



Agenda

Ordinary Meeting of Council

Wednesday 20 June 2012 at 7:00pm

Queenscliff Town Hall
50 Learmonth Street, Queenscliff

Distribution

Councillors

Cr. Bob Merriman (Mayor)

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Officers

Lenny Jenner - Chief Executive Officer

Ev Wuchatsch - General Manager Governance & Community

Phil Josipovic - General Manager Planning & Infrastructure

Information contained in this Agenda is for the CONFIDENTIAL and PRIVILEGED use of Councillors until 5:00pm on the Friday before the meeting.

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



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Appendices

Appendix	Title	Agenda Item	Distribution
Appendix 1	Borough of Queenscliffe Council Plan 2010-2013	11.1 Council Plan 2010-2013, including the 2012/13 Business Plan Priority Actions	Under separate cover
Appendix 2	Borough of Queenscliffe 2012/13 Budget	11.2 2012/13 Budget	Under separate cover
Appendix 3	Copies of individual submissions to proposed Queenscliff Ferry Terminal Planning Scheme Amendment	15.2 Proposed Queenscliff Ferry Terminal Planning Scheme Amendment	Under separate cover
Appendix 4	Officer response to each individual submission to proposed Queenscliff Ferry Terminal Planning Scheme Amendment	15.2 Proposed Queenscliff Ferry Terminal Planning Scheme Amendment	Under separate cover



1. OPENING OF MEETING

2. PRESENT & APOLOGIES

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES

Councillors:

Officers:



4. PUBLIC QUESTION TIME

5. CONFIRMATION OF COUNCIL MEETING MINUTES

5.1. Ordinary Meeting of Council – 23 May 2012

A copy of the previous Minutes of the Ordinary Meeting of Council held on Wednesday 23 May 2012 was distributed to Councillors under separate cover.

Recommendation:

That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 23 May 2012, as distributed, be confirmed as an accurate record.



6. RECORD OF ASSEMBLY OF COUNCILLORS

Record in accordance with section 80A(1) of the Local Government Act 1989 (see **Adjunct to Item 6**).

Recommendation:

That the Record of Assembly of Councillors, as presented in Adjunct to Item 6, be noted.



7. MOTION ON NOTICE

7.1. Motion On Notice Status Update

Recommendation:

That the Motion On Notice Status Update, as presented in Adjunct to Item 7.1, be noted.

7.2. Motion on Notice

Nil.



8. CORRESPONDENCE

8.1. Petitions and Joint Letters

Nil

8.2. Inwards Correspondence

Date	Correspondence
23 May 2012	Correspondence received from Queenscliffe Community Association Inc. regarding Music Festival Committee
13 June 2012	Correspondence received from Australian Local Government Association regarding the progress of the Constitutional Recognition of Local Government

Recommendation:

That the Correspondence be noted.



9. MAYOR'S REPORT

9.1. Functions Attended

Date	Function Attended
22 May 2012	Cr Butler, deputising for the Mayor attended the Timor-Leste Fundraiser Literary Luncheon with author Alice Pung, hosted by Geelong Regional Library Corporation
22 May 2012	Mayor, Crs Davies & Butler and CEO attended the Borough of Queenscliffe Volunteer Celebration
24 May 2012	Mayor & CEO attended the organising committee of the Borough's 150th celebrations
25 May 2012	Mayor & CEO attended the G21 Board meeting
28 May 2012	Mayor chaired the Hesse Street Revitalisation meeting, attended by the GMP&I
29 May 2012	Mayor chaired the Point Lonsdale Reference Group meeting
29 May 2012	Mayor chaired the Governance, Finance & External Relations Portfolio Reference Group meeting, attended by the GMG&C
31 May 2012	Mayor & Cr Butler attended the Australia's Biggest Morning Tea Cancer Council event hosted by the Borough of Queenscliffe
4 June 2012	Mayor attended the G21 Audit Committee meeting
5 June 2012	Mayor, Cr Burgess, GMP&I & Senior Planner attended the Understanding Coastal Climate Challenges for Local Government Workshop
12 June 2012	Mayor attended the Point Lonsdale Main Street Community Workshop meeting
14 June 2012	Mayor & CEO met with Damian Drum, Parliamentary Secretary for Regional Development
14 June 2012	Mayor, Cr Butler and Cr Mitchell visited the Queenscliff Kindergarten

Recommendation:

That the Mayor's Report be received.



10. COUNCILLOR PORTFOLIO REPORTS

10.1 Barwon Regional Waste Management Group

File: QG310-11-01

Report: Cr John Burgess

Delegates Report

This last year has been a year of review with the new Liberal Government initiating a series of reviews in the Department of Sustainability and Environment (DSE), the Environment Protection Authority (EPA), and Sustainability Victoria (SV). These Agencies are the policy setters for regional waste management hence there has been little strategic direction during the period of review.

However, it has been 'business as usual' at the Local level which has seen the following new initiatives introduced.

1. 'Second Hand Saturday' in the City of Greater Geelong. (this is the equivalent of Queenscliffe's 'hard waste collection') On the 26 May 2012 a collection was held at the Belmont Council Depot. This resulted in 840 cars/trailers dropping off approximately ninety tonne of furniture and e-waste which included some three thousand television sets. This was in turn, delivered to GDP Industries in North Geelong where it was sorted and the TVs dismantled to recover recyclable materials. Follow up collection days will occur on 16 June at Drysdale and 30 June at Lovely Banks, north of Geelong.
2. Over the last six months the Waste Group has initiated a trial program (with the help of fourteen farms) to introduce green waste collected at curb side onto those farms for processing and eventual soil enrichment. The program is called 'Garden Organics, Soil Improvement Program (GOSIP). When 'expressions of interest were called for the Waste Group received applications from thirty five farms in the Geelong area. If the trial is successful then additional Government funding will be sought to expand the program into the broader rural areas within the Region.

Recommendation:

That Council notes the delegates report.



11. GOVERNANCE, FINANCE & EXTERNAL RELATIONS

11.1 Council Plan 2010-2013, including the 2012/13 Business Plan Priority Actions

File: QG054-01-01

Report Author: Chief Executive Officer

Introduction

The purpose of this report is to enable Council to adopt the Council Plan 2010-2013, including the 2012/13 business plan priority actions (**Appendix 1**), with or without modification, after having considered all community submissions made in respect of the Council Plan during the community consultation period in accordance with Section 125 of the Local Government Act 1989.

Background

In June 2010 the Borough of Queenscliffe Council approved the 2010-2013 Council Plan, incorporating the Municipal Public Health Plan. In June 2011, following community consultation, Council resolved to make some minor modifications to the Council Plan. Under section 125 of the Local Government Act 1989, at least once in every financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Plan.

Council has determined to make a number of adjustments to its Council Plan, namely:

- Including the 2012/13 Business Plan priority actions.

In accordance with the Section 223 of the Local Government Act 1989, Council resolved to place the revised 2010-2013 Draft Council Plan, incorporating the business plan priority actions, on public exhibition for at least 28 days and invited submissions from 24 March 2012 to 4 May 2012 inclusively. One submission was received in relation to the Council Plan.

Statutory Requirements

The legislative requirements relating to Council Plans are contained in Section 125 of the Local Government Act 1989 (Act). Section 125 (2) of the Act specifies as follows:

A Council Plan must include—

- (a) the strategic objectives of the Council;
 - (b) strategies for achieving the objectives for at least the next 4 years;
 - (c) strategic indicators for monitoring the achievement of the objectives;
 - (d) a Strategic Resource Plan containing the matters specified in section 126;
 - (e) any other matters which are prescribed by the regulations.
-



At least once in each financial year, a Council must consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

Council Plan

The Council Plan is a four year strategic document which embodies statements of intent which reflect the aspirations of the community and the leadership role of Council. The Plan defines actions designed to achieve the goals of Council. The plan includes Council's vision and strategic directions.

Financial

The Council Plan as a strategic document guides the development of the annual budget.

Costs associated with the review, advertising and adopting the Council Plan are contained with current budget allocations.

Social

The Council Plan aims to capture the goals and aspirations of the community. In 2010 Council incorporated its Municipal Public Health and Wellbeing Plan into the Council Plan, therefore highlighting the importance of health and wellbeing in the Council's strategic planning. Minor modifications to the Council Plan in June 2011 further strengthened Council's commitment to social inclusion and community development.

Environmental

The Council Plan incorporates a strategic direction specific to improving the local environment and responding to related priority issues.

Risk Management

The Council Plan meets all statutory requirements.

Discussion

The Council Plan incorporates the requirements set out under section 27 of the Public Health and Wellbeing Act 2008 as well as the 2012/13 Business Plan priority actions framed around five key Strategic Directions:

- Governance, Finance & External Relations
-



- Sustainability & Local Environment
- Business & Tourism
- Community Development
- Planning, Heritage & Community Assets

The process of reviewing the Council Plan and framing the 2012/13 business plan priority actions included consideration of community submissions that were taken into account when drafting the Council Plan prior to public exhibition.

The Council Plan continues to reflect the medium term needs and aspirations and the short term priorities of the Borough community and the important relationship with and leadership role of Council. The Plan also defines the role and strategies of Council in promoting the health and wellbeing of the Borough community.

At the close of the submission period Council received one written submission to the draft Council Plan 2010-2013. An opportunity was provided for the submitter to present to Council at 8:00pm on Monday 21 May 2012. This submission presented a feedback in relation to the following aspects of the draft Council Plan:

- Content of the Council's Vision
- Positioning of Council's Strategic Resource Plan
- Council's community consultation
- Priority given to the identified 2012/13 Business Plan Priority Actions

Council considered the key matters raised in this submission and related presentation as part of its Assembly agenda meeting held at 6:15pm on Wednesday 23 May 2012.

After consideration of the matters raised in the public submission, officers recommend that no amendments be made to the advertised draft Council Plan 2010-2013 that relate to this public submission.

Conclusion

Council has spent considerable time reviewing priorities and crafting this revised Council Plan, including the 2012/13 business plan priority actions.

Having satisfied all of the requirements of the Local Government Act 1989, it is appropriate for Council to now resolve to adopt the Council Plan 2010-2013, including the 2012/13 business plan priority actions.



Recommendation:

That Council, having satisfied all legislative requirements:

- 1. Adopt the Council Plan 2010-2013, including the 2012/13 business plan priority actions (Refer Appendix 1) in accordance with Section 125 of the Local Government Act 1989.**
 - 2. Forward a copy of the adopted Council Plan 2010-2013, including the 2012/13 business plan priority actions to the Minister for Local Government.**
-



11.2 2012/13 Budget

File: QG-085-01

Report Authors: General Manager, Governance & Community
Senior Accountant

Introduction

At the Ordinary Council Meeting held 21 March 2012, Council proposed the Budget for the 2012/2013 financial year.

In accordance with the Local Government Act, Council placed the 2012/2013 Draft Budget on public exhibition for 28 days inviting submissions.

After having considered public submissions in relation to the proposed Budget, it is now recommended that Council adopt the Budget for 2012/2013.

Council Plan

Section 127(1) of the Local Government Act requires that Council prepares a budget for each financial year and that it be adopted by 31 August each year (Section 130 (3) of the Act).

Financial

The budget is Council's principal annual financial planning and control tool.

Environmental

Nil

Summary

The Budget for 2012/2013 was put on public exhibition and advertised in accordance with the Act.

Two information evenings were held for discussion with the community and to present the Budget and Council Plan. These occurred on Monday, 2 April 2012 in Queenscliff and on Tuesday, 3 April 2012 in Hawthorn. Six people attended the meeting in Queenscliff and 14 attended the meeting at the Hawthorn Town Hall.



Budget Submissions

At the close of the public submission period on Friday, 4 May 2012, six submissions had been received. Two other submissions were also considered, being received after the closing date last year.

On Monday 21 May 2012 a public meeting was held to provide an opportunity for submitters to present to Council and make comments on their submissions.

The submissions presented a range of issues and questions that related to the following aspects of the budget and council plan:

- proposed rate increase and rates per assessment,
- borrowings,
- capital works and new initiatives,
- employee costs,
- materials and services costs,
- Council and Crown Land expenditure,
- planning scheme and heritage study,
- tree register and Hesse Street revitalisation,
- condition of roads and reserves and a lack of footpaths,
- Council boundary,
- open space developments,
- carbon neutral / climate change funding,
- heritage loans,
- public transport, and
- income from the harbour and cabins / camping.

Conclusion

The process of finalising the 2012/13 budget included consideration of the submissions received during the advertising period and presented to council at the meeting on 21 May 2012.

After consideration of the matters raised in the public submission process, no amendments have been made to the advertised draft Budget 2012/13 resulting from the public submission process.

However, Council have discussed the fees and charges schedule relating to the annual caravan park fees for both Victoria Park and the Recreation Reserve. The schedule attached as part of the Budget has been amended to reflect those discussions with the Annual Fee of \$4,450 in the original draft being amended to \$5,060 for the 2012/13 year.



A final copy of the Budget 2012/13 is provided as **Appendix 2**.

Recommendation

1. That Council, having considered submissions received in respect to the 2012/2013 Budget;
 - 1.1. Adopt the 2012/2013 Budget document as tabled – noting the increase in annual camping fee for both Victoria Park and the Recreation Reserve;
 - 1.2. Adopt a differential rate for those properties as defined as commercial in the valuation register for the 2012/2013 rateable year.
 - 1.3. Resolve as follows in relation to rates and charges for 2012/2013:

Amount Intended to be Raised

- A. An amount of \$5,578,000 be declared as the amount which Council intends to raise by general rates and annual service charges later described in this resolution which amount is calculated as follows:

General Rate	\$ 4,918,700
Commercial	\$ 634,200
Cultural and Recreational Land	\$ 3,600
Annual Garbage Charge (2nd Bin)	\$ 11,100
Supplementary Rates	\$ 10,400
TOTAL	<u>\$ 5,578,000</u>

General Rates

B.

1. A general rate be declared for the period commencing on 1 July, 2012 and concluding on 30 June, 2013;
2. It be further declared that, subject to paragraph 5 of this Part, the general rate be raised by the application of a uniform rate;
3. A general rate of 0.237662 cents in the \$ Capital Improved Value be declared;
4. It be confirmed that the general rate for all rateable land within the municipal district be determined by multiplying the Capital Improved Value of each rateable land by that declared rate so that the amount payable be 0.237662 cents in the \$ of the Capital Improved Value.
5.
 - (a) It be recorded that Council considers that a differential rate will contribute to the equitable and efficient carrying out of Council functions;
 - (b) A differential rate be declared for that rateable land having the characteristic "Commercial". This will form the criteria for the differential rate so declared:
 - (i) "Commercial" refers to commercial properties. These include office accommodation, service stations, vacant commercial



land, sporting clubs, garage & motor vehicle businesses, caravan parks, guest houses, hotels, motels, bed and breakfast facilities, special accommodation houses, tourist accommodation, including dwellings & holiday flats leased or rented for more than six weeks of the year, banks, cafes, convenience & fast food stores, kiosks, supermarkets, restaurants, shops & associated dwellings, child care centres, medical centres, nursing homes, veterinary facilities, post offices and any other land use that Council considers to be commercial.

- (c) The differential rate be determined by multiplying the Capital Improved Value of the rateable land categorised in paragraph (b) of the rate indicated on the following table:-

(i) Commercial

0.320844 cents in the \$ of the Capital Improved Value

- (d) It be further recorded that the objectives of the differential rate are those objectives specified below:

To provide for all properties specified by Council as Commercial a greater amount than the general rate to reflect the equity of services that those properties receive; and

To promote and support the use of Council's visitor information centre.

6. It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district; and
7. In accordance with section 4(4) of the Cultural and Recreational Lands Act 1963: It be confirmed that the amount payable in respect of the recreational lands be determined by multiplying the Capital Improved Value of these lands by 0.059416 cents in the \$.

Service Rate/Charge

- C. 1. Annual service charges be declared for the period commencing on 1 July, 2012 and concluding on 30 June, 2013;
2. That annual service charges be declared for garbage services as follows:
- 120 litre garbage bin: First bin Free
 - Second 120 litre garbage bin: \$180.00
3. The criteria specified below be the criteria which form the basis of the annual service charges so declared.
- Second Garbage services – criteria for charge is to recover the additional cost of the second service.

Rebates and Concessions

- D. Nil



Incentives

E. Nil

Consequential

- 1. The Chief Executive Officer of Council be authorised to levy and recover the general rates and annual service charges described earlier in this Resolution in accordance with the Local Government Act 1989.**
 - 2. That Council forward the adopted Council Budget 2012/13 to the Minister for Local Government.**
-



11.3 Revaluation of Properties January 2012

File: QG308-01-08

Report Author: General Manager Governance & Community

Purpose

The purpose of this report is to inform Council and the community of the results of the general valuation of properties in the Borough which occurred in January 2012 and which will be used to generate the 2012/13 rates for all residential, commercial and other ratepayers.

Background

Every second year Councils are required to revalue all properties in their municipality. This is a requirement under the Valuation of Land Act 1960 and is undertaken by all councils across the State.

Council has contracted Opteon to undertake both the 2010 and the current 2012 revaluation.

The revaluation is undertaken in stages and adopts Valuation Best Practice standards 2012. Council was briefed by the valuers at a budget workshop on the Stage 4 results. The final analysis and report have been forwarded to the Valuer-General as required by the Act.

This report contains information provided by Council's Valuers (Opteon).

Key Issues

The general valuation for the Borough of Queenscliffe was undertaken using VM2020 software. Valuation Best Practice 2012 standards were adopted and implemented at every stage of the process. Valuation levels used for the return of the valuation were derived from analysis of comparable vacant land and improved sales together with collected rent and commercial yield information. Values for residential dwellings were adopted depending upon the location, quality of style, condition code and age.

The existing planning scheme, amendments to the planning scheme and properties of historical significance were taken into account during the process of the general valuation. Analysis of the planning scheme in conjunction with sales analysis did not reveal any significant shifts in valuation levels that were not accounted for in valuation levels with Sub Market Groups.¹

¹ General Valuation Report. 28 May 2012 Opteon



Discussion

A number of stages are undertaken as part of the valuation process beginning with a review of the previous revaluation. Stage 1 was submitted on 31 December 2010.

Valuation Modelling is performed on Sub Market Groups which are defined as:

“A group of properties of like characteristics from which sales analysis can be drawn to value other properties of similar characteristics using a computer assisted valuation model.”

Valuation process:

Stage 1:	Review of 2010
Stage 2:	Residential & Rural
Stage 3A:	Specialist Property
Stage 3B:	Commercial
Stage 4:	Review of valuations
Stage 5:	Final valuation data file & Report

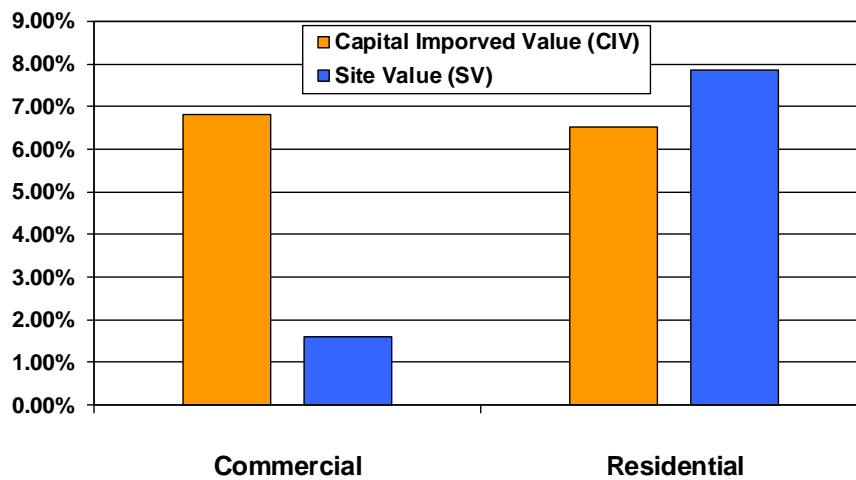
Valuation Methodology

The main methodology used for the calculation of residential dwellings was to summate the values based on ageing tables and modifying factors to account for quality of style, building condition, floor area and age of the dwelling. Other considerations included:

- Computer Assisted Valuations using VM2020 & GIS Mapping
 - Analysis of all Sales
 - Field Inspections (33%) to Verify Data for Residential & Rural
 - Field Inspections (100%) for Commercial
 - Modelling criteria based on market value
-

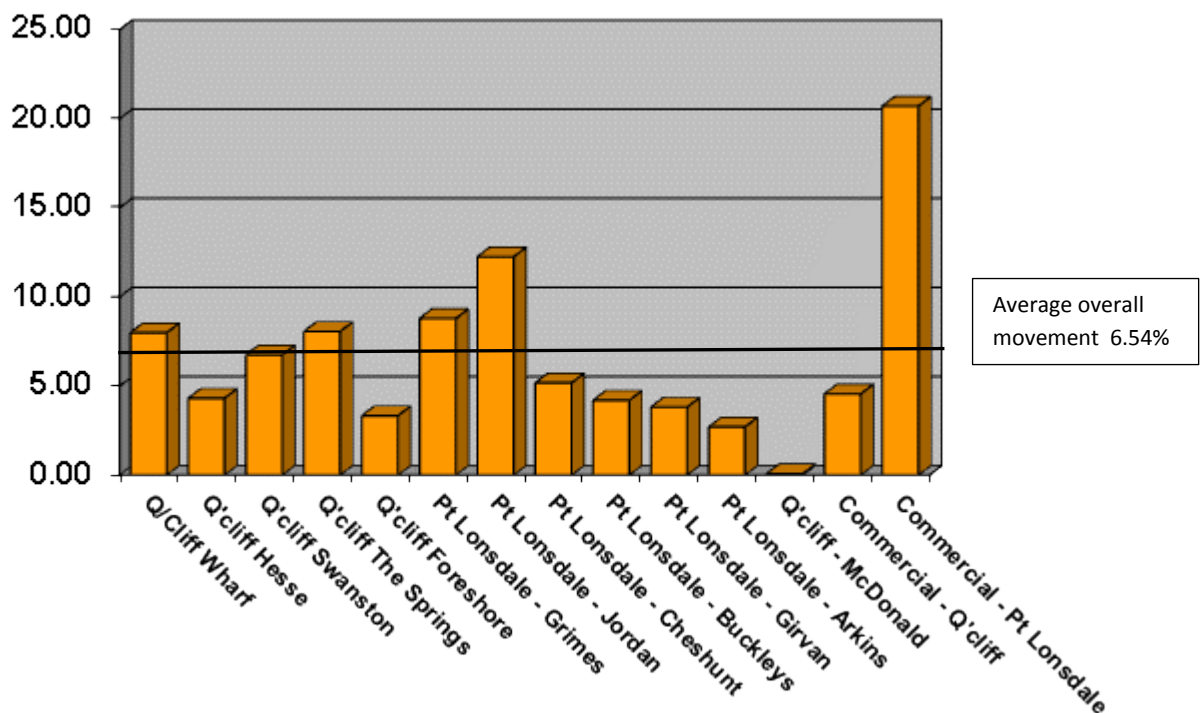


Movements in Valuation



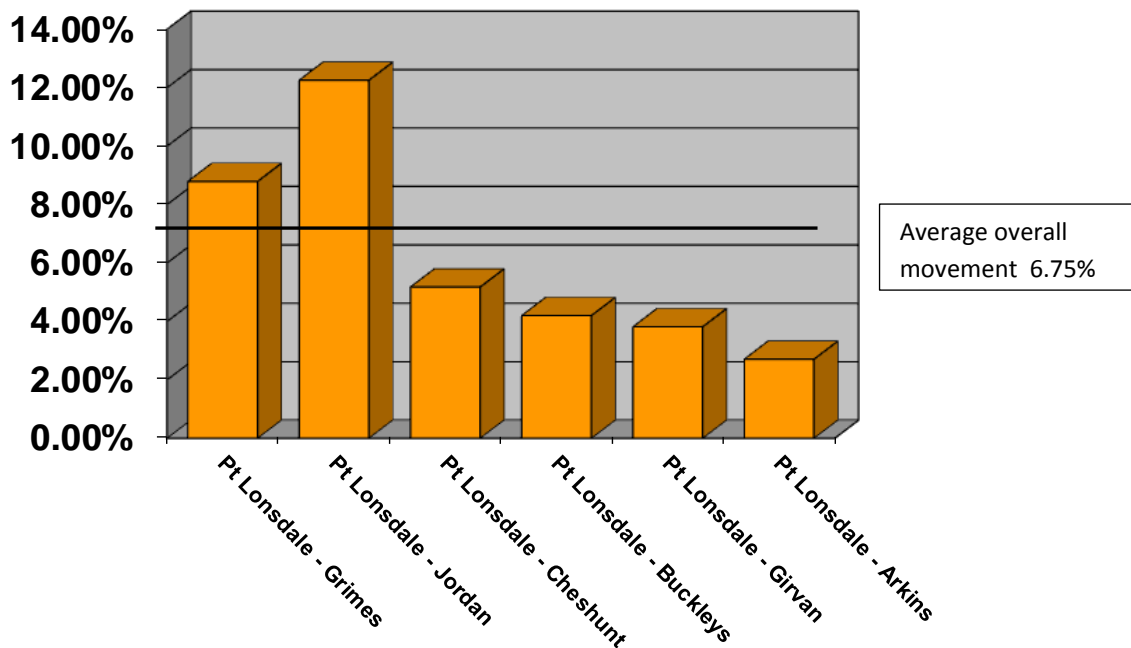
The above graph indicates the movements across the residential and commercial sectors with the CIV increasing marginally higher in the commercial sector than residential (6.81% versus 6.52%).

Borough Of Queenscliffe Total Revaluation Movement



The graph above shows the valuation movements in the segments of the Borough in both Queenscliff and Point Lonsdale.

Point Lonsdale Residential Movement



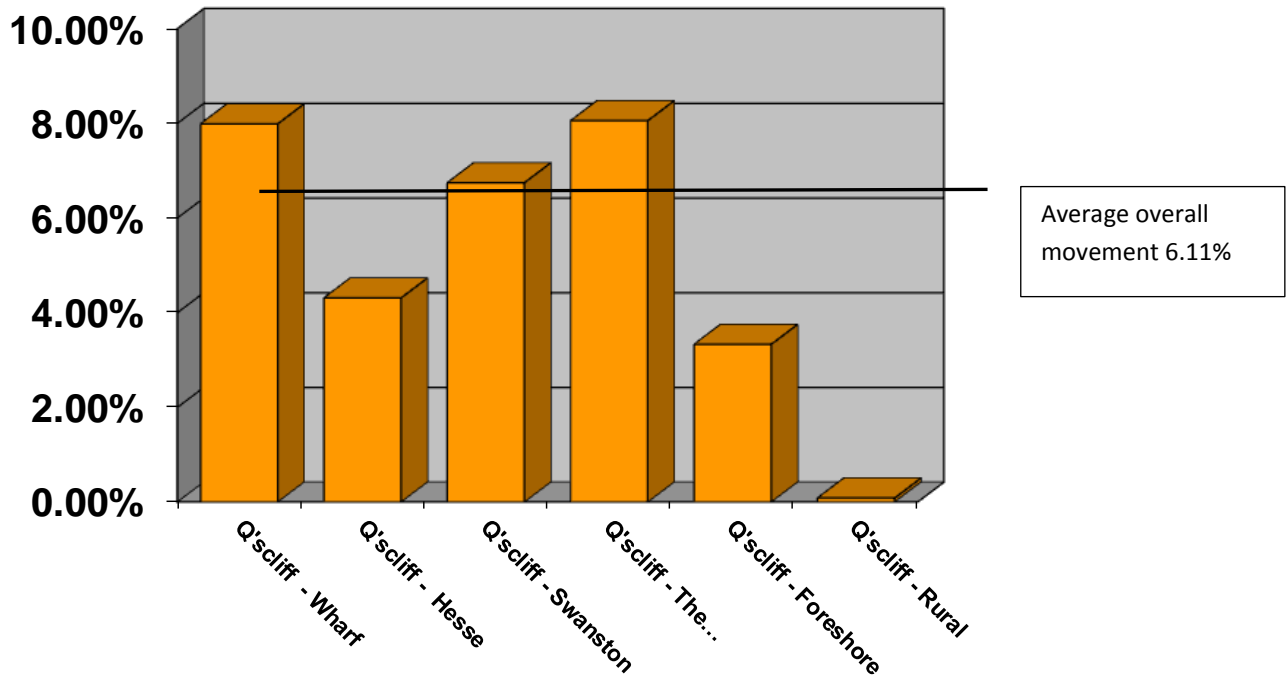
Point Lonsdale is split into segments “Sub Market Groups” (names given by the Valuers around the street named areas to define regions for valuation purposes).

The following map indicates the percentage movement across the Point Lonsdale area.

Point Lonsdale Valuation Movements



Queenscliff Residential Movement

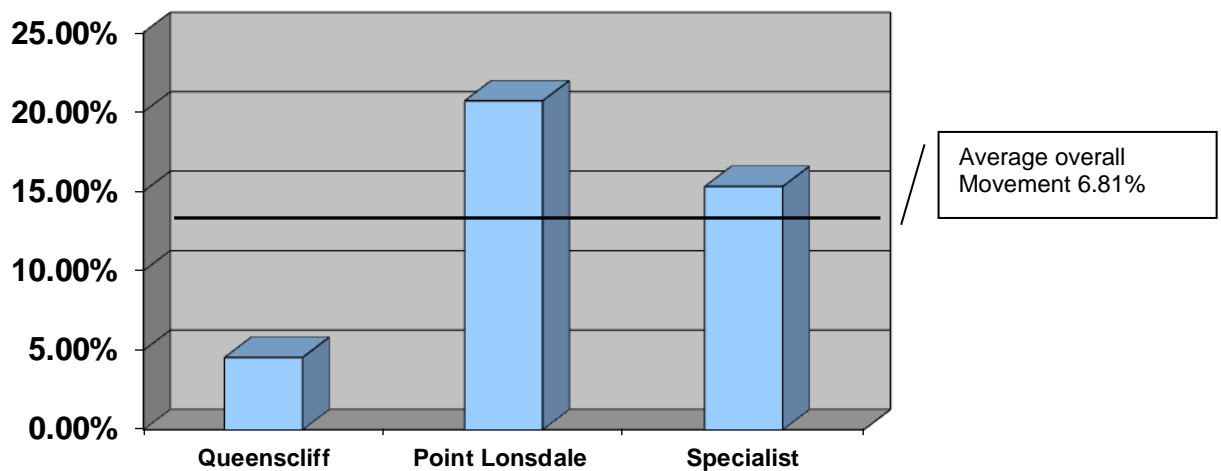


Queenscliff Valuation Movements





Commercial Valuation Movements



Council Plan

Property revaluation is a legislative requirement and falls under the Council Plan Strategic Direction in terms of “providing accountable governance”.

Financial

Revaluation data is the mechanism by which the annual rates budget is distributed across rateable properties.

Social

Increases in property valuations do not necessarily mean increases in rates payable. The overall increase in rates revenue is determined by Council on a percentage basis and is applied to properties using the CIV as the method of calculating an individual property's rates. The social impact of rate increases may result in cases of financial hardship being submitted to Council for consideration.

Environmental

Nil



Risk Management

Financial/social implications as mentioned above.

Officer Direct or Indirect Interest

Under Section 80C (1) (2) of the Local Government Act 1989, Council staff and persons engaged under a contract to provide advice or a report to a meeting of the Council or a special committee, and who have a direct or indirect interest in a matter to which the advice or report relates, must disclose the type of interest when providing the advice or report and before the advice or report is considered by the Council or the committee.

Officers involved in developing the report have no direct or indirect interests.

Conclusion

The 2012 valuation carried out by Opteon, Council's contracted valuers, has provided Council with a full property revaluation as is required biennially under the Valuation of Land Act 1960.

The total overall movement in valuations in total in the Borough was an increase of 6.54%. In Point Lonsdale residential property increased on average by 6.75%, Queenscliff by 6.11%.

Commercial property increased 6.81% on average in the Borough, with Queenscliff increasing 4.55% and Point Lonsdale by 20.7%

Note: the Valuers do not include tourism accommodation providers in "Commercial" for the purposes of the statistics in this report.

Recommendation:

That Council note the report.



12. SUSTAINABILITY & LOCAL ENVIRONMENT

Nil.

13. BUSINESS & TOURISM

Nil.

14. COMMUNITY DEVELOPMENT

Nil.



15. PLANNING, HERITAGE & COMMUNITY ASSETS

15.1. Planning Permit Activity Report

15.1 (a) Summary Report

App. No	Date Received	Address	Proposal	Status
2006/157	20/04/2012	20-26 Hesse Street Queenscliff	The demolition of the existing buildings, the carrying out of buildings and works for the construction of 23 dwellings, 5 shops and carpark, the waive of the standard car parking for shops	Extension of time to existing planning permit – under consideration
**2010/058	18/06/2010	1 Beach Street Queenscliff	Demolition of buildings within a Heritage Overlay ("Fisherman's Wharf")	Waiting on advice from applicant
2011/102	27/09/2011	21 Stevens Street Queenscliff	Demolition of a dwelling and development of a new dwelling (two storey) and outbuilding in a Heritage Overlay, variation to the setback requirements of Design and Development Overlay – Schedule 1	Under consideration
**2011/103	30/09/2011 (Amended 16/03/2012)	9 Stevens Street Queenscliff	Demolition of a dwelling and garage and development of a new dwelling (two storey) in a Heritage Overlay	Notice of Decision issued
**2011/106	18/10/2011	153 Point Lonsdale Road Point Lonsdale	The construction of two dwellings (double storey), construction of a front fence, and subdivision of the land into two (2) lots with common property	VCAT Appeal lodged by objector VCAT hearing yet to be scheduled
2011/119	16/12/2011	29 Mercer Street Queenscliff	Part demolition, alterations and extensions to an existing dwelling in a Heritage Overlay, demolition of an outbuilding, and variation to the side setback requirements of Design and Development Overlay – Schedule 1	Under consideration
**2011/120	21/12/2011	3 Edgewater Close Queenscliff	The development of two dwellings (a single storey dwelling and a two storey dwelling up to 8.0 metres) and front fence, variation to the setback requirements of Design and Development Overlay – Schedule 3 and subdivision of the land into two lots	Under consideration
2012/002	03/01/2012	40 Wharf Street Queenscliff	Alterations and extensions to an existing dwelling in a Heritage Overlay and development of an outbuilding.	Under consideration



App. No	Date Received	Address	Proposal	Status
**2012/004	10/01/2012	64 King Street Queenscliff	Alterations and extensions (two storey) to an existing dwelling and variation to side setback requirements of Design and Development Overlay – Schedule 1	Under consideration
2012/006	16/01/2012 (Amended 2/03/2012)	12 Bay Street Queenscliff	Demolition of an existing dwelling and construction of a dwelling in a Heritage Overlay	Under consideration
**2012/011	06/02/2012	57 Winterley Road Point Lonsdale	Construction of a dwelling (two storey)	Under consideration
**2012/015	15/02/2012 (Amended 12/06/2012)	23 Lonsdale Street Point Lonsdale	The development of a dwelling (two storey)	Under consideration
**2012/019	28/02/2012 (Amended 23/04/2012)	22 Jennifer Crescent Point Lonsdale	The development of a second dwelling (two storey), alterations to an existing dwelling, and variation to the setback requirements of Design and Development Overlay - Schedule 4	Public notification Referral to Engineering Department
2012/021	06/03/2012	62 Stokes Street Queenscliff	Alterations and extensions to an existing dwelling and outbuilding in a Heritage Overlay	Under consideration
2012/023	14/03/2012 (Amended 26/04/2012 & 11/05/2012)	96 Glaneuse Road Point Lonsdale	Alterations to an existing dwelling, the development of an outbuilding (bungalow) and variation to the side and rear setbacks of Design and Development Overlay – Schedule 4	Under consideration
2012/024	19/03/2012	163 Point Lonsdale Road Point Lonsdale	The development of a two storey dwelling and front fence and alteration of access to a road in a Road Zone, Category 1	Public notification Referrals to VicRoads and Engineering Department
**2012/026	20/03/2012 (Amended 02/05/2012)	13 Hesse Street Queenscliff	The development of business identification signage in a Heritage Overlay , waiver of the car parking requirements of Clause 52.06 of the Queenscliffe Planning Scheme associated with the use of the site as a restaurant and Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell and consume alcohol (“Restaurant and Café Licence”)	Under consideration



App. No	Date Received	Address	Proposal	Status
2012/027	20/03/2012	9 Raglan Street Queenscliff	The development of a dwelling (two storey), outbuilding (pool house) and front fence and variation to the site coverage and setback requirements of Design and Development Overlay – Schedule 1	Under consideration
2012/028	21/03/2012	17 Edgewater Close Queenscliff	Alterations and extensions to an existing two storey dwelling	Under consideration
2012/029	19/03/2012	4 Bay Street Queenscliff	Part demolition, alterations and extensions to an existing dwelling in a Heritage Overlay and construction of a fence	Under consideration
2012/030	23/03/2012	7A Nicholas Court Point Lonsdale	Alterations and extensions to an existing dwelling	Public notification
2012/031	03/04/2012	29 Roddick Grove Queenscliff	Alterations (deck) to an existing dwelling	Under consideration
**2012/032	03/04/2012	60 Buckleys Road Point Lonsdale	Alterations and extensions to an existing dwelling	Under consideration
2012/033	10/04/2012	17 Victor Street Point Lonsdale	Alterations and extensions to an existing dwelling	Public notification
2012/034	05/04/2012	9 Bailey Street Point Lonsdale	Alterations and extensions to an existing dwelling	Under consideration
2012/035	18/04/2012	11-13 Golightly Street Point Lonsdale	Alterations and extensions to an existing dwelling and the construction of a front fence	Public notification
2012/036	24/04/2012	10 Bethune Street Queenscliff	The development of a second dwelling (two storey) and carport and subdivision of the land into two lots	Further information requested 1 May 2012
**2012/037	24/04/2012	44 Glaneuse Road Point Lonsdale	Alterations and extensions to an existing two storey dwelling and variation to the front setback requirements of Design and Development Overlay – Schedule 4	Under consideration
2012/038	24/04/2012	5 Bowen Road Point Lonsdale	Alterations and extensions to an existing three storey dwelling and variation to the side and rear setback requirements of Design and Development Overlay – Schedule 3 and lopping of native vegetation	Application on hold at applicants request
2012/039	30/04/2012	18 Albert Street Point Lonsdale	The development of a dwelling (two storey) and variation to the wall length on boundary requirements of Design and Development Overlay – Schedule 4	Under consideration



App. No	Date Received	Address	Proposal	Status
2012/040	01/05/2012	76 Hesse Street Queenscliff	Part demolition and alterations to a building in a Heritage Overlay	Under consideration
2012/043	04/05/2012	3 Moore Court Point Lonsdale	Alterations and extensions (carport) to an existing dwelling	Further information requested 16 May 2012
2012/044	04/05/2012	38 Jordan Road Point Lonsdale	The development of a second dwelling, alterations and extensions (carport) to an existing dwelling and variation to the setback requirements of Design and Development Overlay – Schedule 4	Further information requested 16 May 2012
2012/045	08/05/2012 (Amended 31/05/2012)	3 Swan Island Queenscliff	Extension to the hours of a licensed premises, licensed floor area and outdoor area under Clause 52.27 of the Queenscliffe Planning Scheme to use the land for consumption of alcohol under a "Restricted Club Licence"	Public notification
2012/047	09/05/2012	15-17 Stevens Street Queenscliff	Part demolition of a dwelling, demolition of outbuildings, alterations and extensions (two storey) to an existing dwelling individually listed in a Heritage Overlay, construction of an outbuilding (two storey) and fence and removal of an easement under Clause 52.02 of the Queenscliffe Planning Scheme	Public notification Referral to Heritage Advisor
2012/048	11/05/2012	44 Gellibrand Street Queenscliff	Alterations and extensions to an existing building, construction of an outbuilding and variation to the side setback requirements of Design and Development Overlay – Schedule 1	Public notification



15.1(b) Summary Report: Applications Finalised Since Last Report

App. No	Date Received	Address	Proposal	Status
**2011/057	27/05/2011 (Amended 28/11/2011 & 15/12/2011)	20-26 Hesse Street Queenscliff	Buildings and works for the construction of a two storey building within a Heritage Overlay, comprising eight (8) shops and eight (8) dwellings, reduction of the standard car parking requirement of Clause 52.06, waiver of loading bay requirement of Clause 52.07, alteration to and creation of access to a road in a road zone category 1, and variation to the side setback and site coverage requirements of the Design and Development Overlay – Schedule 1.	Permit issued at the direction of VCAT
**2011/077	15/07/2011	69 Flinders Street Queenscliff	The development of two (2) double storey dwellings, fencing and gates, variation to the setback requirements of the Design and Development Overlay – Schedule 3, subdivision of the land into two (2) lots with common property, and removal of native vegetation, in accordance with the endorsed plans	Permit issued
**2011/121	21/12/2011	142 Fellows Road Point Lonsdale	The development of an outbuilding (garage) and variation to the setback requirements of Design and Development Overlay – Schedule 4	Permit issued
**2012/009	25/01/2012	24 Beach Street Queenscliff	Part demolition of an existing dwelling, alterations and extensions to an existing dwelling in a heritage overlay, construction of an outbuilding and variation to the site coverage requirements of Design and Development Overlay – Schedule 6	Permit issued
2012/014	10/02/2012	27 Hesse Street Queenscliff	Subdivision of land individually listed in a Heritage Overlay into two (2) lots, construction of a front fence and construction of internal fencing	Permit issued
2012/020	27/02/2012	6 Kiora Street Point Lonsdale	Alterations and extensions to an existing two storey dwelling, construction of fences and variation to the setback requirements of Design and Development Overlay – Schedule 4	Permit issued
2012/025	20/03/2012	42 Buckleys Road Point Lonsdale	The development of a dwelling (two storey) and garage and removal of native vegetation	Permit issued
2012/042	01/05/2012	2 Baillieu Street Point Lonsdale	Alterations and extensions to an existing dwelling	Permit issued
2012/046	09/05/2012	16 Bridge Street Queenscliff	External painting of a dwelling and replacement of a roof in a Heritage Overlay	Permit issued
2012/059	8/06/2012	5 Bowen Road Point Lonsdale	Alterations to an existing dwelling	Permit issued



15.1(c) Summary Report: New Applications Received Since Last Report

App. No	Date Received	Address	Proposal	Status
2012/049	17/05/2012	8 Jordan Road Point Lonsdale	Alterations and extensions to an existing dwelling	Public notification
2012/050	22/05/2012	1/78 Hesse Street Queenscliff	Demolition of fences and decking and construction of fencing and paving	Under consideration
2012/051	25/05/2012	10 Cheshunt Street Point Lonsdale	The development of a dwelling (two storey), removal of native vegetation and variation to the site coverage and setback requirements of Design and Development Overlay – Schedule 4	Public notification Referral to Engineering Department
2012/052	01/06/2012	122 Fellows Road Point Lonsdale	The development of two dwellings (single storey), outbuildings and front fence and subdivision of the land into two lots	Initial assessment being undertaken
2012/053	01/06/2012	90 King Street Queenscliff	The construction of fences	Further information requested 12 June 2012
2012/054	05/06/2012	79 Hesse Street Queenscliff	Creation of access to a road in a Road Zone, Category 1 and the construction of fences in a Heritage Overlay	Initial assessment being undertaken
2012/055	06/06/2012	1/189 Point Lonsdale Road Point Lonsdale	Alterations and extensions to an existing dwelling and the construction of a fence	Initial assessment being undertaken
2012/056	07/06/2012	36 Golightly Street Point Lonsdale	The development of a dwelling and fence, variation to the setback requirements of Design and Development Overlay – Schedule 4, subdivision of the land into two lots and removal of native vegetation	Initial assessment being undertaken
2012/057	07/06/2012	80-82 Kirk Road Point Lonsdale	The development of a dwelling and removal of native vegetation	Initial assessment being undertaken



App. No	Date Received	Address	Proposal	Status
2012/058	07/06/2012	26 Gellibrand Street Queenscliff	The development of a dwelling (two storey) and fence and variation to the site coverage and setback requirements of Design and Development Overlay – Schedule 1	Initial assessment being undertaken
2012/059	8/06/2012	5 Bowen Road Point Lonsdale	Alterations to an existing dwelling	Permit issued

LEGEND

****** Objections received.

Bold text **Officer delegation removed**

Italics *Amendment or extension of time request to application previously determined by Council*



Recommendation:

That the report be received.



15.2 Proposed Queenscliff Ferry Terminal Planning Scheme Amendment

File: QG290-18-27

Report Author: Anthony Sang, St Quentin Consulting

Introduction

A request was made by AECOM Australia Pty Ltd on behalf of Peninsula Searoad Transport for a Planning Scheme Amendment. Amendment C23 to the Queenscliff Planning Scheme proposes to facilitate future upgrading of the Queenscliff Ferry Terminal, specifically to ensure that appropriate standards of security, safety and service quality are met. The purpose of this report is to consider submissions received to Amendment C23 following formal exhibition of the Amendment.

Summary

The purpose of this report is to consider submissions to Amendment C23 to the Queenscliff Planning Scheme relating to the proposed *Queenscliff Ferry Terminal Upgrade*.

Amendment C23 resulted from a request by AECOM Australia Pty Ltd on behalf of Peninsula Searoad Transport (now Searoad Ferries) for an amendment that will facilitate:

- Separation of boarding and non-boarding vehicle lanes;
- Improved access for public transport, emergency vehicles, suppliers, foot passenger vehicles and ferry personnel;
- Bus stop;
- Pedestrian access;
- Compliance with Risk Management Plan;
- Landscaping and amenity;
- Increased formal car parking.

At a future date Peninsula Searoad Transport will seek to replace both the existing passenger terminal building and the old sheet piling along “The Cut”.

Council resolved on 21st September 2011 to seek Ministerial Authorisation to prepare and exhibit Amendment C23, with Authorisation No A2104 being granted by letter date stamped 11 November 2011.

The Amendment was exhibited for a minimum statutory period of one month between 23rd February 2012 and 2nd April 2012 which has resulted in the receipt of 36 submissions, 20 of which supported the proposal and 16 submissions which either objected to the proposal or raised some issue of concern.



Copies of individual submissions are included as **Appendix 3**.

Broadly, **supporting** submissions from local and regional tourist operators/associations and individuals emphasise the role that the Ferry plays as a key driver of regional growth, local tourism and economic development. Many comment upon the lack of suitable infrastructure, specifically the inadequacy of car parking and the need to upgrade and improve facilities for locals, tourists and visitors. Several submitters also cite the need to support proposals which stimulate growth in the town to increase visitation. Others note that the area proposed to be redeveloped as facilitated by the Amendment resulted from sand accretion following construction of 'The Cut' nearby and that such land is infested by weeds and is not currently used for passive recreation.

In summary, sixteen **objecting** submissions from community and environmental groups and individuals expressed concern about consistency with current State and Local policies, the suitability of creating a distinct Schedule to the Special Use Zone, the need for additional car parking, removal of native vegetation and the ability to offset such impacts, land tenure, coastal planning policy implications and lack of direct community benefit. Other issues such as past non-compliance with Scheme provisions and a lack of community consultation were also raised through submissions.

From a strategic planning viewpoint the exhibited Amendment documentation argues that the Ferry terminal's proposal is consistent with State and Local planning policies. On the other hand, some objecting submitters contend that expansion of the Ferry Terminal (particularly increased car parking areas) is inconsistent with State and Local environmental planning policy objectives.

The potential for adverse environmental impacts associated with the Amendment have been acknowledged by the proponent and measures have been taken to address such impacts as part of the implementation of future works facilitated by any approval.

This report summarises each submission received and provides an officer response to the issues raised therein.

Report

Background

Amendment C23 resulted from a request by AECOM Australia Pty Ltd on behalf of Peninsula Searoad Transport to provide the planning framework to facilitate future upgrading of the Queenscliff Ferry Terminal.

The Amendment proposes to facilitate future upgrading of the Queenscliff Ferry Terminal including considerations such as: improved vehicular and pedestrian access, passenger drop off, increased formal car parking, signage, security, landscaping and amenity. The Amendment also enables medium and longer term changes to be undertaken in accordance with the Incorporated Document titled: *Queenscliff Ferry Terminal Implementation Plan 2010*.



Whilst components of the proposed works may be considered within the discretion afforded by the Planning Permit process, the proposal is inconsistent with the primary purpose of the various zones currently applying to the site. It is therefore considered inappropriate for such works to be approved by means of a Planning Permit.

Future use and development of the site is proposed to be undertaken in accordance with an approved Implementation Plan – Queenscliff Ferry Terminal Implementation Plan 2010.

Planning Scheme Amendment C23 as requested comprises three main parts:

- Amendments to the Queenscliff Planning Scheme Maps and Ordinance (Text), including:
 - Creating a new Schedule 3 to the Special Use Zone;
 - Rezoning part of the land to a Special Use Zone - Schedule 3 (SUZ3);
 - Rezoning part of the land to a Road Zone - Category 1 (RDZ1);
 - Amending the ordinance of Schedules 1 and 2 to the Environmental Significance Overlay currently applying to the site;
 - Amending where relevant sections of the Municipal Strategic Statement (MSS) to ensure consistency;
- Incorporating the *Queenscliff Ferry Terminal Implementation Plan 2010* into the Planning Scheme to guide future use and development;
- Incorporating the *Queenscliff Ferry Terminal Native Vegetation Precinct Plan 2010* into the Planning Scheme to provide for removal of vegetation, ongoing protection of vegetation to be retained and outlining actions necessary to offset the loss of vegetation in a holistic landscape based approach to vegetation management.

Discussion

Amendment C23 has been subject to a public notification process being exhibited for in excess of a four week period between 23rd February 2012 and 2nd April 2012. In addition to the normal planning scheme amendment documentation, copies of supporting documents were available for inspection at both the Borough Offices and Queenscliff Library (supporting documents included a full Summary Report including: Traffic Development Plan and Traffic Report, Landscape Plan and Report, Flora and Fauna Assessments, Vegetation Offset Management Plan and Preliminary Hazard Assessment).

Exhibition of the Amendment resulted in receipt of 36 submissions, 20 of which supported the proposal or offered no objection and 16 submissions which either objected to the proposal or raised some issue of concern.



Submissions

Submissions may generally be categorised as Supporting or Objecting submissions as follows. A detailed officer response to each individual submission is included within **Appendix 4**.

1. Supporting Submissions

The majority of submissions received express support for the amendment and the Draft Development Plans prepared by the proponent. In particular, they emphasise the role that the Ferry plays as a key driver of regional growth, local tourism and economic development. Many commenting upon the lack of suitable infrastructure, specifically the inadequacy of car parking and the need to upgrade and improve facilities for locals, tourists and visitors. Several submitters also cite the need to support proposals which stimulate growth in the town to increase visitation. Others note that the area proposed to be redeveloped as facilitated by the Amendment resulted from sand accretion following construction of 'The Cut' nearby and that such land is infested by weeds and is not currently used for passive recreation.

Response

There appears to be support for the Amendment from a number of local residents as well as from local and regional tourism operators and organisations as well as those on the Mornington Peninsula. The proposal also has the support of State Government Departments, including: the Department of Transport, the Department of Sustainability and Environment and VicRoads.

2. Objecting Submissions

Objecting submissions include those from community and environmental groups as well as from individuals. A number of recurrent themes have been raised which are common to multiple submitters opposing the Amendment. Particular concerns were raised in relation to matters such as: whether there was need for a distinct Schedule to the Special Use Zone, whether there was need for expansion of car parking and if so, whether the proposed location was suitable for such a purpose. Proposed use of Crown Land, removal of native vegetation (both past and as proposed) and whether such losses could be appropriately offset and managed were also raised by a number of submitters. Other objecting submissions raised matters such as: whether there was any net community benefit to be achieved for the township of Queenscliff, coastal planning considerations such as coastal vulnerability to climate change and siting and design principles as well as a lack of consultation.

In summary, key issues raised within submissions opposing the Amendment included the following themes:

- Special Use Zone – Schedule 3
 - Why need for distinct Special Use Zone?
 - No exemption from Permit requirement necessary



- Car Parking
 - Adequacy within nearby areas
 - Unnecessary to cater for peak demand
 - Reconfiguration within existing footprint preferred
 - Pedestrian separation required
 - Improved public transport required
- Native Vegetation
 - Removal of native vegetation
 - Net gain principle - Avoid rather than offset
 - EVC (mis)identification
 - Habitat for fauna
 - Need for Offset to be managed independently
- Public Land
 - Loss of Crown Land to private operator
- Coastal Planning Considerations
- Non Compliance with Scheme / Enforcement
 - Non compliance with past approval
 - Removal of vegetation without approval
- Net Community Benefit
 - No benefit to local businesses / community
- Lack of Consultation

Recurrent themes have been elaborated upon below:

Special Use Zone - Schedule 3

The majority of land forming part of the Amendment is currently located within a Special Use Zone - Schedule 1 (*Queenscliff Harbour*). Objectives and decision guidelines primarily relate to the Harbour Precinct and do not sufficiently provide for use and development specific to the operations of the Ferry Terminal Precinct. During consideration of Planning Scheme Amendment C16 to the Queenscliffe Planning Scheme it was noted within the Explanatory Report:

“Peninsula Searoad Transport have plans to redesign the ferry terminal to improve the efficiency of this area in terms of car parking provision and vehicular circulation. This will be the subject of a separate process.”

As drafted, use and development of a Transport terminal would not require a subsequent Planning Permit, on Condition that it:



“Must be generally in accordance with Queenscliff Ferry Terminal Implementation Plan 2010 and the Development Plans (to be prepared in stages)”

Item 9 on the Implementation Plan shows a footprint (or 2-Dimensional ‘Building Envelope’) for the replacement Terminal Building (shown by a broken orange line on Plan) larger than that which exists. The table of descriptions forming part of the Implementation Plan sets out the following parameters:

- *To meet the needs of ferry passengers.*
- *Potential to replace existing passenger terminal building with a modern and functional building, that provides views over Port Phillip Bay and which marks it as a gateway to the Bellarine Peninsula and Queenscliff.*
- *Passenger Terminal to be a maximum height of 8.5 metres above the ground level, inclusive of any changes to the ground level required to accommodate the projected sea level rise for 2060 (0.4 metres).*
- *Activities to include ticket sales, café, indoor/outdoor area, plus potential tourism information.*
- *The design of the passenger terminal building is to consider and respond to criteria for the use and development of coastal Crown Land and the siting and design guidelines relevant to Coastal Management Act consent.*

However, Part 4.0 of Schedule 3 to the Special Use Zone as drafted requires that:

Prior to the commencement of any buildings and works, a Development Plan must be prepared to the satisfaction of the responsible authority.

Part 5.0 of Schedule 3 to the Special Use Zone then stipulates the following:

The Development Plan must generally be in accordance with the Queenscliff Ferry Terminal Implementation Plan 2010.

The Development Plan may be prepared in stages and must be submitted to the responsible authority for approval and endorsement.

The future ‘built form’ of any future Terminal will be guided by the following criteria:

The Development Plan or each stage of the Development Plan must include (but not be limited to) details on the following matters as appropriate:

- *The location, height, dimensions, cross sections and floor area of all buildings and works.*
- *Elevations indicating the architectural theme, including preferred materials, colours and finishes for new buildings.*
- *Pedestrian, cyclist, watercraft and vehicular access ways, including parking areas, bus set-down areas, nominal loading bays, and any proposed off-site traffic management treatment.*
- *Location and linkages to public transport, including provision of passenger facilities.*
- *Adjacent areas of open space and public access to and along the foreshore.*



- *Security fencing.*
- *The stages, if any, in which the land is to be developed.*
- *A Traffic and Access Plan.*
- *A Landscape Plan.*
- *An Advertising Master Plan to provide for the orderly display of signage and signage in keeping with the character of the area.*

It is considered that Council (in assessing the 'Development Plan' for that part of the site containing any proposal to upgrade the Ferry Terminal Building) will have sufficient control over matters such as the siting, floor area and elevations of any building proposed to address landscape / amenity concerns.

It should be noted that the 'Development Plan' is exempt from third part notice and review (i.e. no ability to give *formal* notice to third parties). However, Council may see fit to undertake non-statutory notice to consider any comments from interested owners/occupiers before making a decision on the merits of any Development Plan or stage thereof.

Officer Response

The continued use of the Special Use Zone is consistent with the VPP Practice Note – Applying the Special Use Zone (February 1999). The use of distinct Schedules for the Queenscliff Harbour and Queenscliff Ferry Terminal better define the role and function of these separate land use activities. On this basis these submissions are not supported.

Car Parking

During consideration of Planning Scheme Amendment C16 to the Queenscliffe Planning Scheme it was noted within the Explanatory Report:

"Peninsula Searoad Transport have plans to redesign the ferry terminal to improve the efficiency of this area in terms of car parking provision and vehicular circulation. This will be the subject of a separate process."

Amendment C23 constitutes that 'separate process'. By comparison, Mornington Peninsula Shire provide 243 car parking spaces at Sorrento, which is significantly more than the current availability of approximately 155 car parking at Queenscliff (including 50 spaces within Harbour car park).

Whilst it is impractical to meet the peak car parking demand for all days of the year, the Traffic Development Plan provides for 129 spaces, which combined with 50 spaces in adjacent Harbour (179 aggregate) would be sufficient to meet 67% of Christmas Holiday period demand and 95% of annual year.

Car parking is not intended to benefit only the local community and/or local businesses. The primary rationale for the expansion of car parking is to redress the current deficit in parking available to those using the Ferry Terminal. Despite this, improvements to the layout are likely to



attract greater visitation and tourist experience as well as benefiting local residents accessibility from the Terminal into the Town. It should be noted that as an essential service, the ferry provides benefit to not only the local community but is also transport infrastructure of regional and State significance.

Officer Response

Officer's consider that the Amendment will support provision of safe, convenient and direct pedestrian and cyclist access to the Ferry Terminal. Similarly, reconfiguration of the access lanes and parking areas will better serve expected demand for supply of well designed and convenient car parking. The supply of car parking will not meet (seasonal) peak demand, but on balance is expected to satisfy car parking requirements for all but the busiest times of the year. On this basis these submissions are not supported.

Native Vegetation

The Amendment proposes to Incorporate a Native Vegetation Precinct Plan (NVPP) into the Scheme. The NVPP is supported by:

- **Draft** Queenscliff Ferry terminal Flora and Fauna Assessment report (14 Jan 2009);
- Updated Habitat Hectare and Net Gain Assessment - Supplementary Report (25 Aug 2010).
- Vegetation Offset Management Plan (1 September 2010).

The Updated Habitat Hectare and Net Gain Assessment (Section 4.1, p. 4) notes:

"To determine which component EVC to use (and discuss offset options with a Parks Victoria representative) a site visit was conducted on the 12 of August 2010. During this site visit the vegetation subject to removal was determined to be consistent with EVC 879: Coastal Dune Grassland. Some vegetation characteristic of EVC 160: Coastal Dune Scrub was also present within the general area but this vegetation generally formed behind the primary dune whilst EVC 879: Coastal Dune Grassland formed in the foredunes and at the beach margin."

Additionally, the Vegetation Offset Management Plan (VOMP) requires revegetation (Section 5.0) consisting of species taken from both EVC 160 (Coastal Dune Scrub) and EVC 879 (Coastal Dune Grassland). A Gain Target (Habitat Hectare) score has been derived by using published EVC Benchmarks. Refer to Submission No. 33 (DSE) for suggested Change to Section 5.0 of VOMP.

DSE support the principle of 'Improvement Gain' to be realised by revegetating denuded areas within the adjacent 'vegetation compensation area'. Such an approach is consistent with DSE publication: Native Vegetation gain Approach – Technical basis for calculating gains through improved native vegetation management and revegetation (2006).

Once NVPP and VOMP have been approved by DSE and Council, ferry operator will make a payment covering costs of revegetation and ongoing management. Payment will be to Parks Victoria who will facilitate the works per VOMP.



Officer Response

The Amendment material acknowledges proposed (and past) impacts upon native vegetation associated with the expansion of the Terminal facilities. The Amendment seeks to balance development of the site against actions to be included in the Native Vegetation Precinct Plan (NVPP), including a Vegetation Offset Management Plan (VOMP) which proposes actions to offset loss of vegetation. Consistent with a Net Gain approach, DSE have supported the principle of 'Improvement Gain' through revegetation and ongoing management of the adjacent foreshore area. Payment will be made by the proponent to Parks Victoria who will implement revegetation works. Officer's consider this to be an appropriate mechanism to achieve the required offset. On this basis these submissions are not supported.

Public Land

Given land tenure near Terminal, any expansion of operations requires permission to develop Crown Land. The Explanatory Report accompanying the Amendment notes:

"The proposed development is to occur within an area that is deemed not to be part of the natural dune system, having been created only in the past 15 years as a result of sand accretion along the foreshore. The vegetation to be affected is of low environmental significance."

DSE's submission (Submission No. 33) provides a useful overview of the Crown Land status, tenure and management:

"The proposed use and development provided for by Amendment C23 are located on coastal Crown land. The proponent holds a current lease, issued under the Land Act 1958, for the ferry terminal area, comprising the majority of the area affected by the Amendment."

The current ferry terminal lease area is unreserved Crown land managed directly by the department. Adjoining Crown land comprising the Queenscliff harbour precinct and the Queenscliff foreshore is temporarily reserved for public purposes and is managed by Parks Victoria as a committee of management under the Crown Land (Reserves) Act 1978."

The department has offered in-principle support for the issue of a lease to the proponent in respect of areas affected by the Amendment which are outside the current lease boundary. Parks Victoria has indicated it supports the proposal. Separate to the Amendment, the department and Parks Victoria will consider the appropriate Crown land status and management changes, and Native Title assessment required to facilitate the new lease to Peninsula Searoad Transport over the expanded Queenscliff Ferry Terminal area, in accordance with relevant legislation and at the discretion of the Minister for Environment and Climate Change and the Governor in Council."



Officer Response

Proposed expansion of the Terminal's lease boundary will require further approval/s subsequent to the approval of any Planning Scheme Amendment. The proponent has obtained 'in principle' support from both DSE and Parks Victoria with respect to these lease arrangements. On this basis these submissions are not supported by Officer's.

Coastal Planning

The Summary Report (AECOM) outlines and responds to Coastal Policies, and includes a Preliminary Hazard Assessment (AECOM 3 Sept 2010) which assessed the implications of projected sea level rise, the adequacy of the sea wall (up until 2060) and outlines adaptation strategies including: monitoring and maintenance, future requirement for detailed coastal vulnerability assessment and potential need for modifications to the structure. DSE (Submission No. 33) notes:

"The Department is satisfied that the Amendment adequately addresses relevant coastal policy in a manner that is appropriate for an amendment."

Officer Response

As per the above comments regarding lease arrangements, there will be need for subsequent consent to be obtained under the Coastal Management Act 1995 (though this is no barrier to the Amendment being considered). A Preliminary Hazard Assessment has been submitted, which when read in parallel with Coastal Policy response statements within the Summary Document are considered to have addressed coastal policies. On this basis these submissions are not supported.

Response to Submissions - Concluding Remarks

The objecting submissions have raised concerns about the suitability of further developing land, including coastal Crown Land for purposes associated with the Ferry Terminal operations given current environmental and landscape policies, including coastal planning considerations. The Amendment, if approved will facilitate future development which will have impacts upon native vegetation. The Amendment material includes provision for any such impacts to be managed and offset by Incorporating a Native Vegetation Precinct Plan (NVPP) into the Scheme. This will regulate the location and extent of native vegetation removal able to be undertaken and will provide prescriptions for a Vegetation Offset Management Plan (VOMP) to be implemented to offset any loss of native vegetation on a like-for-like basis.

This report identifies the major issues which have been raised within the submissions and provides an Officer Response to each. It is the view of officer's that despite the concerns raised in submissions opposing the Amendment that there is sufficient merit in progressing the Amendment. None of the issues raised identify issues of significance that would warrant the request for Amendment being abandoned.



It is considered that the issues raised in submissions to Peninsula Searoad Transport's proposal warrant referral of those submissions to an Independent Panel to be appointed by the Minister under the Planning and Environment Act. A Panel will enable matters raised within submissions to be thoroughly investigated and recommendations will be made to the Council as the Planning Authority. Council will have opportunity to consider any recommendations made by the Panel before deciding whether to Adopt the Amendment at a subsequent Council Meeting.

Council Plan

The proposed Amendment has been prepared in accordance with legislative requirements. The Amendment is also consistent with the Adopted Council Plan 2010 - 2013, particularly those matters pertaining to each of the following Portfolios:

- Sustainability and Local Environment
- Business and Tourism
- Community Development
- Planning, Heritage and Community Assets

The Amendment will assist in delivery of the Council's Vision by improving roads and transport. Salient strategies set out within the Council Plan include:

- 5.4 Improve the development of infrastructure and maintain community assets.
- 5.5 Enhance traffic management.

Financial

Other than the costs associated with processing the amendment and subsequent Development Plan/s, there are not expected to be any significant costs arising out of this proposal. All costs associated with the Panel hearing are required to be borne by Peninsula Searoad Transport as proponent. Upon approval of the NVPP and VOMP, direct payment to Parks Victoria will be made by the Ferry operator to cover costs associated with revegetation and ongoing management of the Offset Zone.

Any proposed upgrading of infrastructure to serve the Ferry Terminal if the Amendment is successful will be funded by the Ferry Operator.

Social

The applicant's Summary report argues that the proposal will produce a range of community benefits such as improved access to the Ferry terminal for all users of the Ferry services (be they pedestrian, car, taxi or bus) as well as enhanced access and connectivity to the foreshore, adjacent Harbour and entry into the township.



Environmental

As noted above, this Amendment will facilitate future development which will have environmental implications which have been raised as part of the Exhibition process. The Panel will provide expert review of these issues and will provide advice on whether the issues are adequately addressed by Planning Tools proposed, specifically in regard to the suitability of the proposed Incorporation of the Native Vegetation Management Plan (NVPP).

Risk Management

There are not expected to be any notable risks associated with either implementing or not implementing the recommendations contained in this report.

Officer Direct or Indirect Interest

Under Section 80C (1) (2) of the Local Government Act 1989, Council staff and persons engaged under a contract provide advice or a report to a meeting of the Council or a special committee, and who have a direct or indirect interest in a matter to which the advice or report relates, must disclose the type of interest when providing the advice or report and before the advice or report is considered by the Council or the committee.

Officers involved in developing the report have no direct or indirect interests.

Conclusion

Issues raised in submissions have been considered in detail. In summary, key issues raised within submissions regarding the Amendment include the following:

- Support for the Amendment
 - Special Use Zone – Schedule 3
 - Why need for distinct Special Use Zone?
 - No exemption from Permit requirement necessary
 - Car Parking
 - Adequacy within nearby areas
 - Unnecessary to cater for peak demand
 - Reconfiguration within existing footprint preferred
 - Pedestrian separation required
 - Improved public transport required
 - Native Vegetation
 - Removal of native vegetation
-



- Net gain principle - Avoid rather than offset
- EVC (mis)identification
- Habitat for fauna
- Need for Offset to be managed independently
- Public Land
 - Loss of Crown Land to private operator
- Coastal Planning Considerations
- Non Compliance with Scheme / Enforcement
 - Non compliance with past approval
 - Removal of vegetation without approval
- Net Community Benefit
 - No benefit to local businesses / community
- Lack of Consultation

This report has examined these issues and has determined that it is appropriate to refer submissions to a Panel for further examination.



Recommendation:

That Council, having considered all submissions to Amendment C23 to the Queenscliffe Planning Scheme resolves to:

- 1) Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987;**
- 2) Refer all submissions to the Panel;**
- 3) Make the following changes to Amendment C23 and submit these to the Panel:**
 - **Planning Scheme Map**
 - **Amend Planning Zone Map No. 4 to correct a mapping anomaly by rezoning that part of the declared Bellarine Highway currently zoned Special Use Zone 1 (SUZ1) to a Road Zone, Category 1 (RDZ1) in accordance with Submission No. 36 (VicRoads).**
 - **Local Planning Policy Framework**
 - **Following Clause 21.05-4 "Other Businesses and Industry" – "Strategies" after the 2nd Dot Point amend the proposed new Dot Point: *"To ensure appropriate vehicle, bus, taxi, pedestrian and cyclist access and infrastructure is provided to the Queenscliff Ferry terminal."***
 - **Particular Provisions**
 - **Correct a clerical error by amending the title of Incorporated Document within Schedule to Clause 52.16 to: "Queenscliff Ferry Terminal Native Vegetation Precinct Plan 2010".**
- 4) Submit to the Panel its response to the submissions generally as outlined in this report.**



16. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS

17. QUESTIONS WITHOUT NOTICE

17.1. Questions Without Notice Status Update

Recommendation:

That the Questions Without Notice Status Update, as presented in Adjunct to Item 17.1, be noted.

17.2. Questions Without Notice

18. LIST OF COUNCIL MEETINGS

All Council Meetings are held at the Council Offices, 50 Learmonth Street, Queenscliff unless otherwise indicated.

PLANNING REVIEW MEETING
Wednesday 4 July 2012 at 7:00pm (if required)

COUNCIL MEETING
Wednesday 18 July 2012 at 7:00pm



19. CONFIDENTIAL ITEMS

Nil.

20. CLOSE OF MEETING



ADJUNCT TO 6 - RECORD OF ASSEMBLY OF COUNCILLORS

Record in accordance with section 80A(1) of the Local Government Act 1989.

6.1. Councillor Assembly – Monday 14 May 2012

Assembly Commenced: 6:21pm

Assembly Closed: 8:09pm

Assembly Location: Queenscliff Town Hall

Attendees:

Cr. John Burgess

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Mr. Lenny Jenner, CEO

Ms. Ev Wuchatsch, General Manager Governance & Community

Mr. Phil Josipovic, General Manager Planning & Infrastructure

Mr. Mitch Hodgson, Senior Planner (6:21pm to 7:49pm)

Mr. Terry Demeo, City of Greater Geelong (6:35pm to 7:25pm)

Apologies:

Cr. Bob Merriman

Conflict of Interest Disclosures:

Councillors: Cr. Butler declared a Conflict of Interest in relation to Item 5 – Fisherman's Wharf Attraction – Zephyr in that her current employer may be involved in business with Queenscliff Harbour Pty Ltd owner & left the Assembly between 7:49pm and 8:03pm

Officers: Nil

Agenda Items:

1. Planning Briefing - 64 King Street, Queenscliff
2. G21 Economic Development Strategy Briefing – Terry Demeo, City of Greater Geelong
3. Queenscliff Planning Scheme Timelines
4. Car Share
5. BOQ - Fisherman's Wharf Attraction – Zephyr
6. Reconciliation Committee
7. Invitation to Cr Tony Wolfe,



6.2. Councillor Assembly Community Presentations– Monday 21 May 2012

Assembly Commenced: 8:02pm

Assembly Closed: 9:31pm

Assembly Location: Queenscliff Town Hall

Attendees:

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell (*from 8:03pm*)

Mr. Lenny Jenner, CEO

Mr. Phil Josipovic, General Manager Planning & Infrastructure

Ms. Allison Chaloner, Senior Accountant

Apologies:

Cr. John Burgess

Ms. Ev Wuchatsch, General Manager Governance & Community

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. Community Presentations related to Budget Submissions



6.3. Councillor Assembly – Wednesday 23 May 2012

Assembly Commenced: 6:32pm

Assembly Closed: 7:00pm

Assembly Location: Queenscliff Town Hall

Attendees:

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Mr. Lenny Jenner, CEO

Mr. Phil Josipovic, General Manager Planning & Infrastructure

Ms. Allison Chaloner, Senior Accountant

Apologies:

Ms. Ev Wuchatsch, General Manager Governance & Community

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. Consideration of draft 2012/13 Budget Submissions
-



6.4. Borough's 150th Celebrations Community Organising Committee - Thursday 24 May 2012

Assembly Commenced: 10:00am

Assembly Closed: 11:00am

Assembly Location: Coach House, Vue Grand, Queenscliff

Attendees:

Cr Bob Merriman
Lenny Jenner - BoQ
Emma Clark - BoQ
Maree Greenwood - BoQ
Joan Kenwood - QCA
Martin Brown
Les Irving-Dusting - Queenscliff Maritime Museum
Jocelyn Grant - Queenscliff Historical Museum
Graham Christie
Lorraine Golightly

Apologies:

Cr Helene Butler
Leanne Stein - BoQ
Carmel Christenson
Terry Philp
Val Lawrence
John Goodman
Tracey Otter

Conflict of Interest Disclosures:

Councillors: Nil
Officers: Nil

Agenda Items:

1. Meeting Notes and Actions from meeting on Thursday 23 February 2012
2. Development of Program of Events



6.5. Hesse Street & Vegetation Advisory Group – Monday 28 May 2012

Assembly Commenced: 3:00pm

Assembly Closed: 5:00pm

Assembly Location: Queenscliff Town Hall

Attendees:

Deborah Brearley	Susan Salter	Joan Lindros
Cr Bob Merriman	Katherine Bourke	Robyn Laws
Phil Josipovic	Colleen Kenwood	Rob Hendry
Stuart Hansen	David Turley (Consultant)	

Apologies:

Mark Watson	Lester Hunt	Lorraine Golightly
Dean Zanoni	Shane Poulter	Cr Helene Butler
Bruce Sutherland	Graham Christie	Garry Purton
Joan Sutherland	Alistair Lang	Jane Molphy
Susie Chalker		

Conflict of Interest Disclosures:

Councillors: Nil
Officers: Nil

Agenda Items:

1. Welcome
2. Background
3. Concept Presentation
4. Discussion
5. Next Steps
6. Next Meeting



6.6. Point Lonsdale Main Street Community Reference Group - Tuesday 29 May 2012

Assembly Commenced: 4.00 pm

Assembly Closed: 7.15 pm

Assembly Location: Point Lonsdale Bowls Club

Attendees:

Cr Helene Butler
Cr Lloyd Davies
Daniel Barker – Borough of Queenscliffe
Phil Josipovic – Borough of Queenscliffe
Tim Vernon – CDA Design Group
Bruce Golightly
John Goodman
Geoff Dyke
Jocelyn Grant
Tamara Gaylard
Merv Jaensch

Apologies:

Damien Cayzer
Dean Zanoni
Lester Hunt
Cr Bob Merriman
Lenny Jenner – Borough of Queenscliffe
Emma Clark – Borough of Queenscliffe

Conflict of Interest Disclosures:

Councillors: Nil
Officers: Nil

Agenda Items:

1. Foreshore Revitalisation Update
2. Discuss Area 2 – Lookout platform and DDA ramp
3. Discuss Area 4 – Grass Embankment



6.7. Councillor Assembly – Monday 4 June 2012

Assembly Commenced: 6:18pm

Assembly Closed: 8:46pm

Assembly Location: Queenscliff Town Hall

Attendees:

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Mr. Lenny Jenner, CEO

Ms. Ev Wuchatsch, General Manager Governance & Community *(6:18pm to 7:46pm)*

Mr. Phil Josipovic, General Manager Planning & Infrastructure

Mr. Mitch Hodgson, Senior Planner *(6:18pm to 7:46pm)*

Mr. Daniel Barker, Road & Infrastructure Engineer *(7:10pm to 8:35pm)*

Mr. Anthony Sang, St Quentin Consulting *(6:18pm to 7:10pm)*

Apologies:

Nil

Conflict of Interest Disclosures:

Councillors: Cr Bob Merriman declared a conflict of interest in relation to Agenda Item 7 and left the Assembly between 8:40pm to 8:44pm

Officers: Nil

Agenda Items:

1. Briefing by St Quentin Consulting
2. Officer Delegation
3. Gellibrand Street Design
4. Assembly of Councillors Practice Note
5. Councillor Communique
6. Project Progress Report
7. Flooding in Beach Street, Queenscliff
8. Waste Management Update



6.8. Point Lonsdale Main Street Community Reference Group -Tuesday 12 June 2012

Assembly Commenced: 1.30pm

Assembly Closed: 3:30pm

Assembly Location: Point Lonsdale Bowls Club

Attendees:

Cr Bob Merriman
Cr Helene Butler
Cr Lloyd Davies
Cr David Mitchell
Tim Vernon – CDA Design Group
Phil Josipovic
Daniel Barker
Bruce Golightly
John Goodman
Damien Cayzer
Tamara Gaylard
Geoff Dyke
Merv Jaensch

Apologies:

Dean Zanoni
Lester Hunt
Jocelyn Grant

Conflict of Interest Disclosures:

Councillors: Nil
Officers: Nil

Agenda Items:

1. Finalise preferred layout for Area 2 – Lookout platform and DDA ramp
2. Finalise preferred layout for Area 4 – Grass Embankment
3. Discuss Area 3 – First Groyne
4. Discuss Area 1 – Village Playground



6.9. Councillor Assembly – Tuesday 12 June 2012

Assembly Commenced: 4:05pm

Assembly Closed: 5:35pm

Assembly Location: Queenscliff Town Hall

Attendees:

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Mr. Phil Josipovic, General Manager Planning & Infrastructure (4:05pm - 5:05pm)

Mr. Mitch Hodgson, Senior Planner (4:05pm - 5:05pm)

Mr Anthony Sang, St Quentin Consulting (4:05pm - 5:05pm)

Ms. Ev Wuchatsch (5:05pm – 5:35pm)

Apologies:

Mr. Lenny Jenner, CEO

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. Ferry Terminal Amendment Submissions
2. Budget



ADJUNCT TO 7.1 – MOTION ON NOTICE STATUS UPDATE

Date	Motion Number	Action	Status
21 September 2011	2011/552 - Public Tree Removal Policy	That Council defer the following motion and request a report from Officers and a response from the Council's Vegetation Advisory Group in relation to this Motion	This is yet to be implemented.

ADJUNCT TO 17.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE

Date	Question Title	Action	Status
21 March 2012	A number of enquiries had been made to the Council from property owners in regard to significant rises in RACV Home Insurance premiums for Flood. Would the CEO make enquiries direct with the RACV and report back to Council.	The CEO confirmed that three residents had been in contact with Council advising of changes to their insurance premium and that their enquiries had found that this was due to assumed increase in flood risk. The CEO indicated that this matter had been raised with the Municipal Association of Victoria and that further enquiries would be made with the relevant insurance companies	CEO reported to Councillors at 23 May 2012 Ordinary Meeting of Council.
21 March 2012	Advise Council on an appropriate policy in regard to unauthorised tree lopping	The CEO undertook to report back to Council	Yet to be actioned.