supermarket and are consistent with the ordinary hours as defined in Section 3 of the *Liquor Control Reform Act 1995*.

- Sunday – 10.00am to 11.00pm

4.3 (Cont.)

- Monday to Saturday – 9.00am to 11.00pm
- ANZAC Day – 12.00 noon to 11.00pm, and
- Good Friday and Christmas Day – No trade.

No development is proposed as a part of this application.

The internal layout and proposed 'red line' area in which liquor can be sold to the entire interior ground floor area of the premises is provided as follows:

- Attachment 1 – Internal Floor Plan
- Attachment 2– Proposed 'Red Line' Plan.

NOTIFICATION AND CONSULTATION

The application was advertised by sending direct notice to all adjoining properties and erecting a sign on site for 14 days.

Submissions/Objections

Please refer to the following for further details:

- Refer to Attachment 4 –Officer's Assessment for detailed assessment of concerns.
- Refer to Attachment 5 – Submissions (confidential).

To date, eighteen (18) objections have been received. The concerns raised can be summarised as:

- Clustering of bottle shops within Hastings
- Economic impact on local packaged liquor premises
- Social impacts of liquor consumption
- Safety impacts
- Lack of need
- Traffic effect, and
- Character impacts of exterior design of the bottle shop.

These are addressed in summary below.

Consultation

No formal mediation has been undertaken with the objectors.

REFERRALS**External Referrals**

No external referrals were undertaken for this application.

Internal Referrals

The Shire's Social Planner was consulted during the application assessment. The advice considers the Mornington Peninsula Shire's *Alcohol Management Policy*.

Consideration in this policy is given to:

1. Trading Hours
2. Clustering/Cumulative Impact
3. Outlet type
4. Venues and locations.

The advice of the Shire's Social Planner is as follows:

There is evidence to suggest that the extension of space for the packaged liquor licence in this area will result in an increased risk of harm due to alcohol consumption. This recommendation is based on:

- *A cluster of three licensed venues within 100 metres*
- *The cumulative impact of seven packaged liquor licence venues within a 1 kilometre radius.*

No concerns are raised in relation to trading hours, outlet type or venues and location. Concern was expressed due to clustering and cumulative impact. This advice is considered during assessment of the application; however, it must be considered within the discretion allowed by the planning scheme.

CONSIDERATION

The proposed amendment to the liquor licence is considered to be consistent with the objectives and strategies of the relevant Planning Policy Framework (PPF) and objectives and decision guidelines of Clause 52.27. The following key issues are summarised below:

- Refer to Attachment 4 – Officer's Assessment for detailed assessment against all relevant criteria.
- Refer to Attachment 7 – Planning Provisions for relevant planning scheme provisions.

Will the proposal have an acceptable impact with regard to the amenity of the surrounding area (sale or consumption of liquor, hours or number of patrons)?

Hastings is defined as a major activity centre within the Mornington Peninsula Shire. The is located within the commercial core of the activity centre. The establishment of the premises will utilise an existing vacant site, contributing to the ongoing commercial utilisation and vitalisation of the area. As previously noted, the use of the land for a 'Bottle shop' is a section 1 use (no permit required) in the Commercial 1 Zone (C1Z).

The following Planning Policy Framework provisions are considered relevant, as they seek to support the use of the land for commercial purposes and take into consideration the site's context in doing so:

- Clause 13.07-1S – Land Use Compatibility
- Clause 17.01-1S – Diversified Economy

4.3 (Cont.)

- Clause 17.02-1S – Business.

More broadly, these policies seek to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. The area is serviced by required facilities, including ample car parking, street-level visibility, and accessibility to other nearby commercial services. High Street, being a highly trafficked area convenient for pedestrians and motorists to access, ensures the proposal will meet the requirements of local residents and workers in the area. The proposal is consistent with the objectives and strategies outlined in this clause, by being located in the existing commercial hub of Hastings.

While the proposal would result in an expanded footprint in which liquor can be sold, there would not be an increase in the total number of licenced premises in the immediate vicinity. The proposed red line area appropriately remains contained within the existing building, with the premises interfacing to the adjacent car park to the south at 148-156 Salmon Street, with access to High Street through an internal walkway in the shopping centre. There is no proposed consumption of liquor on-site as a result of the proposal and coupled with Council's *Consumption of Liquor Local Law*, consumption of liquor in public spaces in Hastings would be prohibited. As such, the proposal is considered to have an acceptable impact with regard to the amenity of the area in the context of the sale or consumption of liquor.

As the operating hours are not proposed to be altered, there would be no additional impact on the amenity of the surrounding area resulting from the operating hours of the use. The retail use operating to 11.00pm is considered acceptable as per any other commercial activity on the land. The closest sensitive use is a dwelling located to the south west, approximately 50 metres from the entrance of the shopping centre and located within the Mixed Use Zone (MUZ). Given that the MUZ provides for a range of residential, commercial and industrial uses and given the site's location in a major activity centre, the amenity of the surrounding residences must be considered in that context. The proposal is considered to have an acceptable impact with regard to amenity of the area in the context of the hours of operation proposed.

While the increased red line area would likely result in an increased number of patrons able to be present within the licenced area at any one time, compared to the previous bottle shop red line area, the overall number of patrons to the site compared to the previous supermarket use would be the same or less. That is because supermarkets (with or without an ancillary bottle shop) generally turn over more patrons and vehicle movements than just a bottle shop use alone. This is evident in the greater car parking requirements for a supermarket than a bottle shop within clause 52.06 of the Planning Scheme. Furthermore, as the proposal is only for the sale of packaged liquor (as opposed to on-premises consumption), matters of patron density or anti-social behaviour are not significant concerns resulting from the increased red line area. A cap on patronage is not considered reasonable or warranted for a packaged liquor premises.

To ensure adequate amenity protection, it is recommended that the applicant be required to provide a management plan to the Shire detailing the management of the premises in accordance with standards for the responsible service of alcohol. It is also recommended that a condition be imposed on the permit detailing security and lighting arrangements for the management and deterrence of anti-social behaviour. The proposal is considered acceptable with regard to the amenity of the surrounding area in the context of the number of patrons.

Will the proposal have an acceptable cumulative impact having regard to any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area?

The final decision guideline outlined in Clause 52.27 – Licensed Premises requires the assessment of the "cumulative impact" of existing and proposed licensed premises on the amenity. Guidance for how to assess cumulative impacts comes from *Planning Practice Note*

4.3 (Cont.)

61: *Licensed premises: assessing cumulative impact* (PPN61) which primarily focuses on evaluating the direct amenity impacts stemming from a licensed premises.

The principal VCAT case that established the relevant criteria for consideration of cumulative impacts is *Swancom Pty Ltd v Yarra CC (Red Dot) [2009] VCAT 923 (Swancom)*, from which PPN61 is derived. A detailed assessment against the criteria in PPN61 is included as a part of Attachment 4 – Officer’s Assessment.

It is important to note that the PPN61 is applicable where:

1. will be licensed and open after 11.00pm, and
2. is in an area where there is a cluster of licensed premises.

As such, PPN61 is applicable here because of a cluster of licensed premises, as explained below. Also importantly, PPN61 states that cumulative impact refers to both positive and negative impact that result from clustering. They must be considered in the context of the extensive list of criteria that is attached in Attachment 4 – Officer’s Assessment.

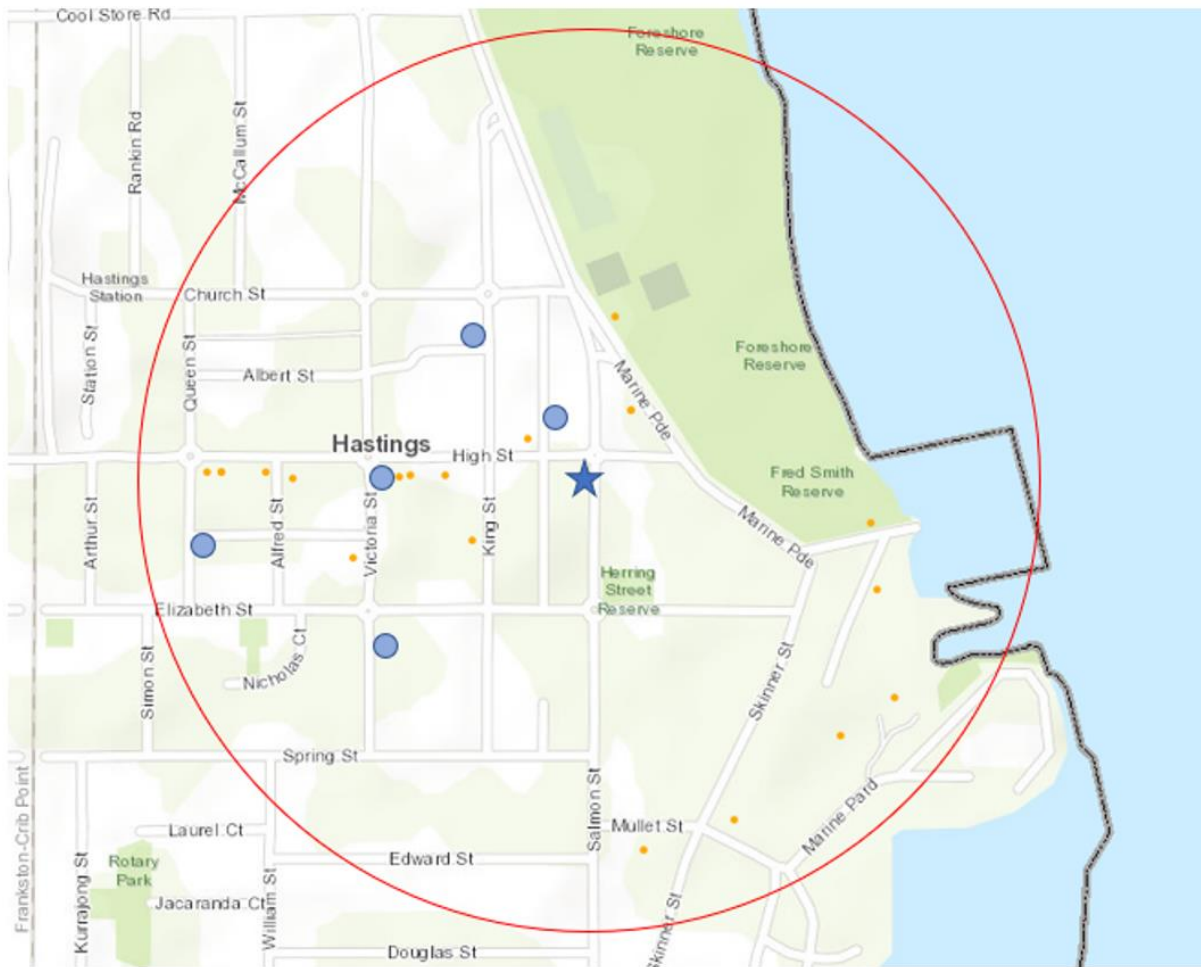
In summary, the following matters should be considered when assessing the cumulative impact of licensed premises:

1. Planning policy context
2. Surrounding land use mix and amenity
3. The mix of licensed premises
4. Transport and dispersal
5. Impact mitigation.

Having regard to the above, it is considered that the proposal is acceptable having regard to the planning policy context, surrounding land use mix and amenity as discussed earlier in this report.

The mixed of licensed premises is summarised below as well as the transport and dispersal and impact mitigation.

The following map shows the location of all licenced premises in central Hastings, including packaged liquor:



(Source: VCGLR)

- Subject premises = ★
- Packaged liquor premises = ●
- Other licenced premises = ●
- 500 metre radius = ○

There is a total of five (5) other packaged liquor premises located in the Hastings Township:

Premises	Address	Distance from site	Licence Type	Licence Number
Westernport Hotel/Thirsty Camel	16 High Street	100m approx.	Late Night (General)	31912373
The Bottle-O (Hastings Cellars)	63 High Street	220m approx.	Packaged Liquor	32071007
Aldi	9 Queen Street	500m approx.	Packaged Liquor	32064686
BWS (Woolworths)	11-23 Victoria Street	300m approx.	Packaged Liquor	32059102
Liquorland (Coles)	15 Church Street	290m approx.	Packaged Liquor	32023478

There are an additional two (2) packaged liquor licences within 1.5 kilometres of the subject premises, these being:

- Wine Lovers Warehouse Hastings – (1.0 kilometre)

4.3 (Cont.)

- Kings Liquor – (1.7 kilometre).

Of all the premises, six (6) premises operate after 11.00pm. Two of these are high-capacity venues of 200 or more patrons, but none of those are packaged liquor outlets. Given the balance of considerations relating to the mix and type of premises in the cluster, the cumulative impact on the amenity of the area is considered acceptable.

Whilst the assessment of considerations regarding transport and dispersal highlights an issue regarding lack of public transport options, particularly after 10.00pm, that is an issue that is relevant to the whole of the Mornington Peninsula. People across the Peninsula are generally reliant on private modes of transport in relation to accessing any liquor licence venue. In the instance of considering a packaged liquor outlet, it is considered less relevant to have adequate public transport options as there is no consumption on-site. On the balance of considerations and the site's central location in Hastings Activity Centre, the proposal is considered acceptable.

In terms of impact mitigation consideration and the scope of the packaged liquor, the proposal is considered acceptable subject to conditions to install and maintain appropriate lighting and surveillance in order to deter anti-social behaviour.

Social impacts associated with liquor consumption.

Concerns regarding the broader social implications of increased alcohol availability and use fall outside of the scope of assessment for Council. Such matters are subject to the authority of the Victorian Liquor Commission (VLC) in accordance with the *Liquor Control Reform Act 1998*. This position has been confirmed by VCAT on a number of occasions. Most notably, in the decision of *Hunt Club Commercial Pty Ltd v Casey CC (Red Dot) [2013] VCAT 725 (Hunt Club)* the scope of Clause 52.27 was relevantly clarified as:

14. *as a matter of general principle, a broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if ever) be a relevant consideration in the exercise of discretion for a particular licensed premises under clause 52.27. These matters are more commonly relevant to the complementary regulatory framework under the Liquor Control Reform Act 1998, albeit that there is some overlap between the liquor licensing and town planning frameworks.*
15. *Town planning does not involve itself in moral judgements nor, subject to this locational or spatial perspective, in the operation of a competitive market economy in which certain goods and services are lawfully made, sold or consumed. Whilst town planning seeks to secure a pleasant, efficient and safe working, living and recreational environment, it is not the role of town planning to address all issues of public health, nor to regulate the pricing or general availability of a product to manage the health and wellbeing of a society.*
16. *it is not the role of a planning decision-maker to consider the broader impacts of the abuse or misuse of alcohol in a society, or to pioneer its own standards about the accessibility of alcohol generally in the community, when making a decision about the use or development of land for a liquor outlet. These are all relevant societal concerns, but they are not necessarily relevant planning considerations to a particular statutory planning decision at a local level.*
20. *a significant social concern about the accessibility of alcohol in an area will be even harder to establish as a relevant town planning consideration than the accessibility of gaming premises, particularly for the sale of packaged liquor where the location of the 'point of sale' and the alleged social harm caused by the availability of alcohol are spatially disconnected.*

4.3 (Cont.)

In suburban Melbourne, I find it difficult to conceive of a situation where the social harm caused by the availability of alcohol within a local community might ever be of such significance to warrant it being a relevant planning consideration in considering the location or size of a packaged liquor outlet in a dedicated retail/activity centre.

To refuse a planning permit for a packaged liquor venue on the basis of social harm, as per *Hunt Club*, requires Council to establish a direct, tangible link. As packaged liquor is consumed away from the 'point of sale,' any potential social harm associated with its consumption becomes inherently spatially disconnected.

The importance of establishing a comprehensive link between an individually licensed premise and surrounding community amenity is reinforced in *Coles Group Property Developments Ltd v Mornington Peninsula SC (Correction) [2012] VCAT 600 (Coles Group)* and even more recently in *GAA One Pty Ltd v Mornington Peninsula SC [2022] VCAT 103 (9 February 2022) (GAA One)*. Both *Coles Group* and *GAA One* involved the use of land for bottle shops, with *Coles Group* proposing a Liquorland at 1301-1311 Point Nepean Road, Rosebud, and more recently with *GAA One* at 4-6, 20 Victoria Street, Hastings.

The *GAA One* site is also located in the Hastings Major Activity Centre approximately 250 metres west of the subject site. For *Coles Group* and *GAA One Pty Ltd*, both areas were noted as having a degree of socio-economic disadvantage and issues related to alcohol misuse. Council refused to grant a permit for both applications on the basis of amenity impacts, specifically the harms of alcohol misuse arising from consumption and increased liquor offerings. VCAT set Council's decision in both instances and granted a planning permit for the bottle shop.

Once again, the limited weight that Clause 52.27 imparts to contemplate social implications with alcohol harm was concluded by the Member in *Coles Group*:

78. *Clause 52.27 does not enable me to consider those wider harms unless they have an amenity impact of the surrounding area. After considering the relevant impacts in the assessment area, the Council has not persuaded me of any unreasonable impacts.*

In *GAA One*:

49. *Council relied on research regarding the link between alcohol and crime or nuisance. It submitted that it is implicit in clause 52.27 that there is a relationship between alcohol and anti-social behaviour giving rise to amenity impacts.*

In *Hunt Club* the failure to establish a spatial connection between the sale and actual consumption of that liquor in this application is even more relevant given the existing licence does not allow consumption, nor is it being proposed.

A total of twenty-one (21) VCAT matters have been initiated since *Hunt Club*, wherein responsible authorities and/or objectors have sought to appeal decisions related to liquor, citing social harm. The Tribunal has upheld that matters of alcohol abuse and related harm are of limited weight in planning decisions. Only once has the Tribunal refused to grant a permit, citing insufficient information on cumulative impact in a neighbourhood activity centre, not significant social harm. The Tribunal later granted a permit in a repeat appeal. A comprehensive list of these matters is included in Attachment 4 – Officer's Assessment.

It is also important to note that in *Swancom* the role of local laws in the control of alcohol consumption in public places and streets was considered. As previously noted, Council's *Consumption of Liquor Local Law 2022* is considered relevant in minimising social harm. In *Swancom* it was concluded that:

67. *There would seem some merit in the use of local laws as part of an overall strategy.*

4.3 (Cont.)

When drawing parallels to *Hunt Club* it emphasised again that:

16. *it is not the role of a planning decision-maker to consider the broader impacts of the abuse or misuse of alcohol in a society*

The proposal is not considered to have broader social impacts that could be relevant to a decision on this application, particularly given the context of the site and proposal and the Local Law applicable across the Shire.

Consideration of the objections.

Please refer to confidential Attachment 5 – Submissions.

The matters raised are summarised below (**bold**), followed by the Assessing Officer's response:

Clustering of bottle shops within Hastings

- Refer to Attachment 4 – Officer's Assessment for cumulative impact assessment.
- The proposed premises would not result in a net increase in packaged liquor outlets in Hastings.
- It is acknowledged that a 'cluster' by definition exists, however, is already existing with the current packaged liquor licence, and that the proposal does not result in a net increase of licensed premises.

Economic Impact on local packaged liquor premises

- Commercial competition is not a relevant consideration to whether the planning proposal is acceptable.
- The land is appropriately located within a Major Activity Centre and a Commercial 1 Zone (C1Z) where the land use is a section 1 use and as-of-right.

Social impacts of liquor consumption

- The liquor licence expressly prohibits on-site consumption. Consequently, the relevant direct impacts are solely related to sales and not consumption.
- Social impacts are largely outside of the scope of assessment for this application as the use is already well-established by an existing licenced arrangement. What is being considered is a change in area a licence applies to.
- Consumption of *Liquor Local Law 2022* already regulates the consumption of liquor and behaviour in public places.

Lack of need

- Whilst Shire officers acknowledge the concerns of the objections, the need for a premises such as this is not a relevant consideration to whether the proposal is acceptable. Trade considerations are not town planning matters generally.

Traffic impacts

- The use of the land for a bottle shop is as-of-right under the Zone, and Clause 52.06 is not a permit trigger in the matter being considered. The parking in the area is considered sufficient and the proposal is not expected to have traffic impacts in the

4.3 (Cont.)

locality given the existing building would have generated the same or more traffic movements with its previous use.

- Refer to Attachment 4 – Officer’s Assessment for detail.

Character impacts of exterior design of the bottle shop

- The application does not seek permission for signage or exterior alterations to the building. It is noted that a permit may not be required for signage, but should permission be required this can be subject to a further planning permit application.
- Refer to Attachment 4 – Officer’s Assessment for detail of how Clause 52.05 – Signs does not apply.
- It is noted that the previous use contained signage on the building façade identifying the business and on the windows of the premises as can be seen in Figure 2 of this report. The proposal is not considered to have an impact on the character of the exterior or the broader locality.

CONCLUSION

The proposed amendment to an existing liquor licence is considered acceptable having regard to the relevant provisions of the Planning Scheme and *Planning and Environment Act 1987*. The proposal is considered acceptable subject to conditions. It is therefore recommended that Council issue a Notice of Decision to Grant a Permit.

OFFICER DIRECT OR INDIRECT INTEREST

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

OFFICE OF THE CEO

4.4 2024 Financial Year Mid-Year Reforecast

Prepared By	Laura Bettles, Team Leader - Finance Business Partners
Authorised By	Chief Financial Officer
Document ID	A12793958
Briefing Note Number	BN1831 – 13 February 2024
Attachment(s)	1. 2023/2024 Mid-Year Reforecast

EXECUTIVE SUMMARY

This report is to provide Council with the detail of the mid-year reforecast process and changes proposed to the Full Year Approved Forecast.

RECOMMENDATION

- 1. That Council receives the report ‘2023/2024 Mid-Year Reforecast’ as shown in Attachment 1 and approves the changes to the Full Year Approved Forecast.**
- 2. That surplus funds identified are used to reduce the 2024 financial year adopted budget new borrowings.**

COUNCIL & WELLBEING PLAN

The Budget and Reforecast process is the determination of competing priorities of the community for the use of Council's limited resources considering the best interests of the Mornington Peninsula Shire community and to achieve the Council and Wellbeing Plan objectives and themes below:

Theme 1: A healthy natural environment and well-planned townships.

Theme 2: A robust, innovative and diverse economy.

Theme 3: A flourishing, healthy and connected community.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.**
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.**
- G. The ongoing financial viability of the Council is to be ensured.**

4.4 (Cont.)

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION**Purpose**

The mid-year reforecast involves a detailed examination of all operating, capital works and operating projects budget items, year to date income/expenditure and forecast income/expenditure for January to June 2024. This review was undertaken by Finance in consultation with teams/units across the organisation, along with the Programs and Project Management Office for capital works and operating projects. The focus of the review was to identify permanent differences between year-to-date results and forecast income/expenditure against the 2023-24 Adopted Budget.

The primary objective is to ensure that we deliver a balanced budget.

Through this process a number of opportunities were identified leading to surplus funds, however they are a non-recurring nature. Cost escalations were also identified and these in some cases are recurring. The surplus for 2024 financial year mid-year reforecast is \$3.8 million.

The main contributors to this surplus are below and will be covered in a presentation on the day:

Material Movement	Variance
Rates and charges additional income	\$1 million
Reduction in user fees driven by lower than budgeted volumes	(\$0.8 million)
Yawa Contract performance	\$1.7 million
Interest Income	\$4.3 million
Materials and Services Contract expenditure for Buildings and Parks	(\$2.5 million)

Background

Not applicable.

Options for consideration

Given the current financial sustainability challenges, it would be a prudent course for Council to use these surplus funds to remove budgeted borrowings. Council would then have the opportunity to consider borrowings during the 2024-25 Budget process.

Based on current Treasury Corporation Victoria rates, by not borrowing the \$3.88 million over 10 years would reduce the interest expense by \$1.04 million.

ENGAGEMENT

Not applicable.

4.4 (Cont.)

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

Adopting the recommendation in this report will go towards reducing the borrowing costs in future years.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.5 Government Cost Shifting to Mornington Peninsula Shire

Prepared By	Laura Bettles, Team Leader - Finance Business Partners
Authorised By	Chief Executive Officer
Document ID	A12873521
Briefing Note Number	BN1832 – 13 February 2024
Attachment(s)	1. Government Cost Shifting to Mornington Peninsula Shire

EXECUTIVE SUMMARY

The purpose of this report is to highlight the financial implications faced by the Mornington Peninsula Shire Council due to the ongoing practice of cost shifting by the State and Federal Governments. Over the years, this has posed a significant financial challenge, jeopardising both the provision of essential services and the financial sustainability of local governments.

Cost shifting manifests when other tiers of government:

- Reduce the funds allocated to Local Government in real terms, yet expect the same, if not higher, level of service delivery.
- Introduce new responsibilities for Councils without accompanying them with adequate resources.

RECOMMENDATION

That Council receives and notes the report titled ‘Government Cost Shifting to the Mornington Peninsula Shire’ and attachment and use this information for future advocacy work.

COUNCIL & WELLBEING PLAN

Not applicable.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with the below principles

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.
- G. The ongoing financial viability of the Council is to be ensured;

I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION

Purpose

Government Cost Shifting has been heavily discussed in recent times due to the continuing decline of the financial sustainability of Local Government and continuing risk of essential service delivery.

Background

A Government Cost Shifting report prepared by Glen Eira was circulated to all Mayors in Victoria. Council suggested it would be beneficial for Mornington Peninsula Shire to prepare our own Government Cost Shifting report to share and assist with advocacy.

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Communication Plan to be addressed as part of future advocacy workshops.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The report shows instances of climate and sustainability cost shifting from other levels of Government to the Mornington Peninsula Shire.

FINANCIAL CONSIDERATIONS

Mornington Peninsula Shire Council anticipates impacts of cost shifting to be \$38.1 million in operational costs for 2023-24, with projections reaching \$234 million over the subsequent five years. Capital expenditure is projected at \$6.4 million for 2023-24 and \$38.4 million over the five years. Furthermore, Mornington Peninsula Shire Council is set to pass on a significant \$6.8 million to the community via the Waste Service Charge in 2023-24 and \$68.1 million over the next five years.

OFFICER DIRECT OR INDIRECT INTEREST

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

4.6 Letters Under Seal - 2024 Australian Honours Recipients - Awarded on Australia Day

Prepared By	Christine Aslanidis, Team Leader Governance and Legal Support
Authorised By	Chief Executive Officer
Document ID	A12881464
Briefing Note Number	Not applicable
Attachment(s)	Nil

EXECUTIVE SUMMARY

The purpose of this report is to request Council endorsement for the sealing of the documents outlined in the schedule below.

Schedule	
Sealing No.	Document Description
01/24	Congratulations and recognition letters to Mornington Peninsula residents who received Australian Honours on Australia Day 2024

RECOMMENDATION

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

COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 3.1: A healthy and self-determined community where everyone feels valued, supported and safe.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles E, F and I which are:

- Innovation and continuous improvement is to be pursued.
- Collaboration with other Councils and Governments and statutory bodies is to be sought.
- The transparency of Council decisions, actions and information is to be ensured.

4.6 (Cont.)**RELEVANT COUNCIL DECISIONS AND POLICIES**

Acknowledgement of Special Events or Achievements of Citizens, Councillors and Mornington Peninsula Shire (Shire) Officer's Policy.

DISCUSSION**Background**

Australia honours its citizens who have made outstanding achievements and contributions to our society.

Australia's distinctive honours system began in 1975 with the creation of the Order of Australia to recognise service to the nation or humanity, as well as the Australian Bravery Decorations and the National Medal. Since then, Australia has created additional awards to recognise additional areas of service valued by Australians.

Australian honours are unique in that they were designed for the community to make a nomination. The Australian honours system is free of patronage or political influence. Anyone can nominate an Australian citizen for an honour.

On Australia Day 2024, the following four residents of the Mornington Peninsula were announced on the Australian Honours List:

- Mrs Heather Ruth Carr OAM of Dromana has been awarded the Medal of the Order of Australia for service to athletics.
- Mr Graeme Alexander Grant OAM of Flinders has been awarded the Medal of the Order of Australia for service to the finance and superannuation sectors.
- Ms Lee (Gidja) Isabel Walker OAM of St Andrews Beach has been awarded the Medal of Order of Australia for service to conservation and the environment.
- Ms Elaine Wallbridge OAM of Rye has been awarded the Medal of the Order of Australia for service to the community through a range of roles and organisations.

In recognition of their achievements, Mornington Peninsula Shire Council will issue a letter under its seal to the 2024 Australia Day, Australian Honours recipients. The recipients will also be invited to a civic reception to be held later this year.

Options for consideration

Not applicable.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

4.6 (Cont.)

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

No direct climate and sustainability considerations.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations.

OFFICER DIRECT OR INDIRECT INTEREST

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

COMMUNITY STRENGTHENING

4.7 Dog Control Enforcement on DEECA Beaches

Prepared By	Merg Mikaelian, Team Leader - Community Safety
Authorised By	Manager - Community Partnerships
Document ID	A12805406
Briefing Note Number	BN1814 – 5 December 2023
Attachment(s)	Nil

EXECUTIVE SUMMARY

As a result of Notice of Motion 419 Council was to be provided and update on the current enforcement of dog regulations on Department of Energy, Environment and Climate Action (DEECA) beaches. On 5 December 2023, Council was presented a briefing update on the Memorandum of Understanding (MoU) between and Mornington Peninsula Shire Council (the Shire) and DEECA regarding the enforcement of dog controls on Committee of Management (CoM) beaches.

At the Council briefing it was identified that whilst Council would like to continue to patrol CoM beaches, that this does come at a significant cost to Council. This report provides future needs and recommendations to ensure safe, effective and efficient patrols of all beaches across the Peninsula can be maintained.

RECOMMENDATION

That Council:

- 1. Notes the information and plans for the future controls of dogs on Committee of Management (CoM) beaches.**
- 2. Advocates to the State Government for funding of two fulltime Officers to actively patrol CoM beaches 12 months of the year, ongoing.**
- 3. Advocates to the State Government for co-funding of a new All-Terrain Vehicle for more effective and efficient patrolling of beaches.**

COUNCIL & WELLBEING PLAN

This aligns with the Council and Wellbeing Plan, in particular:

Theme 3: A flourishing, healthy and connected community.

- Strategic Objective 1.1: An accessible and unique natural environment that helps our community to be healthy and well.

4.7 (Cont.)**GOVERNANCE PRINCIPLES**

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, B and C which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

RELEVANT COUNCIL DECISIONS AND POLICIES

The Mornington Peninsula Domestic Animal Management Plan and the Dogs in Public Places Policy.

DISCUSSION**Purpose**

To provide Council with an understanding of the issues arising with regard to the MoU between DEECA and Council pertaining to dog controls on CoM beaches and seek Council approval to advocate for more equitable future funding arrangements.

Background

Council, DEECA, (formerly known as the Department of Environment, Land, Water and Planning [DELWP]), Parks Victoria (PV) and several coastal CoMs share a commitment to improve community safety and the enjoyment of coastal land across the Shire through a compliance program, regulating the behaviour of dogs along its foreshore reserves.

As a result, the parties entered into a MoU whereby Council's Community Safety Team provides a compliance program to regulate the behaviour of dogs along Council and DEECA foreshore reserves, adhering to a consistent compliance program, whilst educating dog owners on their responsibilities to reduce danger or nuisance to the community and environment.

The current funding arrangement for the patrols for the 2022-23 period was \$21,250.97 which in no way covers the cost to Council for undertaking the patrols. Under the current MoU, DEECA is responsible for the payment of the patrol cost and will recover the relevant share from each CoM.

Options for consideration

At a recent Council briefing, it was identified that Council would like to continue to conduct patrols on CoM beaches under an MoU to ensure consistent dog controls are applied across the municipality. However, the current funding under this MoU does not cover the significant cost to Council in conducting these patrols.

A more viable option would be for Council to hospice two full time, ongoing positions funded by DEECA, including co-funding of a purpose built All-Terrain Vehicle (ATV) for more effective and efficient patrolling all year round.

The parties can then draft a new MoU and Compliance Plan to ensure all beaches across the Peninsula are adequately and appropriately patrolled for the benefit of the community and visitors.

ENGAGEMENT

All CoMs have been engaged regarding the current MoU. Council representatives will advocate to State Government to negotiate a new MoU if this report is supported.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Current frameworks for dog controls on all beaches within the Shire are in place.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

If a new funding agreement cannot be achieved, the current amount recoverable for the services Council provides will be at a significant financial loss.

The current ongoing costs of two fulltime Band 4 Shire officers members equates to \$165,828 annually. One Shire officer currently equates to \$82,919 (including on costs) annually. The proposed rate for next financial year equates to \$84,559 (including on costs).

It is expected a co-funded leased ATV would cost in the order of \$16,000 per annum over five years.

OFFICER DIRECT OR INDIRECT INTEREST

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

5 NOTICES OF MOTION

Notices of Motion must be received 10 clear business days prior to a meeting.

5.1 Notice of Motion 431 (Cr Race) - Model to address homelessness

Cr Sarah Race has given notice of her intention to move the following motion at the meeting.

That Council:

1. *Investigates a partnership with City of Frankston to help address chronic homelessness on the Mornington Peninsula and report this to Council by April 2024.*
2. *Refers the annual funding required to implement a model (\$70,000) to the 2024-25 Budget process with the expectation it will require a multi-year commitment.*
3. *Advocates to Federal and State Governments to commit further funding and resources to help implement the model, given the Mornington Peninsula is now the fourth worst rough sleeping hotspot in the State.*
4. *Refers to the Budget process consideration to consider an increase subsidy support for emergency relief and homelessness support service organisations on the Mornington Peninsula to the housing crisis.*

Officer Comment Prepared by	Kelly Wilson, Social Planning Officer and Kate Hills, Team Leader – Community Wellbeing
Authorised by	Tanya Scicluna, Director – Community Strengthening

OFFICER COMMENT

Mornington Peninsula Shire Council (the Shire) is committed to addressing chronic homelessness on the Mornington Peninsula, as outlined in the Triple A Housing Plan 2020-30. In the 2021 Census, the Mornington Peninsula had 423 people who were homeless, including 50 people sleeping rough. The Shire has the fourth highest number of people sleeping rough in Victoria.

Census data is limited in its accuracy and relevance as it only provides point-in-time data every four years, and local services report the true number of people currently experiencing homelessness is much higher.

The Shire currently coordinates a fortnightly multi-agency case review meeting with local services and outreach workers supporting people who are homeless and sleeping rough on the Mornington Peninsula.

The Shire has been investigating other models that address homelessness through system coordination and collection of real-time data of people sleeping rough (called a 'by-name list').

These models have proven to be successful at preventing and responding to homelessness and have been used in other communities including the City of Frankston. The 'Frankston Zero' model was established in 2021. Frankston Zero aims to make homelessness a rare, brief and non-reoccurring event by through providing coordinated supports while working with

5.1 (Cont.)

the person to find secure housing. Frankston Zero is supported by a State Government grant of \$500,000 over four years.

A Shire officer budget bid for Council's consideration has been submitted for the 2024-25 budgeting process for \$70,000 to implement a similar model on the Mornington Peninsula. This would involve an external service provider (Launch Housing) employing a Service Coordinator and By-name list coordinator. The Shire would also be a key partner and would support roll-out of the model through stakeholder engagement, secretariat support, communications, and policy development.

The Shire has a close working relationship with Frankston City Council. If the budget proposal is successful, there are opportunities to leverage existing relationships and explore a shared governance structure with Frankston Zero, to avoid duplication and best utilise the expertise of the shared stakeholders who operate across both municipalities.

The Shire continues to advocate to Federal and State Governments to commit further funding and resources to address homelessness and the housing crisis on the Mornington Peninsula. In October 2021 Council declared a housing crisis and called on Federal and State Government assistance to respond. Shire officers are currently developing an Advocacy Strategy to guide our ongoing work in this area.

Through the Community Investment Funding Program, the Shire currently provides subsidies of over \$700,000 to our three Community Support Centres in Mornington, Rosebud and Hastings to support our most vulnerable community members. Council reviews its grants and subsidies contributions each budget cycle.

Legal Implications

Not applicable.

Financial and Resourcing Implications

\$70,000 for first financial year (2024-25) plus further annual commitment if no State Government funding is not committed project.

Potential Alternative Wording

Not applicable.

5.2 Notice of Motion 432 (Cr Gill) – Cost shifting

Cr David Gill has given notice of his intention to move the following motion at the meeting.

That Council:

1. *Asks the State Government to review the range of Council services provided in light of government cost shifting of their responsibilities onto rate payers.*
2. *Asks the Mornington Peninsula’s Citizens Panel to evaluate Council service provision and State Government services to the Mornington Peninsula as a new year priority for the Panel.*

Background

With high inflation and most costs increasing by much more than the rate cap Council cannot afford further cost shifting from State Government without curtailing community services and Capital Works projects.

Mornington Peninsula Shire Council has among the lowest rating and borrowing of any municipality and has been successfully cost cutting to maintain balanced budgets but cost shifting is now impacting communities depending on Council assistance.

Trying to fill the gaps in public transport, homelessness, kindergartens, farming viability, libraries, foreshore management and much more has reached crisis point.

Officer Comment Prepared by	Bulent Oz, Chief Financial Officer and Randal Mathieson, Manager – Advocacy, Communications and Engagement
Authorised by	John Baker, Chief Executive Officer

OFFICER COMMENT

A report on cost-shifting will be tabled at this Council Meeting. This report will not only be shared with other councils but also with the State Government, aiming to highlight the issue of government responsibilities being shifted onto ratepayers. This is especially critical as we face high inflation and rising costs, far exceeding the limitations imposed by the rate cap. Without intervention, we might have to scale back on community services and Capital Works projects.

The Mornington Peninsula Shire Council is one of the lowest rating councils and has achieved balanced budgets through diligent cost-cutting since rate capping was introduced.

We believe that by bringing this issue to light, we encourage the State Government to take appropriate action, either by reassuming certain responsibilities or by providing additional funding to cover these shifted costs. This would mitigate the impact on our community services.

Furthermore, involving the Mornington Peninsula’s Citizens Panel in this discourse is a step we fully support. It will allow us to gain direct insights from our community members, further informing our approach to addressing this pressing issue.

Shire officers support allocating one session of the existing Citizens’ Panel to discuss the cost shifting report.

Legal Implications

Not applicable.

Financial and Resourcing Implications

Not applicable.

Potential Alternative Wording

Not applicable.

5 NOTICES OF MOTION

5.3 Notice of Motion 433 (Cr Gill) - Chief Executive Officer accountability

Cr David Gill has given notice of his intention to move the following motion at the meeting.

That Council asks the State Government if they are serious about appointing Council Chief Executive Officers and making them accountable to Government policy but not to the community who pay their wages.

Background

The State Government has asked for feedback from relevant Council bodies with the exception of Councillors and their communities.

Officer Comment Prepared by	David Taylor, Manager – Legal and Governance
Authorised by	John Baker, Chief Executive Officer

OFFICER COMMENT

The *Local Government Act 2020* section 44 currently requires Councillors to appoint and manage their Chief Executive Officer in accordance with its Chief Executive Officer Employment and Remuneration Policy.

Governance will seek clarification from Local Government Victoria of their intent to appoint Council Chief Executive Officers.

Legal Implications

There are no legal implications associated with this matter.

Financial and Resourcing Implications

There are no financial or resourcing implications associated with this matter.

Potential Alternative Wording

Nil.

5.4 Notice of Motion 433 (Cr Gill) – Community Watchdog Budget Panel

Cr David Gill has given notice of his intention to move the following motion at the meeting.

That a report considering the establishment of a Community Watchdog Budget Panel be brought to Council in readiness for potential implementation early in the next financial year.

Background

This would further improve transparency and accountability in budget preparations and implementation and would highlight the unacceptable lack of consultation, accountability and transparency involved in State and Federal decision making.

Officer Comment Prepared by	Bulent Oz, Chief Financial Officer
Authorised by	John Baker, Chief Executive Officer

OFFICER COMMENT

Officers would support the allocating a session with the existing Citizens Panel as a 'Budget Watchdog session' This initiative aligns with our ongoing efforts to enhance transparency and accountability in our budget processes. By involving the Citizens Panel in this role, we aim to deepen the community's understanding of how budget decisions are made and how they impact the services we provide.

This approach not only brings to light the complexities of budget management but also encourages an open dialogue between the council and our community members. It's an opportunity for residents to engage directly with budget matters, offering their perspectives and understanding the challenges and considerations involved in budgetary planning.

Incorporating discussions about our current budget performance and adherence to financial goals within the Citizens Panel will provide valuable insights. It will help demystify the financial aspects of council operations and allow for a more informed conversation about financial priorities and outcomes.

By embracing this model, we not only uphold our commitment to transparent governance but also empower our community members to actively participate in and contribute to the fiscal stewardship of our municipality. This collaborative approach is fundamental in building trust and ensuring that our budgetary decisions reflect the community's needs and aspirations.

Legal Implications

Not applicable

Financial and Resourcing Implications

Not applicable

Potential Alternative Wording

Not applicable

6 URGENT BUSINESS

Under Council's Governance Rules, no business may be admitted as urgent business unless it:

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

7 CONFIDENTIAL ITEMS

Nil.