



Minutes

Ordinary Meeting of Council

Wednesday 19 September 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

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



1. OPENING OF MEETING	5
2. PRESENT & APOLOGIES	5
3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES	5
4. PUBLIC QUESTION TIME	6
5. CONFIRMATION OF COUNCIL MEETING MINUTES.....	6
5.1. Ordinary Meeting of Council – 15 August 2012	6
5.2. Audit Committee – 3 September 2012	6
6. RECORD OF ASSEMBLY OF COUNCILLORS	7
7. MOTION ON NOTICE	7
7.1. Motion On Notice Status Update	7
7.2. Motion Number: 2012/560 Efficient Street Lights.....	8
7.3. Motion Number: 2012/561 Request to the Queenscliff Music Festival to Reconsider Removal of Norfolk Pine No 2 in Princess Park North	9
8. CORRESPONDENCE	12
8.1. Petitions and Joint Letters	12
8.2. Inwards Correspondence.....	12
9. MAYOR'S REPORT	13
9.1. Functions Attended	13
10. COUNCILLOR PORTFOLIO REPORTS	15
11. GOVERNANCE, FINANCE & EXTERNAL RELATIONS	16
11.1 Council Plan - Final Progress Report against Business Plan Priorities for the period 1 July 2011 - 30 June 2012	16
11.2 Adoption of 2011/12 Annual Financial Report	22
11.3 2011/12 Quarterly Financial Report as at 30 June 2012	25
11.4 Amendment to CP021 Pre-election Caretaker Period Policy	32
11.5 Results of the plebiscite to measure the level of support for a proposed new boundary	34
12. SUSTAINABILITY & LOCAL ENVIRONMENT	39
12.1 Association of Bayside Municipalities – Strategic Direction 2012 – 2016.....	39
12.2 Community Carbon Neutral Action Plan.....	42
13. BUSINESS & TOURISM.....	45
14. COMMUNITY DEVELOPMENT	45
15. PLANNING, HERITAGE & COMMUNITY ASSETS	46
15.1. Planning Permit Activity Report.....	46
15.2 No. 10 Cheshunt Street, Point Lonsdale	52



15.3	Car Park Waiver Levy.....	73
16.	AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS.....	78
17.	QUESTIONS WITHOUT NOTICE	78
17.1.	Questions Without Notice Status Update	78
17.2.	Questions Without Notice	78
18.	LIST OF COUNCIL MEETINGS.....	79
19.	CONFIDENTIAL ITEMS.....	79
19.1.	Confirmation of Confidential Council Meeting Minutes – 15 August 2012	79
19.2.	Confirmation of Unconfirmed Confidential Audit Committee Meeting Minutes – .. 3 September 2012	79
19.3.	Pilot Project – Significant Heritage Buildings	79
19.4.	Contract 2012/07 – Lawn Mowing and Minor Garden Home Maintenance Service.	79
19.5.	CEO Performance Review.	79
20.	RATIFICATION OF CONFIDENTIAL ITEMS	80
21.	CLOSE OF MEETING	80
	ADJUNCT TO 6 - RECORD OF ASSEMBLY OF COUNCILLORS	81
6.1.	Councillor Assembly – Monday 13 August 2012	81
6.2.	Councillor Assembly – Wednesday 15 August 2012	83
6.3.	Reconciliation Committee - Monday 27 August 2012	84
6.4.	Councillor Assembly – Monday 3 September 2012	85
6.5.	Councillor Assembly – Wednesday 5 September 2012.....	86
6.6.	Planning Review Meeting – Wednesday 5 September 2012.....	87
	ADJUNCT TO 7.1 – MOTION ON NOTICE STATUS UPDATE	88
	ADJUNCT TO 17.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE.....	88



Appendices

Appendix	Title	Agenda Item	Distribution
Appendix 1	Unconfirmed Minutes of the Audit Committee Meeting held on 3 September 2012	5.2. Audit Committee – 3 September 2012	Under separate cover
Appendix 2	Council Plan - Final Progress Report against Business Plan Priorities for the period 1 July 2011 - 30 June 2012	11.1 Council Plan - Final Progress Report against Business Plan Priorities for the period 1 July 2011 - 30 June 2012	Under separate cover
Appendix 3	2011/12 Annual Financial Report, Standard Statements and Performance Statement	11.2 Adoption of 2011/12 Financial Report, Standard Statements and Performance Statement	Under separate cover
Appendix 4	Borough of Queenscliffe Quarterly Finance Report – 30 June 2012	11.3 DRAFT 2011/12 Quarterly Financial Report as at 30 June 2012	Under separate cover
Appendix 5	CP021 Pre-election Caretaker Period policy	11.5 Amendment to CP021 Pre-election Caretaker Period Policy	Under separate cover
Appendix 6	ABM draft Strategic Directions 2012 – 2016	12.1 Association of Bayside Municipalities – Strategic Direction 2012 – 2016	Under separate cover
Appendix 7	Proposed Community Carbon Neutral Action activities	12.2 Community Carbon Neutral Action Plan	Under separate cover



1. OPENING OF MEETING

7:00pm

2. PRESENT & APOLOGIES

Present:

Cr. Bob Merriman (Mayor)

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Lenny Jenner - Chief Executive Officer

Ev Wuchatsch - General Manager Governance & Community (7:00pm – 8:26pm)

Phil Josipovic - General Manager Planning & Infrastructure (7:00pm – 9:12pm)

Mitch Hodgson – Senior Planner (7:00pm – 8:52pm)

Apologies:

Nil

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES

Councillors: Nil

Officers: Nil



4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF COUNCIL MEETING MINUTES

5.1. Ordinary Meeting of Council – 15 August 2012

A copy of the previous Minutes of the Ordinary Meeting of Council held on Wednesday 15 August 2012 was distributed to Councillors under separate cover.

Councillors: Butler/Burgess

That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 15 August 2012, as distributed, be confirmed as an accurate record.

Carried Unanimously

5.2. Audit Committee – 3 September 2012

Councillors: Burgess/Merriman

That the Unconfirmed Minutes of the Audit Committee Meeting held on 3 September 2012, as distributed, (Appendix 1) be accepted.

Carried Unanimously



6. RECORD OF ASSEMBLY OF COUNCILLORS

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

Councillors: Butler/Davies

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

Carried Unanimously

7. MOTION ON NOTICE

7.1. Motion On Notice Status Update

Councillors: Davies/Butler

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

Carried Unanimously



**7.2. Motion Number: 2012/560
Efficient Street Lights**

File: QG240-05-01

In accordance with the Borough of Queenscliffe Local Law No. 1, 2010 notice was received by the Chief Executive Officer of the following motion on 7 September 2012.

Background

Street lighting makes up approximately 30% of council's electricity cost. Therefore any increase in efficiency of street lights will have a significant benefit in reducing the energy use of council.

Significantly more efficient lighting technologies are available in the market compared to what is currently installed in our public lighting. Access to these efficient lighting technologies will achieve energy and cost savings for Council.

If Council opens up its operations, maintenance and replacement contract for lighting to public tender it will allow Council to access the most advanced and efficient technologies available in the market.

I, Cr. Lloyd Davies hereby give notice that I intend to move the following motion at the Borough of Queenscliffe Council Meeting to be held on Wednesday 19 September 2012.

Councillors: Davies/Mitchell

That Council:

- 1. Requests officers to investigate options and implications for provision of public lighting services for all non cost-shared lighting in the Borough including bulk change to energy efficient luminaries and a focus on innovative control systems, and;**
- 2. Prepare a report to Council outlining available options and implications of each identified option including but not limited to calling for public tenders for public lighting services.**
- 3. Endorse the following motion at the MAV:**

'That the MAV advocate for increased innovation in lamp technology and improved contestability in the provision of public lighting in the Victorian market.'

Carried Unanimously



7.3. Motion Number: 2012/561
Request to the Queenscliff Music Festival to Reconsider Removal of Norfolk Pine No 2 in Princess Park North

File: QG080-04-01

In accordance with the Borough of Queenscliffe Local Law No. 1, 2010 notice was received by the Chief Executive Officer of the following motion on 10 September 2012.

Background

At Councils Ordinary Meeting on the 15 August 2012, Council considered a request from the Queenscliff Music Festival Committee to remove three trees in Princess Park North.

In support of this request a plan was provided showing the proposed placement of a 45m x 45m tent in Princess Park North for the 2012 Queenscliff Music Festival.

The 45m x 45m tent is the same size as the tent used at the 2011 Queenscliff Music Festival in Princess Park North.

Attached to this Notice of Motion is a Plan of a larger tent being 55m x 40m marked Photo No 7, which is understood to be considered for future Festivals (**Figure 1**).

This plan was not made available to Council at the August 2012 meeting.

Of particular concern is the Norfolk Pine marked as Tree No 2 on the attached Plan.

This tree is important because it is a healthy juvenile probably 8 – 12 years old and is consistent with the other newly planted Norfolk Pines in this immediate area.

Council is well aware that many trees in the Municipality are of advanced age.

Although new trees are being planted, good specimens of juvenile or mid aged trees that can grow into substantial trees in the medium term are relatively few making this particular tree most significant and warranting special consideration .

Removal of this Norfolk Pine was not necessary for the 2011 Festival, and it is suggested that arrangements could be made to retain this tree during the 2012 Festival using the same 45m x 45m tent in both instances.

This Norfolk Pine clearly is not in the way of the big 55m x 40m tent proposed for future Festivals, although auxiliary tents may be required to be relocated.

The Music Festival Weekend is an important event, it is hoped that a special effort can be made by the Festival Committee, consistent with the comments of the Music Festival Director on the front



page of the Independent Newspaper on Friday 24 August 2012, to retain this tree which will contribute much to the future of the Municipality's highly valued parklands.

The purpose of the this Notice of Motion is to ask the Mayor and CEO to make additional representations to the Music Festival Director Mr Michael Currucan to determine whether or not arrangements can be made to retain Norfolk Pine No 2.

I, Cr. David Mitchell hereby give notice that I intend to move the following motion at the Borough of Queenscliffe Council Meeting to be held on Wednesday 19 September 2012.

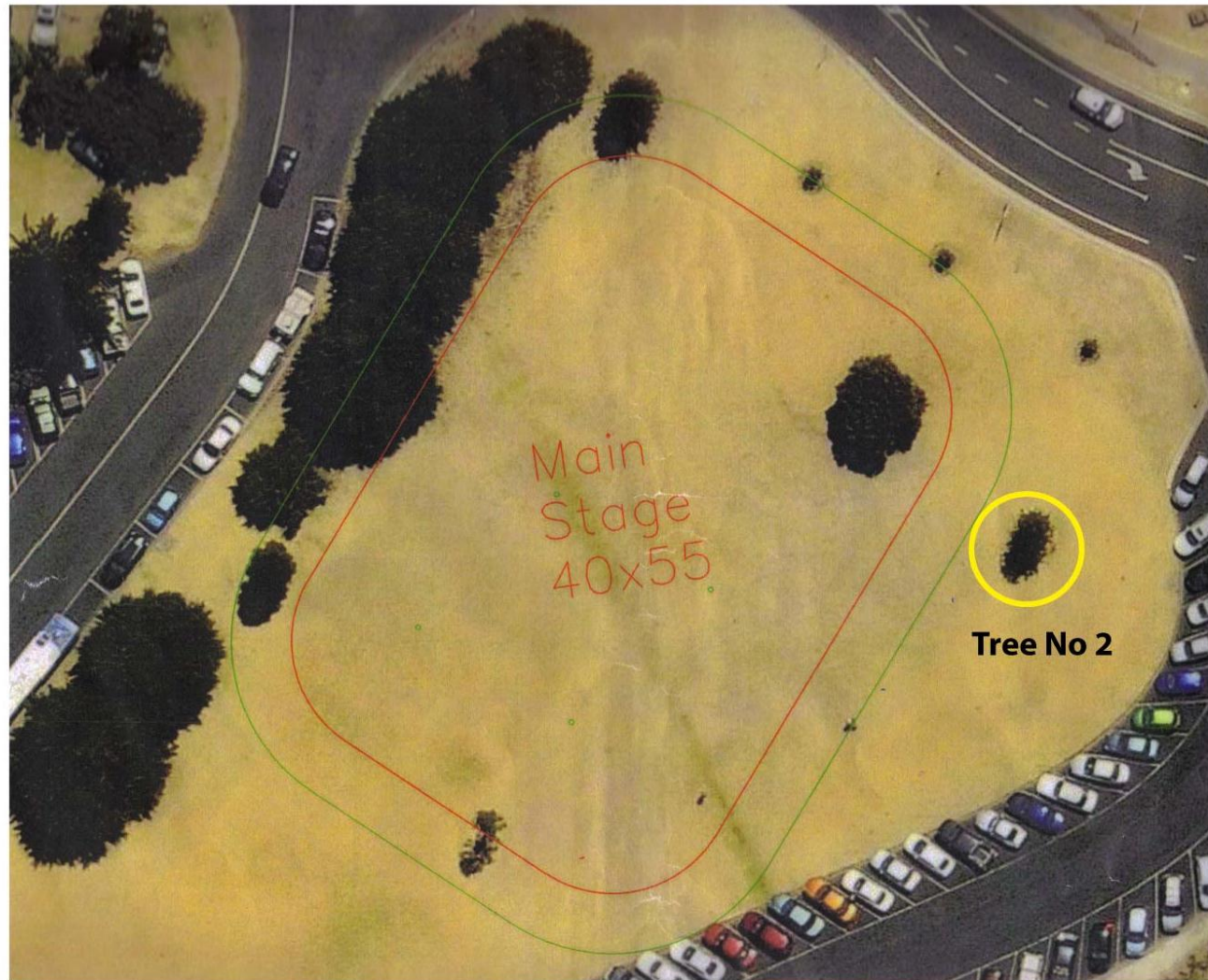
Councillors: Mitchell/

That Council request the Mayor and CEO to meet with the Queenscliff Music Festival Director to determine whether or not arrangements can be made to retain the Norfolk Pine, known as Tree No 2, in Princess Park North for the 2012 and subsequent Music Festivals.

Motion lapsed for want of a seconder



Figure 1



QMF Photo 7



8. CORRESPONDENCE

8.1. Petitions and Joint Letters

Nil.

8.2. Inwards Correspondence

Date	Correspondence
24 August 2012	Correspondence received from Australian Local Government Association regarding the 2012 National Local Roads and Transport Congress
10 September 2012	Correspondence received from Point Lonsdale resident regarding damage at Dog Beach.

Councillors: Butler/Burgess

That the Correspondence be noted.

Carried Unanimously



9. MAYOR'S REPORT

9.1. Functions Attended

Date	Function Attended
10 August 2012	Mayor met with Andrew Kidd, YMCA, regarding Camp Wyuna
10 August 2012	Mayor & Mrs Merriman attended the Fort Queenscliff dinner
12 August 2012	Mayor attended the Geelong and District Vietnam Veterans' Association of Australia Memorial Service
13 August 2012	Mayor attended the MAV Rural South Central Region Forum
13 August 2012	Mayor met with Rob Hurley, Queenscliff Golf Club
15 August 2012	Mayor attended the QLBT Business Breakfast
18 August 2012	Mayor attended the launch of the International Lighthouse Weekend
18 August 2012	Mayor attended the Geelong and District Vietnam Veterans' Association of Australia Commemorative March
27 August 2012	Mayor & CEO attended the G21 Board meeting with the OECD delegation
27 August 2012	Mayor & CEO attended the Civic Reception for the OECD delegation
28 August 2012	Mayor & Cr Butler attended the Kids Teaching Kids at St Aloysius
28 August 2012	Mayor & CEO attended the G21 Board Dinner with the OECD delegation
29 August 2012	Mayor, CEO & GMP&I attended the Monahan Centre Reference Group meeting
30 August 2012	Mayor presented flowers to Joyce McDowell to celebrate her 100 th birthday at a morning tea
31 August 2012	Mayor & CEO attended the G21 Board Meeting
3 September 2012	Mayor & CEO met with Colonel Andrew Gallaway, Major Justin Burdett & Warrant Officer Michelle Wyatt to discuss 17 November 2012 events
4 September 2012	Mayor & CEO met with Sarah Henderson (Liberal Party candidate for the Federal seat of Corangamite) and Patti Manolis, CEO, Geelong Regional Library Corporation; Jocelyn Grant, Richard de Fegely & Alistair Hope, Queenscliffe Historical Museum Inc.
7 September 2012	Mayor 'Principal for a Day' at Point Lonsdale Primary School
8 September 2012	Mayor attended the Maritime Museum's Annual General Meeting



Date	Function Attended
10 September 2012	Mayor speaking at City of Greater Geelong's Candidate Information Session for prospective Councillors
11 September 2012	Mayor attended the G21 Audit Committee meeting
13 September 2012	CEO chaired the 150th Celebrations Committee Meeting on behalf of the Mayor

Councillors: Davies/Butler

That the Mayor's Report be received.

Carried



10. COUNCILLOR PORTFOLIO REPORTS

Nil



11. GOVERNANCE, FINANCE & EXTERNAL RELATIONS

11.1 Council Plan - Final Progress Report against Business Plan Priorities for the period 1 July 2011 - 30 June 2012

File: QG054-01-01

Report Author: Chief Executive Officer

Introduction

The purpose of this report is to provide Council with a final progress report (**Appendix 2**) on actions taken in relation to the Business Plan priorities for period from 1 July 2011 to 30 June 2012.

Background

The Council Plan 2010-2013 was framed around five Strategic Directions and related portfolios:

- Governance, Finance & External Relations
- Sustainability & Local; Environment
- Business & Tourism
- Community Development
- Planning, Heritage & Community Assets

Business Plan priorities were identified for each Strategic Direction for the 2011/12 financial year.

Statutory Requirements

In accordance with section 125 of the Local Government Act 1989 Council adopted its Council Plan 2010-2013 at its June 2011 meeting. This report provides Council with progress achieved against the Council Plan for the full year to 30 June 2012.

Financial

There are no financial implications associated with this report. The report includes details of a number of successful grant applications to other levels of Government.



Social Implications

The final progress report highlights that Council has completed a number of priority actions that have contributed to the health and wellbeing of the local community.

Environmental Implications

The final progress report highlights that Council has completed a number of priority actions that have contributed to the environmental sustainability of the Borough and the goal to move towards carbon neutrality.

Risk Management

No specific issues to report. The report details the introduction of new systems and a range of actions to address organisational risks.

Communication

The Council Plan reflects a strong commitment to open and transparent communication with the public. This progress report provides details regarding actions taken between 1 July 2011 and 30 June 2012 in relation to the Business Plan priorities for the 2011/12 financial year.

In early 2009 Council established Portfolio Reference Groups comprising community representation under the leadership of individual portfolio Councillors. The Portfolio Reference Groups made an important contribution to the shape and final content of the Council Plan 2010-2013. Council made a commitment to providing each portfolio reference group member with a copy of the quarterly Progress Reports and this practice will be implemented. A copy of the Progress Report will also be placed on the Council website.

Implementation of the 2011/12 Business Plan Priority Actions

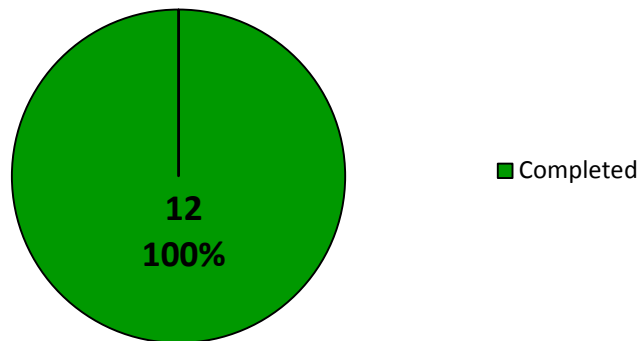
The implementation of the Business Plan priority Actions has resulted in actions:

- Completed (while these actions are completed, some are ongoing in nature and will form part of the Business Plan priority actions for 2011/12);
- In Progress (Business Plan priority actions where work has commenced in 2011/12 but will be finalised in 2012/13)
- Yet to Commence (Business Plan priority actions that have not commenced primarily due to limited resource capacity. These will be implemented in 2012/13).

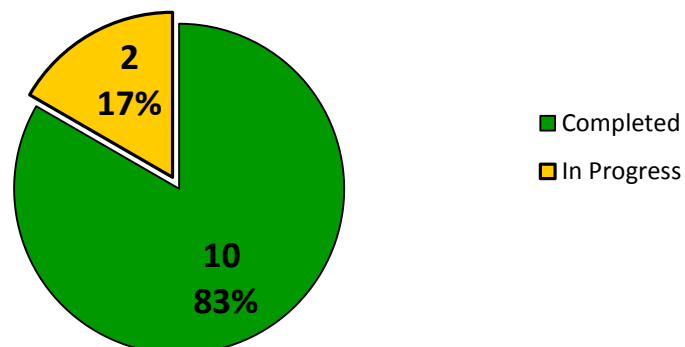
Overall results and achievement of the Priority Actions in each Strategic Direction are presented in the following pie charts:



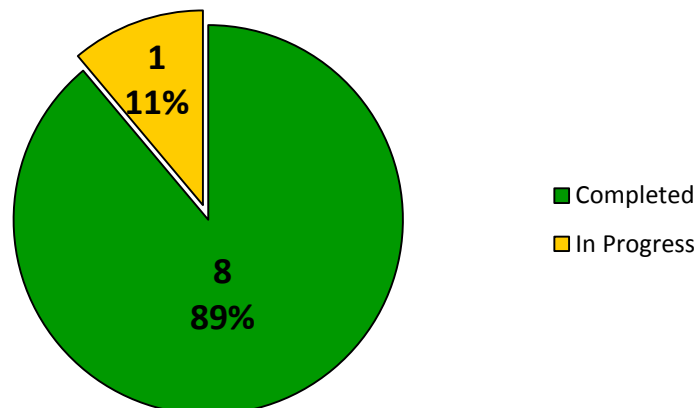
Governance, Finance & External Relations (12 Priority Actions)



Sustainability & Local Environment (12 Priority Actions)

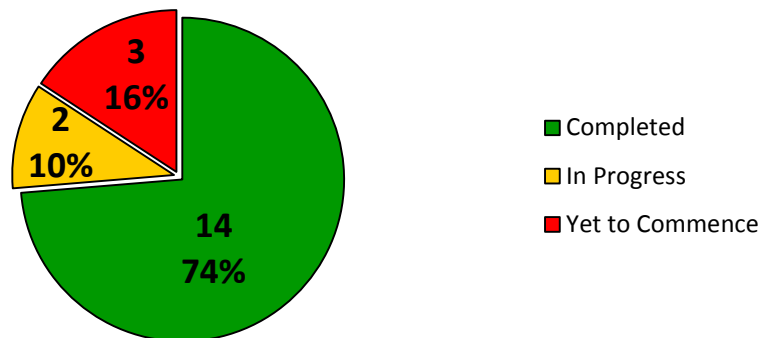


Business & Tourism (9 Priority Actions)

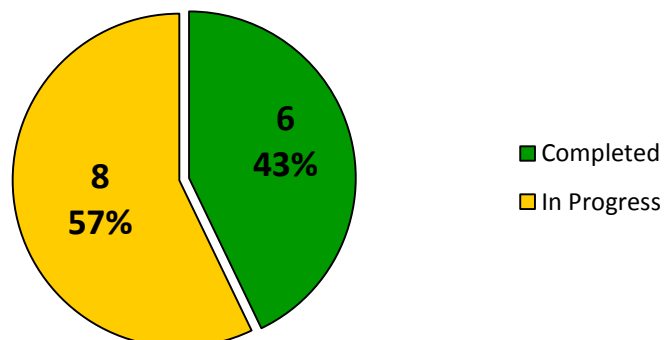




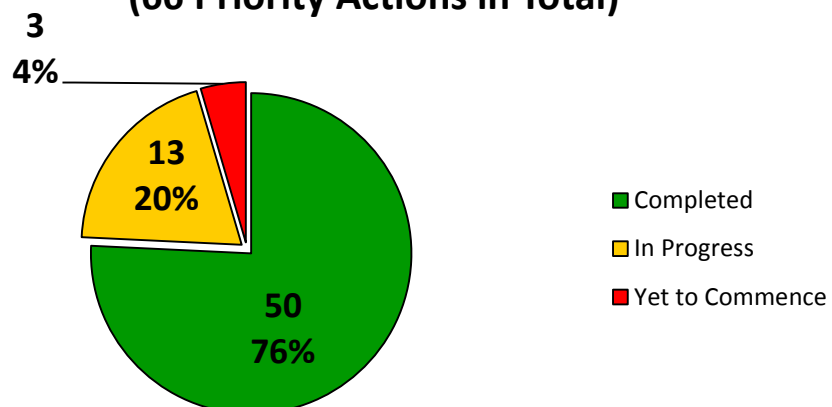
Community Development (19 Priority Actions)



Planning, Heritage & Community Assets (14 Priority Actions)



Overall Result (66 Priority Actions in Total)





Concluding Comments

The Council Plan Final Progress Report describes the range and level of activity undertaken by the Borough of Queenscliffe over the course of the 2011/12 financial year. The report reflects the importance of good working relationships and project partnerships between community, Council and other levels of Government.

The Council Plan Business Plan priorities reflect the Council's ambitious work program and the progress report demonstrates what can be achieved through the combined efforts of the Councillors and staff team working with local and regional community organisations and the community as a whole. The financial investment of State and Federal Governments has enabled Council to complete or make significant progress against a range of priorities actions. Council has also been able to attract funding for particular projects consistent with the Council Plan but not specified as Priority Actions. The State Government Country Roads & Bridges Initiative is one example of unanticipated revenue that has allowed Council to plan and / or undertake a significant level of asset renewal on local roads.

The ambitious set of Priority Actions has also presented some challenges in terms of completing the 2011/12 Business Plan, with a number of projects 'in progress' or 'yet to commence'. These projects have been incorporated into the 2012/13 financial year and include:

- Completing the review of the Queenscliffe Planning Scheme;
- Reviewing the Queenscliff Recreation Reserve Masterplan;
- Completing a Footpath Strategy for Queenscliff and Point Lonsdale;
- Advocating for the development of a shared path from Point Lonsdale to Ocean Grove;
- Implementing a strategy to move the Council by 2013 and community by 2020 towards carbon neutrality;
- Develop a masterplan for tourism accommodation development at the Queenscliff Lighthouse Reserve (Shortlands Bluff) *and the Point Lonsdale Lighthouse Reserve (Toc H)*;
- Upgrade the power supply to the Queenscliff Recreation Reserve and Victoria Park in consultation with Powercor.

On the otherhand the 2011/12 Priority Actions that deserve particular attention include:

- Reviewing Council's Strategic Financial Plan and minimising the 2012/13 rate increase;
 - Achieving the best score of all LGAs in the small Shires grouping and the equal second best score of all LGAs in Victoria on the Financial Sustainability Index that provides a score against four financial benchmarks (1) Underlying Operating Result as a % of Total Assets (2) Accumulated cash as a % of Adjusted Revenue (3) Debt as a % of Own Source Revenue and (4) Asset Renewal and Upgrade as a % of Depreciation over 6 years,;
 - Significantly reducing Council debt – when evaluating Total Debt against Council's Own Source Revenue - in 2008/09 this was 29.25% declining to 14.33% in 2011/12;
-



- Continuing emphasis on maximising State and Federal Grant funding for Council's Business Plan priorities;
- Supporting a terrific array of community events and activities;
- Promoting and recognising the contribution of volunteers in the Borough that play a significant role in building the social networks and relationships in the community and improve the quality of life and standard of services in the Borough;
- Receiving a third Geelong Business Excellence Award with the Queenscliff Visitor Information Service being inducted into the 'Hall of Fame';
- Assisting a range of community activities and programs through the Council's Community Development grants;
- Ensuring residents can readily access Aged & Disability services by maintaining a zero waiting time for people needing Home and Community Care programs;
- Continuing to make a high investment in asset renewal consistent with Council's asset management plan.

Finally it is important to note that these achievements are reflected in the results of the 2012 Community Satisfaction Survey report that was presented to the Council at its August 2012 Ordinary Meeting.

Councillors: Butler/Burgess

That Council accept the 2011/12 Council Plan Final Progress Report against Business Plan priority actions for the period 1 July 2011 - 30 June 2012.

Carried Unanimously

The Mayor acknowledged the important contribution of the Reference Groups to achieving the Council Plan Business Plan Priority Actions.



11.2 Adoption of 2011/12 Annual Financial Report

File: QG085-02-02

Report Author: General Manager Governance & Community

Introduction

Under the Local Government Act 1989 section 131, Council is required to prepare annual accounts comprising the standard statements, general purpose financial report and a performance statement in the manner and form prescribed by the regulations.

These statements are to be signed and submitted to the Victorian Auditor General's Office and upon receipt of the Auditor-General's certification, a complete set is to be sent to the Minister within three months of the end of the financial year.

Discussion

At the Audit Committee meeting held 3 September 2012, the 2011/12 annual financial report, was presented. The Audit firm appointed by the Auditor General to carry out the end-of-year audit was Crowe Howarth and a representative of the firm, Mr Martin Thompson, attended the Audit Committee meeting.

A summary of the Audit and its findings was presented coupled with a closing report. Key items listed within the closing report issued by the Audit firm are as follows:

- Audit identified no areas of material misstatement;
 - Audit is satisfied with the assumptions and estimates used, specifically in relation to: the valuation and depreciation of infrastructure, land and buildings, drainage assets;
 - Recommendations made in relation to the accounts:
 - The full amount of loan facilities to be recognised as a current liability (not split between current and non-current) due to the review clause contained in the Terms and Conditions on the facilities.
 - Annual and Long Service Leave provisions to be adjusted for workcover and leave loading oncosts
 - One area of Internal control was identified: audit recommended processes be reviewed to enable ageing of creditors to be reported;
 - Two items were identified in terms of the control environment: audit recommended that Council
 - Develop an outsourcing policy and
 - Link the budgets to the 4 year Council Plan via an acquittal process
-



Statutory Requirements

Under Section 131 (8) of the Local Government Act 1989, Council must authorise two Councillors to certify the financial report and standard statements in their final form after any changes recommended, or agreed to, by the auditor have been made.

Under Section 132 (8) of the Local Government Act 1989, Council must authorise two Councillors to certify the performance statement in the form and manner required by the regulations. The approval by the two Councillors must be given in the form and manner required by the regulations.

The Financial Report represents Council's financial performance and position for the 2011/12 financial year and is prepared and presented in its final form according to Accounting standards and the relevant legislative requirements. The Auditor and Auditor-General must certify that this has been done.

Council Plan

The annual financial report is in line with the Strategic Direction of the Council Plan 2010-2013 to '*provide accountable governance and long term sustainable financial management*' and the key strategy '*to responsibly manage financial, human and physical resources*'.

Social

Nil.

Environmental

Nil.

Risk Management

Any risk issues identified during the audit will be addressed as part of Council's Risk management processes which is overseen by the Risk Management Committee.

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.



There is no conflict of interest or pecuniary interest to be declared in relation to this quarterly finance report.

Conclusion

The 2011/12 Annual Financial Report incorporating the standard statements, the general purpose financial report and the performance statement is included at **Appendix 3** and has been completed in line with the Victorian Council Model Financial Report.

The external auditors (Crowe Howarth) have conducted the final audit of the accounts and presented their report at the Audit Committee held on 3 September 2012.

Under section 131 (8) of the Act, Council must authorise 2 Councillors to certify the standard statements, the financial report and the performance statement in their final form after any changes recommended, or agreed to, by the auditor, have been made.

Councillors: Burgess/Butler

That Council:

- 1. Approve the 2011/12 Annual Financial Report.**
- 2. Authorise Cr Bob Merriman and Cr John Burgess to sign the Standard Statements, the General Purpose Financial Report and the Performance Statement.**
- 3. Authorise Ms Evelyn Wuchatsch as Principal Accounting Officer to sign the Standard Statements, the General Purpose Financial Report and the Performance Statement.**
- 4. Request officers to forward the signed Annual Financial Report to the Victorian Auditor General.**

Carried



11.3 2011/12 Quarterly Financial Report as at 30 June 2012

File: QG085-01-08

Report Author: General Manager, Governance & Community
Senior Accountant

Purpose

This report provides information on Council's operating and capital performance for the twelve months to 30 June 2012 against the 2011/12 budget adopted by Council in June 2011.

The report considers the 2011/12 budget against full year actuals for all program areas and capital works projects.

The quarterly report, whilst reporting essentially the same figures as the Annual Financial Statements, differs substantially in that it is a 'management' report based around Program areas and generated to ensure accountability for Program leaders and for management to monitor actual results in each area.

An income statement is provided in the same format as the Budgeted Standard Income Statement in the Annual Financial Report (to show the statement in the format audited against Accounting Standards).

Background

At its 15 June 2011 meeting Council adopted the budget for the 2011/2012 financial year. The budget was based on projected completion of projects and capital works at 30 June 2011 and information available at that time.

Any funding provided for projects/works incomplete as at 30 June 2011 were carried forward to the 2011/12 financial year. The Capital Works report shows the 2011/12 Budgeted Capital Works as well as those carried forward from 2010/11.

Key Issues

The year-end **operating result** included in the Standard Income Statement (before abnormal items) indicates an improvement in of \$1,341,000 over the adopted budget for 2011/12, predominantly the result of receiving \$1,000,000 capital funding under the Country Roads & Bridges Program (which was not in the original budget for 2011/12) as well as additional income from caravan park fees, Victoria Grants Commission funding and interest earned on continuing high cash balances.



The additional income included in the operating result above has been offset in part by the \$218,000 increase in the unfunded superannuation liability (which was not in the original budget for 2011/12). This recent 'call' on the superannuation fund is due for repayment by 1 July 2013.

The year-end **underlying** result for the 2011/12 financial year is \$620,000 surplus, an improvement of \$279,000 on the budgeted surplus of \$341,000 (note that the March quarterly report indicated an expected deficit of \$74,000 as it assumed at that stage completion of all projects and did not estimate the adjustments for grants received in advance).

The variance to the original budget and the March 2012 forecast for the 2011/12 year end, is due mainly to funds now being carried forward from 2011/12 for expenditure in 2012/13. The Financial report attached provides details and comments regarding the major variances to budget.

As with previous quarterly reports, the Income Statement's **comprehensive result** is converted to a **cash result** in order to ascertain what unrestricted surplus funds are available from the annual rates budget. The \$306,000 accumulated cash surplus represents unencumbered monies which are real savings that have been accumulated from the Rates Budgets in 2011/12 and previous years. Verification of this accumulated cash surplus is provided from a calculation based on Balance Sheet figures in the attached report.

Whilst the accumulated cash surplus of \$306,000 has been achieved at 30 June 2012, it must be noted that Council has allocated \$213,000 (the forecast cash surplus advised to Council at the Mid Year Budget Review) towards priority projects in the 2012/13 Budget.

Discussion

The financial report notes any major variations between the 2011/12 Budget and the year end position at 30 June 2012. A number of statements are presented including:

- Standard Income Statement (including the underlying operating result) and Standard Balance Sheet (including chart on the cash balances over the last two financial years)
 - Working Capital Summary - conversion of Operating result to Cash/Rates result and a Statement of Income and Expenditure per the Rates Budget
 - Program summaries
 - Reserves summary
 - Debtors analysis
 - Debt position
 - Cash and investments
 - Creditor payments
 - Capital report
 - Line item report
 - Program report
-



Also included is commentary and a range of statistics in program areas for general information regarding specific items of interest. Reporting against Key Performance Indicators (both financial and non-financial) is part of the accountability framework for Program Leaders and Management as part of both individual and departmental operational planning.

A summary of the Budget and year end results follow:

Operating Result and Underlying Operating Surplus at 30 June 2012

	Adopted Budget	Year End Actual
Revenue	\$8.685m	\$10.091m
less Expenditure	<u>\$7.690m</u>	<u>\$ 7.755m</u>
Operating Result	\$0.995m	\$ 2.336m
less Other non-operating items	<u>\$0.005m</u>	<u>\$ 0.264m</u>
Surplus	\$0.990m	\$ 2.072m
less Capital income and Asset sales	\$0.654m	\$ 1.541m
add back Other non-operating items	\$0.005m	\$ 0.264m
less adjustment to match grant funding to year of expenditure	<u>\$0.000m</u>	<u>\$ 0.174m</u>
Underlying Operating Surplus	<u>\$0.341m</u>	<u>\$ 0.620m</u>

The table above shows an underlying surplus of \$620,000 at the end of June 2012 against a budgeted surplus of \$341,000, an increase of \$279,000 above budget. This is predominantly due to additional income from caravan park fees, Victoria Grants Commission funding and interest earned on continuing high cash balances. More detailed comments are provided in the report.

In order to ascertain an underlying operating result, as has been calculated in Council's Long Term Financial Planning and Financial Key Performance Indicators, any Capital funding is deducted. Whilst this does not comply with current accounting standards and therefore cannot be disclosed in this manner in the audited statements for the General Purpose Financial Statements, it is shown in the Standard Statements (special purpose financial reports) as it is deemed a valuable method of determining a purely operational result. This is done on the basis that Capital Expenditure is not contained in the Income Statement whilst the Capital funding, in terms of grants and contributions (matching principle), is included.

Other abnormal or non-operational items are also excluded; for example the share of the regional Library operations, the gain or loss on asset sales and the adjustments for asset revaluations.

It should be noted, that the underlying result will not indicate the movement of funds from one year to the next for incomplete works at year end and thus trends need to be based on averages over a period. For this reason a Statement of Income and Expenditure is produced to show the Rates budget in terms of sources of funds and related expenditure including Capital items of expenditure (non cash items such as depreciation, are not included).



Detailed report by program area

A full report of actual income and expenditure against each program area is shown in the attached report.

As with previous quarterly reports there are a number of non-financial indicators included in this report. There is continued focus on the provision of meaningful, measurable performance indicators in each program area.

Capital report

The budget and end of year results for Capital funding and expenditure is also shown in the attached report. Project income and expenditure has been collated and the transfers to and from reserves is provided to show a clear picture of capital transactions.

2010/11 incomplete projects are shown in the report including the funding that was reserved at the end of 2010/11 and carried forward into the 2011/12 financial year.

Reserves summary

The Carried Forward Reserve is used to show movements as project funding is transferred from one year to the next. A reserve has also been established to set aside funds for future years, specifically in relation to asset replacement (future building renewal requirements).

Statutory Requirements

Under Section 138 of the Local Government Act 1989, at least quarterly, a report comparing expenses and revenue to budget must be presented to the Council.

Council Plan

The financial report is in line with the key strategy in the Council Plan to '*provide accountable governance and long term sustainable financial management*'.

Financial

The report attached provides the opportunity for constant review of Council's financial position against budgets.

Social

No specific items to report.



Environmental

No specific items to report.

Risk Management

The quarterly report is part of Council's risk management framework to ensure financial reporting includes reporting against the adopted annual budget as well as a number of non-financial indicators including risk related items (eg: incident reporting).

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 consider by the Council or the committee.

There is no conflict of interest or pecuniary interest to be declared in relation to this quarterly finance report.

Results as at 30 June 2012

Results for the year to 30 June 2012 are presented as an appendix to this report (**Appendix 4**).

The main points from the June quarterly report are:

- \$4,284,000 net asset revaluation increment (land including land under roads, buildings including caravan park cabins and drainage assets);
 - (\$218,000) unfunded superannuation liability 'call' advised to Council on 31 July 2012 by the State Government and included in the 2011/12 financial report, with payment due by 1 July 2013;
 - \$487,000 held in the Asset Replacement Reserve at year end to assist in meeting future building renewal requirements and other asset items where annual expenditure has been under budget;
 - \$602,000 incomplete capital works transferred to carry forward reserve for completion in 2012/13 (this includes Hesse Street revitalisation, Ferry to the Pier project, Queenscliff Recreation Reserve power upgrade, dog beach car park upgrade and infrastructure renewal);
 - \$194,000 incomplete operating works transferred to carry forward reserve for completion in 2012/13 (this includes significant tree register, contribution to Queenscliff Railway Station toilet upgrade and review of the planning scheme);
-



- \$927,000 capital grant income received in 2011/12 and transferred to carry forward reserve for spending in 2012/13 (this relates predominantly to the Country Roads & Bridges Program and also includes Ferry to Pier project funding);
- \$442,000 operating grant income received in 2011/12 and transferred to carry forward reserve for spending in 2012/13 (this includes Cliff Safety project, Victorian Grants Commission prepayment and Corangamite Catchment Management Authority coastal tender funding);
- \$100,000 additional caravan park fee income (camping and cabins);
- \$50,000 additional interest income resulting from continued high cash balances;
- (\$40,000) increase in employee provisions to reflect annual leave and long service leave entitlements.

Conclusion

The 2011/12 full year position is an increase in surplus of \$279,000 in terms of the underlying operating result. This is the result of a combination of factors which includes carry forward operating grants and project expenditure, additional caravan park and interest income and also some underspends as advised in each quarterly report throughout the 2011/12 financial year.

The accumulated **cash** surplus as at 30 June 2012 is \$306,000. This cash surplus makes no provision for repayment of the recent unfunded superannuation liability call which is due and payable on 1 July 2013, nor for the setting aside of additional monies towards future asset renewal requirements.

Options for extinguishing the superannuation liability are as follows:

1. Repayment directly to Vision Super over 15 years incurring annual interest of 7.5%;
2. Possible low interest borrowings being explored by the MAV with the State Government;
3. Undertaking bank borrowings in addition to the \$150,000 loan;
4. Utilising the \$150,000 loan and the balance from the cash surplus (during the 2012-13 year).

Advice from Vision Super indicates that payment before the due date will save 7.5% p.a., in that the amount owed will be discounted back to the actual payment date. For example, if Council chose to repay the liability at 30 September 2012, the amount would reduce by around \$11,000.

Council's Strategic Financial Plan recommends the transfer of any cash surplus at year-end to the Asset Replacement Reserve. However due to the inclusion of the additional 'call' on the superannuation fund in 2011/12, officers recommend that Council draws down the \$150,000 loan borrowings budgeted in 2011/12 but not yet drawn down, and repays the superannuation call utilising the available surplus for the balance, with the remainder of the cash surplus of \$306,000 to be transferred to the Asset Replacement Reserve.



Councillors: Burgess/Butler

That Council:

- 1. Receives the Quarterly Finance Report for the twelve month period to 30 June 2012;**
- 2. Repays the \$218,000 Defined Benefits unfunded superannuation liability by utilising the \$150,000 loan borrowings and the balance from the accumulated cash surplus;**
- 3. Consistent with Council's Strategic Financial Plan, transfers the remaining accumulated cash surplus to the Asset Replacement Reserve.**

Carried



11.4 Amendment to CP021 Pre-election Caretaker Period Policy

File: QG072-01-03

Report Author: Chief Executive Officer

Introduction

The purpose of this report is to make an amendment to the CP021 Pre-election Caretaker Period policy as presented in **Appendix 5**.

Background

Council adopted a Pre-election Caretaker policy at its meeting on 23 May 2012 to demonstrate the Council's commitment to probity in its election process and to allow for other matters to be addressed that are not covered by the Local Government Act 1989 ('the Act').

Since then, Council received advice on 10 August 2012 from the Local Government Investigations and Compliance Inspectorate regarding their review of election caretaker arrangements at all 79 Victorian local councils.

Council Plan

The Borough of Queenscliffe Council Plan clearly sets out one of Council's key strategic directions as 'Providing accountable governance and long term sustainable financial management'.

Financial

There are no financial considerations with this report.

Social

There are no negative social impacts resulting from the proposed policy. This policy clearly communicates Council's intentions to ensure that Council staff and current Councillors will not use public resources in election campaigning or make major policy decisions that may bind the incoming Council.

Environmental

There are no negative environmental impacts resulting from the proposed policy.



Risk Management

The adoption of a 'Pre-election Caretaker Period' policy supports compliance with the Local Government Act and reduces Council's risk in this regard.

Discussion

The findings of the Local Government Investigations and Compliance Inspectorate were that of the 79 councils, 74 demonstrated they had a current election caretaker policy in place. Further analysis identified that eight councils had comprehensive, detailed policies that captured the necessary requirements of the Local Government Act 1989, whilst the others were deemed to be either satisfactory or requiring further content.

Having reviewed the good practice examples provided by the Inspectorate, it was found the Borough's policy, whilst it covers communications generally, does not adequately include social media as a means of communication.

It is therefore recommended that Council amend its existing policy to include a definition of 'social media' and some parameters, under point 6 'Publicity', regarding its use during the election period.

Conclusion

Having reviewed our existing Pre-election Caretaker Period policy in accordance with the findings of the Local Government Investigations and Compliance Inspectorate, it is now appropriate for Council to consider the amended 'Pre-election Caretaker Period' policy for adoption.

Councillors: Davies/Butler

That Council adopt the amended 'Pre-election Caretaker Period' policy as presented in Appendix 5.

Carried Unanimously



11.5 Results of the plebiscite to measure the level of support for a proposed new boundary

File: QG055-06-03

Report Author: Chief Executive Officer

Purpose

The purpose of this report is to advise Council on the results of the research to measure the level of support for a proposed new boundary.

Background

In 1863 the Borough of Queenscliffe was gazetted, identifying the western boundary to be Fellows Road, Point Lonsdale. This border was shared with the Shire of Bellarine until the State Government's reform of municipal boundaries and Council amalgamations in the 1990s when the City of Greater Geelong was established incorporated the Shire of Bellarine. The boundary is now shared by the City of Greater Geelong. The boundary results in the township of Point Lonsdale being one of the few townships in Victoria with a municipal boundary dividing the town.

The historical boundary of the municipalities was created at a time when there was little residential development in Point Lonsdale to the west of Fellows Road. However, in recent times a number of land allotments have been rezoned resulting in new residential developments extending the township of Point Lonsdale.

Over the last 20 years there have been three separate community initiated consultation processes designed to elicit community views regarding the Point Lonsdale municipal boundary; a survey conducted by Deakin University in 1991 indicating 70% of Point Lonsdale residents to the west of Fellows Road in favour of linking to the Borough; a 1993 petition organised by the Point Lonsdale Civic Association that achieved 80% of residents in favour, and a 2003 survey distributed to 400 households west of Fellows Road resulted in 193 surveys being returned with 86% supporting a transfer to the Borough of Queenscliffe.

The Council Plan 2010-2013 includes a commitment to 'Work towards consolidating the remainder of Point Lonsdale into the Borough of Queenscliffe'. In 2012/13 the Council allocated funds to undertake an independent plebiscite to elicit the views of property owners in Point Lonsdale located in the City of Greater Geelong.

Survey Methodology

Following a targeted tender process, Council commissioned JWS Research to undertake a survey to measure the level of support for a proposed new boundary. The sole intention of this plebiscite was for Council to obtain the current attitudes of the residents of Point Lonsdale living in the City



of Greater Geelong, regarding future local governance. A process was also established for people living in the City of Greater Geelong area of Point Lonsdale who did not have a phone or were not surveyed to contact Council and register their views in relation to the proposed new boundary.

The Borough of Queenscliffe also commissioned Local Direct Network, a company that specialises in mail distribution, to conduct a 'letter box drop' prior to the commencement of interviewing. It became evident early in the telephone survey period that some households had not received the letter. Given a similar result was being obtained for those who did and didn't receive the letter, a decision was made not to recall these households.

The telephone survey was conducted between 20 August and 2 September 2012. A sample consisting of n=372 phone numbers was obtained for interviewing. This sample was obtained by filtering to Point Lonsdale residents and then filtering to the City of Greater Geelong area.

The telephone survey questionnaire was conducted in the following manner:

Good morning/afternoon/evening. My name is ... from ... calling on behalf of JWS Research, an independent market research company and the Borough of Queenscliffe. I'm calling from Australia. We are conducting a very quick, 1 minute survey regarding attitudes of Point Lonsdale residents and would like to include the opinions of your household.

You have been selected for this study as we believe your address is in the area we need to talk to.

SAY IF NECESSARY: Your replies will, of course, be treated in complete confidence.

SAY IF NECESSARY: This is solely for research purposes for the Borough of Queenscliffe and we will not try to sell you anything afterwards.

SAY IF NECESSARY: The survey will take approximately 1 minute to complete.

Would you be willing to help? IF NO, ASK IF THERE IS ANYONE ELSE IN HOUSEHOLD WHO WOULD BE WILLING TO HELP.

During the course of this interview, my supervisor may listen to check the quality of my work.

First, we would like to ask a few questions about yourself, to check your eligibility for this study.

Q1 *RECORD GENDER*

Q2 *And can I confirm you live in or have a property that is located in Point Lonsdale and which is in the Council area of the City of Greater Geelong, that is, the property is located to the west or Geelong side of Fellows Road?*

Q3 *The Borough of Queenscliffe recently sent out a letter to all households in your area regarding this survey and Council's commitment to establishing a single governance arrangement for the whole of Point Lonsdale. Do you recall receiving and reading this letter?*

Q4 *The Borough of Queenscliffe proposes a new council boundary that will extend to include the Stocklands residential development, follow Shell Road as far as Clows Lane, and then turn south to the sea. Given your property is located in this area this proposal will impact you as your residence will move from being part of the City of Greater Geelong to be part of the Borough of Queenscliffe.*



There is more information available in the letter sent by Council if you wish to read this and have us call you back.

Based on what you have heard or read about this proposal, do you support your residence becoming part of the Borough of Queenscliffe?

Of the 372 phone surveys undertaken, the responses were as follows:

➤ Completed interviews	216
➤ Refused to participate	21
➤ Screened out	9
➤ Unavailable/did not answer (After 6 call attempts)	126

This result indicates a response rate of 55.7% of completed interviews against all sample numbers and a response rate of 82.4% of completed interviews against answered calls.

This result also indicates a refusal rate of 8.5%. JWS Research indicate that both the response rates and the refusal rate are far better results than the industry norm in terms of telephone sampling achievement rates and that the maximum margin of error on a sample of n=216 residents is +/-5.7 at the 95% confidence level for results near 50% with an assumed population of 770.

In addition Council had 19 respondents contact Council directly over this period. Of these people:

➤ Already contacted by JWS Research	8 (therefore not added to the JWS results)
➤ Not contacted by JWS Research	11 (therefore should be added to the results)

JWS Survey Results

Of the 216 respondents who were asked the telephone survey question:

- 46.3% of respondents responded 'Yes' (n=100)
- 47.2% of respondents responded 'No' (n=102)
- 6.5% of respondents were unsure (n=14)

There were 82 respondents who had not received the letter at the time of interview. Of these:

- 47.6% of respondents responded 'Yes' (n=39)
- 45.1% of respondents responded 'No' (n=37)
- 7.3% of respondents were unsure (n=6)



Additional Respondents

As indicated Council received an additional 18 respondents who contacted Council directly to state their views regarding their residence becoming part of the Borough of Queenscliffe. Of these respondents 8 were already surveyed by JWS Research, while the results for the remaining 11 people were as follows:

- Respondents responded 'Yes' (n=8)
- Respondents responded 'No' (n=3)

Aggregate Results

When the JWS Research survey results are combined with the additional respondents who contacted Council directly the outcome is as follows:

Of the total respondents (n=227)

- 47.6% of respondents responded 'Yes' (n=108)
- 46.2% of respondents responded 'No' (n=105)
- 6.2% of respondents were unsure (n=14)

Council Plan

The Borough of Queenscliffe Council Plan 2010-2013 includes strategies to:

- *'Work towards consolidating the remainder of Point Lonsdale into the Borough of Queenscliffe;*
- *Ensure the integrity of planning on and around the municipal boundary;*
- *Ensure the continuing independence of the Borough'.*

Financial

There are no direct financial implications for Council associated with this report.

Social

There are no direct social implications for Council associated with this report.

Environmental

There are no direct social implications for Council associated with this report.



Risk Management

There are no direct social implications for Council associated with 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 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 combined independent survey results indicate approximately equal numbers of residents in favour and against their residence moving from being part of the City of Greater Geelong to being part of the Borough of Queenscliffe. This will be an important point of reference for future Council deliberations.

Councillors: Butler/Davies

That Council note the combined results of the survey.

Carried Unanimously



12. SUSTAINABILITY & LOCAL ENVIRONMENT

12.1 Association of Bayside Municipalities – Strategic Direction 2012 – 2016

File: QG090-03-01

Report Author: General Manager Planning & Infrastructure

Purpose

The Association of Bayside Municipalities (ABM) has released a draft 'Strategic Directions 2012 – 2016' document for consideration. The purpose of this report is to inform Council of the key elements of the document and seek Council's endorsement of ABM's 'Strategic Directions 2012 – 2016' document.

Background

Council is a participant of the ABM which consists of elected representatives and officers from the ten Councils which have frontage to Port Phillip Bay, representing over 1 million people as well as 80 million visitors to the shores and waters of the bay each year. The ABM was founded in 1974.

The ABM is recognised as the voice of local government in relation to sustainable management of Port Phillip Bay and its purpose, through a collaborative approach to issues, is to protect and enhance the bay environment.

ABM's Strategic Directions 2012 – 2016 reaffirms their purpose, vision, role and strategic direction over the coming four years.

Key Issues

- ABM released their 'Strategic Directions 2012 – 2016' document for member Councils' consideration.
- ABM have requested all ten member Councils to endorse the 'Strategic Directions 2012 – 2016' document.

Discussion

The ABM seeks to uphold the community's values for the bay environment, including safe, clean beaches, appropriate water quality, recreation, accessibility, open space and conservation of native terrestrial and marine life. The ABM is in association, not an agency.

During 2012 the ABM conducted a strategic assessment of current and future issues which face the community and Councils in managing the bay and foreshore. The outcome of that process was



the completion of a strategic directions document that seeks to define the purpose, vision and role of the Association and establishes a number of key strategic directions.

The strategic directions include:

- Promoting integrated coastal planning including responses to climate change
- Encouraging sustainable and equitable recreation and social uses
- Enhancing management of coastal assets and infrastructure
- Promoting ecological health of marine areas and coast
- Recognising economic, social, and environmental values and benefits
- Refining and improving our organisational approach

The ABM executive has released the Strategic Directions paper and is seeking full membership support and is requesting Council's endorsement. A copy of the document can be included as **Appendix 6**.

Financial

There are no financial implications related to this report. Council is a financial member of the ABM and paid a membership fee, based on population criteria, of \$4,813 inclusive of GST for 2012/13.

Social

The community values the social and recreational opportunities of the Bay and its coastline. There is increasing recreational use of the Bay by many sectors of the community. The Strategic directions document seeks to maintain and support sustainable coastal communities with a focus on cultural, environmental, social and recreational outcomes. The association operates in a collaborative manner involving many partners.

Environmental

The Strategic Directions 2012-16 document provides the framework for a cooperative working relationship with all partner organisations. The environmental benefit can be assessed in relation to the shared effort to enhance Port Phillip Bay and maintain agreed standards for the management of the foreshore adjacent to the Bay. The coastal zone is most vulnerable to the threat of climate change and sea level rise. Understanding the threats and working cooperatively to deal with values for the bay environment, including safe, clean beaches, appropriate water quality, recreation, accessibility, open space, conservation of native terrestrial and marine life and responding to climate change are critical in ensuring acceptable environmental outcomes.



Risk Management

There are no significant risks associated with adopting the recommendation 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 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

It is considered appropriate Council endorse ABM's 'Strategic Directions 2012 – 2016'.

Councillors: Butler/Davies

That Council endorse the 'Strategic Directions 2012 – 2016' document (Appendix 6) released by the Association of Bayside Municipalities.

Carried Unanimously



12.2 Community Carbon Neutral Action Plan

File: QG079-01-05

Report Author: Sustainability Officer

Purpose

This report provides Council with an update on the progress of the Community Carbon Neutral Action Plan for the Borough of Queenscliffe.

Background

The Sustainable Living Action Plan adopted by Council in August 2010 includes a key result area to reduce the level of carbon emissions in the Borough of Queenscliffe. One of the priority actions of this strategy is to develop a carbon neutral action plan to work towards carbon neutrality for Council by 2013 and the Borough community by 2020.

To progress the development of an action plan, a Carbon Neutral Action Plan Reference Group comprising Councillors, community members and Council officers was formed in February 2011. The purpose of the committee is to provide advice and information to officers and consultants.

Creative Environment Enterprises Pty Ltd was appointed in May 2011 to develop the 'Working Towards Carbon Neutrality Action Plan', which features two documents – a Corporate Action Plan focusing on Council emissions and a Community Action Plan for the broader Borough community.

The corporate action plan was adopted at the April 2012 Council meeting.

A Draft Community Carbon Neutral Action Plan was presented to Council officers in June 2012. The document is presented in two sections;

- Part 1: Context, Footprint & Offsets

This section defines community emissions and identifies greenhouse gases produced from electricity, gas, transport and waste. It also discusses potential emissions reduction measures for these four areas.

- Part 2: Implementation Strategy

This section addresses the delivery of an emissions reduction strategy in the Borough community. It includes examples of successful community carbon neutral initiatives and recommends the establishment of a sustainability alliance to deliver specific actions. The alliance would be a partnership between community groups & clubs, schools, businesses and Council. A list of actions to reduce emissions and educate the wider community on carbon neutrality initiatives is also included.



Discussion:

To assist in the development of a list of actions that could be undertaken to reduce greenhouse gas emissions, the consultants sought suggestions from the community at a workshop in August 2011. Reference group members also provided the consultants with a comprehensive list of suggestions to be considered for inclusion in the action plan.

In April 2012 the consultants provided Council officers with a list of 60 potential activities to be included on an action list. The activities were based on the feedback from the workshop and the suggestions from reference group members.

Council officers reviewed this list of activities taking into consideration staff resources and funding availability. By combining similar themed activities and deleting others, officers reduced the total number to 18 activities that would be delivered over a three year period from September 2012 to June 2015.

The three year timeframe would bring the community action plan in line with the corporate action plan.

In August 2012, Council officers presented the draft action plan including the 18 actions to the reference group for review. During two meetings that month, reference group members amended and expanded the action list to incorporate more specific actions that would be delivered from September 2012 to 2020. The amended list has 53 actions (refer **Appendix 7**).

Delivery of the proposed 53 actions recommended by the reference group will require a significant investment of Council resources. These actions have not yet been fully costed and it should be noted that some will only require a commitment of staff time. However, there will be ongoing costs to Council for the long-term promotion of the various activities.

It is recommended that due to the long term commitment of Council resources required for the delivery of the actions, the draft Community Carbon Neutral Action Plan should be presented to the new Borough of Queenscliffe Council at its November meeting.

At this meeting officers will be seeking Council support to commence a community engagement program to promote the project objectives, engage alliance partners and seek feedback and prioritisation on the proposed actions recommended by the reference group.

Council Plan

The 2010-2013 Council Plan includes a strategy for Council to 'work towards being a carbon neutral Council and community'.

A priority of the 2011/12 Business Plan is to 'implement a strategy to move the Council by 2013 and community by 2020 towards carbon neutrality'.



Financial

There are no significant financial impacts from this report.

Social

There are no significant social impacts from this report.

Environmental

There are no significant environmental impacts from this report.

Risk Management

There are no significant environmental impacts from 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 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

To achieve a reduction in greenhouse gas emissions within the Borough community, significant action will be required from Council, residents, businesses, clubs and organisations.

Council will be required to commit considerable staffing resources and funding to assist in achieving the goals of the 2010-2013 Council Plan to work towards carbon neutrality by 2020.

Given the long term financial commitment required from Council, it is considered appropriate that the Draft Community Carbon Neutral Action Plan be presented to the incoming Council at its November meeting seeking approval for commencement of a community consultation process.

Councillors: Davies/Butler

That Council notes this report.

Carried Unanimously



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
**2010/058	18/06/2010	1 Beach Street Queenscliff	Demolition of buildings within a Heritage Overlay ("Fisherman's Wharf")	Waiting on advice from applicant
**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
**2012/019	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	Under consideration
**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
2012/028	21/03/2012	17 Edgewater Close Queenscliff	Alterations and extensions to an existing two storey dwelling	Under consideration
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	Public notification Referral to Engineering Department
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	Public notification Referral to CFA
**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	Under consideration



App. No	Date Received	Address	Proposal	Status
**2012/047	09/05/2012 (Amended 03/09/2012)	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 and fence and removal of an easement under Clause 52.02 of the Queenscliffe Planning Scheme	Public notification Referral to Heritage Advisor
**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	Refer agenda
2012/052	01/06/2012	122 Fellows Road Point Lonsdale	2 lot subdivision with common property, and the development of two dwellings (single storey) and a front fence	Public notification Referral to Engineering Department
2012/053	01/06/2012	90 King Street Queenscliff	The construction of fences	Under consideration
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	Under consideration
2012/056	07/06/2012	36 Golightly Street Point Lonsdale	2 lot subdivision, development of a dwelling and front fence, variation to the setback requirements of Design and Development Overlay – Schedule 4, and removal of native vegetation	Further information requested 27 June 2012
2012/057	07/06/2012	80-82 Kirk Road Point Lonsdale	The development of a dwelling and removal of native vegetation	Public notification
**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	Referrals to Heritage Advisor and Engineering Department
**2012/060	14/06/2012 (Amended 16/07/2012)	4 Beach Street Queenscliff	Part demolition of an existing dwelling, demolition of outbuildings, alterations and extensions to a dwelling, construction of an outbuilding and fence in a Heritage Overlay and variation to the site coverage and setback requirements of Design and Development Overlay – Schedule 6	Referral to Heritage Advisor
**2012/061	19/06/2012	10-18 Hesse Street Queenscliff	Part demolition of an existing building in a Heritage Overlay, buildings and works for the construction of a two storey building comprising of the existing restaurant and eight (8) new dwellings, reduction of the standard car parking requirement of Clause 52.06, variation to the design standards for car parking of Clause 52.06, waiver of the loading bay requirement of Clause 52.07, alteration to access to a road in a road zone category 1, and variation to the setback and site coverage requirements of the Design and Development Overlay – Schedule 1	Public notification Referrals to Engineering Department, Heritage Advisor, Municipal Building Surveyor & Vic Roads



App. No	Date Received	Address	Proposal	Status
**2012/062	21/06/2012 (Amended 20/08/2012)	1B Murray Road Queenscliff	2 lot subdivision and the development of two double storey dwellings	Referrals to Engineering Department & Municipal Building Surveyor
2012/063	27/06/2012 (Amended 18/07/2012)	37 Bethune Street Queenscliff	The development of a dwelling and carport and variation to the site coverage and setback requirements of Design and Development Overlay – Schedule 1	Under consideration
2012/064	28/06/2012 (Amended 13/08/2012)	7 Jennifer Crescent Point Lonsdale	Alterations and extensions to an existing dwelling, the construction of a carport and variation to the site coverage and setback requirements of Design and Development Overlay – Schedule 4	Public notification Referral to Building Surveyor
**2012/067	17/07/2012	27 Hobson Street Queenscliff	2 lot subdivision, alterations and extensions to an existing dwelling, alterations and extensions to an existing outbuilding for the development of a second dwelling (two storey), variation to the site coverage and setback requirements of Design and Development Overlay - Schedule 1 and removal of trees in a Heritage Overlay where tree controls apply	Referral to Heritage Advisor
2012/068	18/07/2012	10 Waterview Close Queenscliff	The development of a dwelling (two storey), carport and fence and variation to the setback requirements of Design and Development Overlay – Schedule 3	Public notification Referrals to Engineering Department & CCMA
2012/069	20/07/2012	Foreshore reserve south of Weeroona Parade and Wharf Street East Queenscliff	The removal of vegetation	Under consideration
2012/070	23/07/2012	68 Baillieu Street Point Lonsdale	The development of a dwelling (two storey)	Further information requested 9 August 2012
2012/071	18/07/2012	94 Hesse Street Queenscliff	Part demolition of an existing dwelling, alterations and extensions (deck) to an existing dwelling in a Heritage Overlay	Public notification Referral to Heritage Advisor
2012/072	31/07/2012	147 Point Lonsdale Road Point Lonsdale	Alterations and extensions to an existing dwelling	Public notification Referral to Heritage Advisor
2012/074	06/08/2012	76 Hesse Street Queenscliff	External painting of a building in a Heritage Overlay	Further information requested 9 August 2012
2012/075	06/08/2012	46 Learmonth Street Queenscliff	The demolition of a front fence and construction of a front fence in a Heritage Overlay	Under consideration



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

App. No	Date Received	Address	Proposal	Status
**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 withdrawn by objector. Permit issued
2011/119	16/12/2011	29 Mercer Street Queenscliff	Part demolition of an existing dwelling, alterations and extensions to an existing dwelling and demolition of an outbuilding in a Heritage Overlay	Permit issued
**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	Permit issued
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	Permit issued
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	Permit issued
**2012/032	03/04/2012	60 Buckleys Road Point Lonsdale	Alterations and extensions to an existing dwelling	Permit issued
**2012/037	24/04/2012	44 Glaneuse Road Point Lonsdale	Alterations and extensions to an existing dwelling, variation to the front setback requirements of Design and Development Overlay – Schedule 4 and lopping of vegetation	Permit issued
2012/066	09/07/2012	32 Learmonth Street Queenscliff	Alterations and extensions to an existing dwelling in a Heritage Overlay	Permit issued
2012/073	02/08/2012	31A Mercer Street Queenscliff	The installation of solar panels in a Heritage Overlay	Permit issued



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

App. No	Date Received	Address	Proposal	Status
2009/131.1	06/09/2012	57/57A Mercer Street Queenscliff	Alterations, extensions and external painting of an existing dwelling, the construction of a second dwelling and subdivision of the land into two lots	Further information requested 7 September 2012
2011/106.1	03/09/2012	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	Public notification
2012/076	08/08/2012	50 Stokes Street Queenscliff	The installation of a rainwater tank in a Heritage Overlay	Referral to Heritage Advisor
2012/077	10/08/2012	101 Bellarine Highway Point Lonsdale	The erection of advertising signage	Under consideration
2012/078	07/08/2012	88 Hesse Street Queenscliff	Variation to carriageway easement on Plan of Subdivision PS536225L (removal of access rights)	Under consideration
2012/079	15/08/2012	9 Stevens Street Queenscliff	2 lot subdivision in a Heritage Overlay	Public notification
2012/080	17/08/2012	43 Hesse Street Queenscliff	Alterations to an existing building, the erection of advertising signage and construction of fencing and gates in a Heritage Overlay	Further information requested 24 August 2012
2012/081	20/08/2012	59 Point Lonsdale Road Point Lonsdale	Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell and consume alcohol ("Restaurant and Café Licence")	Further information requested 24 August 2012
2012/082	28/08/2012	22 King Street Queenscliff	Alterations to an existing dwelling individually listed in a Heritage Overlay	Referral to Heritage Advisor
2012/083	27/08/2012	6 Waterview Close Queenscliff	The construction of a front fence	Further information requested 5 September 2012
2012/084	03/09/2012	4 Thomson Street Point Lonsdale	Alterations and extensions (outbuilding) to an existing dwelling	Public notification
2012/085	03/09/2012	15-17 Stevens Street Queenscliff	Removal of trees from a right of way access road in a Heritage Overlay where tree controls apply	Public notification Referrals to Engineering Department & DSE



LEGEND

****** Objections received

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

Bold **Officer delegation removed**

Councillors: Mitchell/Davies

That the report be received.

Carried Unanimously



15.2 No. 10 Cheshunt Street, Point Lonsdale

File: QP700-1000

Report Author: Senior Planner

Purpose

The purpose of this report is to advise Council of the planning implications of the proposed development at No. 10 Cheshunt Street, Point Lonsdale, summarised as:

- The proposal is for the construction of a double storey dwelling, contemporary in style, which involves the removal of significant native vegetation from the front setback area.
- The proposed dwelling is to be provided with a basement car park, as well as two (2) levels above, to a maximum height of 8.5 metres and site coverage of 45%.
- The existing crossover is to be removed and relocated to the west end of the site's Cheshunt Street frontage, with a ramp providing access to the basement car park.
- The application has been advertised and five (5) objections have been received to date.
- Key issues raised in concern are regarding overdevelopment of the site, loss of vegetation, and impact on privacy of adjoining property owners.
- The areas of non-compliance with the relevant provisions of the Queenscliffe Planning Scheme are not considered to be fatal to the application, as conditions can be included on any approval granted to address the non-compliance issues.
- The loss of native vegetation from the front setback area can be addressed by including conditions on any permit issued, which will ensure that the vegetated character of the area will be ensured in the long term.
- Accordingly, it is recommended that Council resolves to issue a Notice of Decision to Grant a Permit for the development of a dwelling (two storey), removal of native vegetation and variation to the site coverage and setback requirements of the Design and Development Overlay – Schedule 4 (DDO4).

Key Issues

- Compliance with provisions of Queenscliffe Planning Scheme;
 - Urban character;
 - Removal of native vegetation; and
 - Concerns of objectors.
-

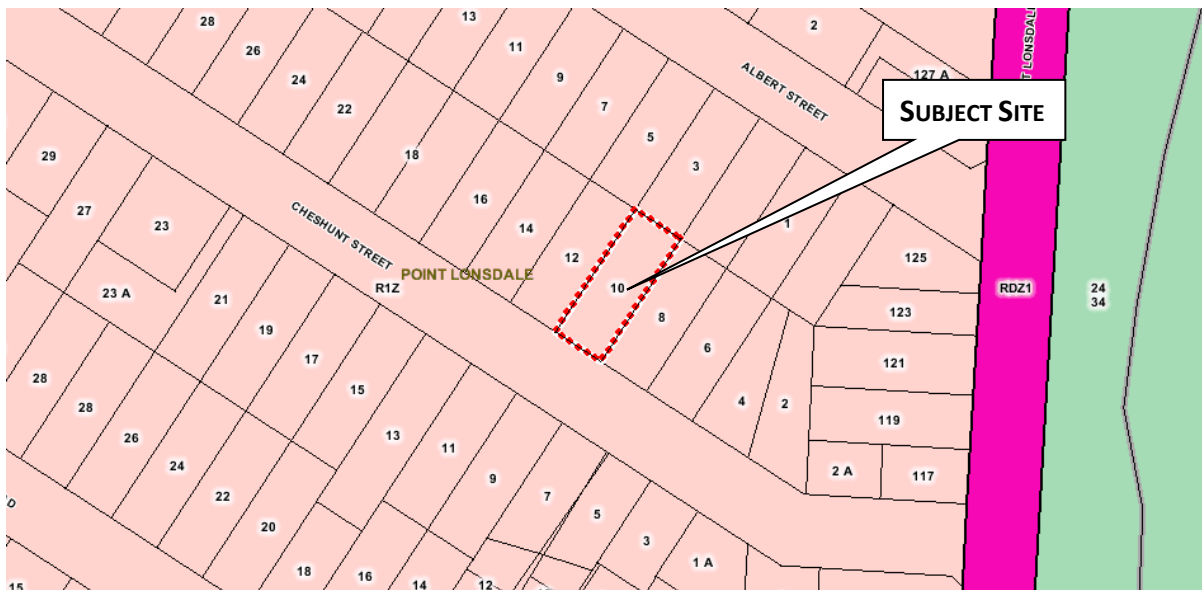
Discussion

Subject site and surrounds

The subject site is located on the north side of Cheshunt Street, Point Lonsdale.

The site has a frontage of 15.09 metres, and a depth of 40.64 metres, measuring a total of 613.2m² in size. The site slopes up into the site away from the Cheshunt Street frontage, with approximately a 1.0 metre rise to the rear of the block.

Locality Plan



Source: www.land.vic.gov.au - 11.09.2012

Aerial Image



Source: www.nearmaps.com - 11.09.2012

The aerial image demonstrates that there is a significant level of vegetation at the front of the site, which is not present in the front setback areas of the surrounding dwellings to the east of the subject site. The trees in the front setback area of the site are shown in the image below.



Source: application documentation

Proposal

The application proposes the construction of a two storey contemporary style dwelling, removal of native vegetation, and variation to the site coverage and setback requirements of the Design and Development Overlay – Schedule 4.

The dwelling is to comprise a basement car park, accessed via a new crossover at the western end of the site's Cheshunt Street frontage. The basement car park is to accommodate seven (7) car parking spaces, two (2) store rooms, a plant room, a lift, and a lower entry area. The basement is setback 1.245 metres from the site's west (side) boundary, 1.255 metres from the east (side) boundary, and 7.925 metres from the north (rear) boundary. The plant room of the basement is setback 6.475 metres from the site's Cheshunt Street frontage.

The ground floor of the dwelling is to comprise a guest bedroom with en suite, separate sitting room, library, an open plan kitchen/dining/living area, butlers pantry leading to laundry, and a water closet. There is a deck leading to the rear private open space area. Access to the basement or first floor is via a staircase or internal lift.

The first floor of the dwelling is to comprise two (2) bedrooms, each with walk in robe and en suite (master bedroom provided with dressing room). Both dwellings open up onto a first floor deck facing toward the rear of the site. There is also a study, home theatre and bar area provided at the first floor, with a balcony facing the street provided from the home theatre room.

The ground floor of the proposed dwelling is setback 6.475 metres to Cheshunt Street, 1.245 metres from the site's west (side) boundary, 1.255 metres from the east (side) boundary, and



7.925 metres from the north (rear) boundary. The first floor balcony is setback 5.275 metres from Cheshunt Street, while the building is setback 1.975 metres from the site's east (side) property boundary, 2.2 metres from the west (side) property boundary, and 7.925 metres from the north (rear) boundary.

The dwelling has a maximum building height of 8.5 metres, measured to the highest point of the proposed skillion roof. In relation to the levels of adjoining buildings, this is 1.181 metres below the highest point of the adjoining dwelling at No. 12 Cheshunt Street.

The dwelling is to be constructed of selected render finish to 'hebel' ground floor panels, lightweight cladding on first floor, 40x40 timber battens lay over ply, and stone cladding to pier and beneath the ground floor. No detail for the garage door has been provided to date. The roof is to be colorbond corrugated iron roof, pitched at 5 degrees.

The dwelling represents 45% site coverage, with 42% of the site permeable.

The proposal also seeks to remove seven (7) Moonah trees from the front of the property to accommodate the driveway to the basement car park, and the proposed building footprint. There is to be three (3) established Moonahs retained in the front setback area, as well as a large Moonah from the rear private open space area. A report has been prepared by a suitably qualified arborist, providing information regarding the health of these established trees and detailing whether they should be retained or not. The arborist has assessed each of the trees individually, and has identified that none of the trees that are proposed to be removed have high retention value.

A landscape plan has been provided which demonstrates a total of eight (8) Coastal Banksia trees to be planted to offset the removal of the Moonah's, as well as some shrubs, grasses, sedges and climbers.

Planning Scheme controls

The site is located in a Residential 1 Zone, and is subject to a Design and Development Overlay - Schedule 4 (DDO4), and Vegetation Protection Overlay – Schedule 1 (VPO1).

Permit triggers

The proposed development requires a planning permit under the following provisions of the Queenscliffe Planning Scheme:

- Clause 42.02-2 – removal of native or indigenous vegetation in a Vegetation Protection Overlay;
- Clause 43.02-2 – buildings and works in a Design and Development Overlay; and

Referrals

External

There were no statutory referrals required for this application, however advice was sought from DSE in regard to the removal of the Moonah trees. DSE confirmed that no further approval was required under the Flora and Fauna Guarantee Act.



Internal

Engineering

The application was referred to Council's Engineer for comment in regard to the proposed relocation of the crossover. Council's Engineer advised:

- No objection to the proposed driveway crossover location;
- No objection to removal of plantings in road reserve, however a local law permit will be required; and
- Any work in road reserve will require a road opening permit.

The above advice can be addressed via inclusion of appropriate conditions on any permit issued.

Environmental Health Officer

Discussions were held with Council's Environmental Health Officer, specifically regarding concerns raised by the adjoining neighbour at No. 8 Cheshunt Street about noise impacts of the plant room located in the basement garage area. Advice was provided that a note should be included on any permit issued, stating:

Consideration needs to be taken into account when designing and constructing the proposed plant room in the basement. Compliance under the Public Health and Wellbeing Act 2008 & the Environmental Protection (Residential Noise) Regulations 2008 is to be observed.

A note is to be included on any permit issued reflecting the above comments of the Environmental Health Officer.

Financial

There are no financial implications for Council. This is the development of privately owned land and any costs will be borne by the landowner.

Social

Consideration has been given to the impact of the proposed development on the amenity of the surrounding property owners, with particular regard given to the concerns raised by objectors.

Given the development is considered to be generally compliant with the provisions of the Queenscliffe Planning Scheme, subject to appropriate conditions on any permit issued, it is considered that the development should not have an unreasonable effect on the surrounding community.



Environmental

The application seeks the removal of seven (7) significant Moonah trees from the front setback area of the site, which will have a detrimental impact on the neighbourhood character in the surrounding area, particularly in this section of Cheshunt Street. Consideration must be given to the implications of this vegetation removal, particularly in the context of the exemptions for vegetation removal for the purpose of bushfire protection.

Risk Management

All matters set out under the Planning and Environment Act 1987 have been considered in the assessment of the application. A detailed assessment of the proposal is outlined later within 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 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 consider by the Council or the committee.

There is no conflict of interest or pecuniary interest to be declared in relation to this application for planning permit.

Assessment

The following is an assessment of the proposal against the relevant provisions of the Queenscliffe Planning Scheme.

State Planning Policy Framework (SPPF)

The proposed development has been assessed against the relevant provisions of the State Planning Policy Framework (SPPF), and it is considered that the proposal is consistent and appropriate with the appropriate strategic objectives.

Local Planning Policy Framework (LPPF)

Clause 22.04-2 – Urban Character (Point Lonsdale) is of specific relevance to this application. The following objectives of this Clause are considered to be of relevance to this proposal:

- The undulating dune topography and dense coastal tea tree and Moonah vegetation within private gardens, road verges and foreshore areas which creates a prevailing natural coastal and informal village atmosphere for the area;
 - Predominantly low density development and informal roadways;
-



- Prevailing low scale, detached early 20th Century residential buildings that recede within the vegetated coastal environment;
- Unique mix and diversity of intact historic holiday town building types varying from Californian, Art Deco, Post War, 1960s and contemporary design;
- The informal road network with limited use of kerb and channel and predominantly grassed road shoulders; and
- The predominantly broad and densely vegetated road reserves and relatively indistinguishable front boundaries of private properties.

It is noted that the key issues raised in regard to the character of Point Lonsdale is the heavily vegetated character of the area, particularly within the front setback areas and road reserves. In respect of this application, it is noted that the proposal seeks to remove some mature and significant moonahs from the front setback area of the site, which is inconsistent with the requirements of Clause 22.04-2.

What makes this matter complicated is the exemption which applies under Clause 52.48 – Bushfire Protection: Exemptions – and specifically Clause 52.48-1 – Exemption to create defendable space around buildings used for accommodation. This provision enables property owners to clear all vegetation, including trees, on their property within 10 metres of a building used for accommodation if that building was:

- constructed before 10 September, 2009; or
- approved by a permit issued under the Queenscliffe Planning Scheme before 10 September 2009; or
- approved by a building permit issued under the Building Act 1993 before 10 September 2009.

What this means is that regardless of the provisions of Clause 22.04-2 of the Queenscliffe Planning Scheme, which places such great importance on retaining the vegetative character of Point Lonsdale, no planning permit would be required for the removal of all the existing trees within the front setback area of the site so long as the trees are within 10 metres of the existing dwelling. This obviously weakens Council's ability to force the permit applicant to retain all the trees in the front setback area of the site, and therefore means that a more pragmatic and long term approach should be considered by Council. This issue is further discussed in the following pages under the sub-heading *Vegetation Protection Overlay - Schedule 1 (VPO1)*.

The applicant has willingly nominated the trees to be removed as part of this application, even though an exemption exists that would enable the trees to be removed at any time under the exemption of Clause 52.48 of the Scheme. Accordingly, this affords Council to take a long term approach to the vegetative character of this site and, while the removal of the native vegetation from the site would be detrimental to the current character of the street, long term gains could be achieved through an appropriate level of replanting to be required under a permit.

Accordingly, it is considered that while the removal of the seven (7) moonah trees from the frontage of the site is inconsistent with the objectives of Clause 22.04-2 of the Scheme, conditions



can be included on any approval issued that can require a significant level of replanting to be provided to ensure that the vegetative character is retained into the long term.

Aside from the matter of the removal of vegetation, the proposed building has been considered against the policies contained within Clause 22.04-2. A key issue is the proposed basement car park and ramp access. This is not common within the municipality in either Queenscliff or Point Lonsdale, and it is considered that this needs to be addressed as part of the approval of the proposed dwelling.

Previous discussions with the applicant have been regarding providing an alternative method of access to the basement car park, through a lowering platform that allows a vehicle to park and then be lowered into the basement car park. This would avoid having the visual impact of a ramp into a basement car park, which is foreign to the existing character of Point Lonsdale, while still allowing the property to accommodate the number of cars on site that they wish to. This matter has been discussed with the applicant, who advised that they wished to pursue the proposal in its current format. While this may be a point that is challenged at the Victorian Civil and Administrative Tribunal (VCAT) by the applicant, it is the view of the officer that it is important to retain the informal character of Point Lonsdale as best as practicable and a condition that requires an alternative method of access to the basement car park other than a ramp would go a long way to achieve this. It would also ensure that future proposals seeking to have basement car parks incorporated into the design are able to do so, but without significantly compromising the character of the area.

The site coverage of the proposal (45%) is also greater than the preferred 40% maximum under Clause 22.04-2. It is considered that the increased level of site coverage of 45% is greater than what is generally accepted in the surrounding area. It is noted that a recently approved dwelling at No. 9 Albert Street (approximately 30 metres from the subject site) was required to reduce the site coverage from 50% to 44%, to be consistent with the surrounding built form in the area. Accordingly, it is considered appropriate that a condition be included on any permit issued requiring the site coverage be reduced from the currently proposed 45% to no greater than 44%.

Considering the matters discussed above, it is considered that the proposal is in accordance with the provisions of Clause 22.04-2, subject to the inclusion of appropriate conditions on any approval issued.

Zoning

The subject site is located within the Residential 1 Zone.

Pursuant to Clause 32.01-2 of the Queenscliffe Planning Scheme, no planning permit is required to construct a single dwelling on a lot greater than 300m². As the subject site is 613.2m² in size, no permit is required.

Accordingly, no consideration is given to the provisions of the Residential 1 Zone, or the decision guidelines contained within.



Overlays

The subject site is affected by the following overlays:

- Vegetation Protection Overlay – Schedule 1 (VPO1)
- Design and Development Overlay – Schedule 4 (DDO4)

Vegetation Protection Overlay - Schedule 1 (VPO1)

Pursuant to the provisions of the VPO1, a planning permit is required to remove, destroy or lop all native or indigenous vegetation including Moonah, Tea Tree and Coastal Heath. As detailed earlier within this report, the application seeks to remove a group of seven (7) significant moonah trees from the front setback area of the site. As discussed earlier within this report, this is a complicated situation whereby an exemption exists allowing for the removal of the trees without the need for a planning permit, in accordance with the provisions of Clause 52.48 – Bushfire Protection: Exemptions.

Credit must be given to the applicant for willingly including the removal of native vegetation as part of this planning permit application, rather than exploiting the exemption provisions and removing any ability for Council to control or influence the scope of vegetation removal or replanting on the site.

Officers wish to emphasise to Council that the approach taken with considering the removal of native vegetation aspect of this application is focusing on long term outcomes, rather than short term. If a decision is made to refuse this application or require major modification to the design on the basis of native vegetation, the applicant would be within their legal rights to remove as much of the native vegetation as they wish, within 10 metres of the existing dwelling, in accordance with the criteria of Clause 52.48 of the Scheme. If a decision is made to allow some vegetation removal as part of this application, with the retention of the healthier specimens of moonahs, and conditions included on any permit issued that requires significant offset planting particularly within the front setback area, the new dwelling that is constructed will not meet the criteria under Clause 52.48 and therefore the exemption will not apply. This will ensure that the vegetated front setback area is protected in the long term and the character of Point Lonsdale has not been fundamentally compromised.

It should be noted that previous VCAT decisions have confirmed that there is no requirement for a property owner to demonstrate that the removal of vegetation, in accordance with the exemption under Clause 52.48 of the Scheme, has been done for the purpose of bushfire protection. If the exemption applies, the property owner should be able to act within the restrictions of the exemption without fear of legal consequences, whether their reasons are bona fide or not. In respect of this proposal, this means that if this permit application is refused, then all the significant trees from the front setback area could be removed without the need for any approval from Council. This would be a poor outcome for Council, as there would be no ability to require offset planting on the site.

While the applicant has provided a detailed landscape plan and planting schedule with the application, it is considered that additional planting of native or indigenous trees are to be required, given the significant contribution the existing moonahs make to the character of the



area. A condition is to be included on any permit issued requiring offset planting of trees to be provided at a ratio of 2:1, consistent with the provisions of the VPO1.

Given the above assessment, it is considered that the proposed removal of vegetation from the site is reasonable and warrants support, in this instance.

Design and Development Overlay - Schedule 4 (DDO4)

A planning permit is triggered for the development by this overlay. The overlay seeks to ensure that new development maintains, protects and enhances the distinguishing elements of the urban character of the Point Lonsdale Natural Coastal Area. The overlay contains particular requirements for a planning permit application, an assessment of the application against these requirements is shown below:

	<i>Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
<i>Building Height</i>	Maximum two storey and 8.5 metres above natural ground level	Proposed dwelling is double storey with a maximum height of 8.5 metres.	Complies.
<i>Building Setbacks</i>	The front setback should be at least 6 metres, or may match the setback of adjacent buildings or be between their setbacks (where they are setback different distances), whichever is the lesser.	The front setback is 6.475 metres at ground floor level, and 5.275 metres to the first floor balcony.	Does not comply – variation required.
	Side and rear setbacks are to be a minimum of 1.2 metres for a single storey building (up to a wall height of 3.6 metres) and a minimum of 1.92 metres for a two storey building with a wall height of up to 6.0 metres (i.e. an additional 100mm setback for every 300mm above 3.6 metres).	The ground floor of the dwelling has a minimum side setback of 1.255 metres to the east (side), 1.245 metres to the west (side), and 7.925 metres to the north (rear). The first floor has a setback of 1.975 metres to the east (side), 2.2 metres to the west (side), and 7.925 metres to the north (rear).	Complies



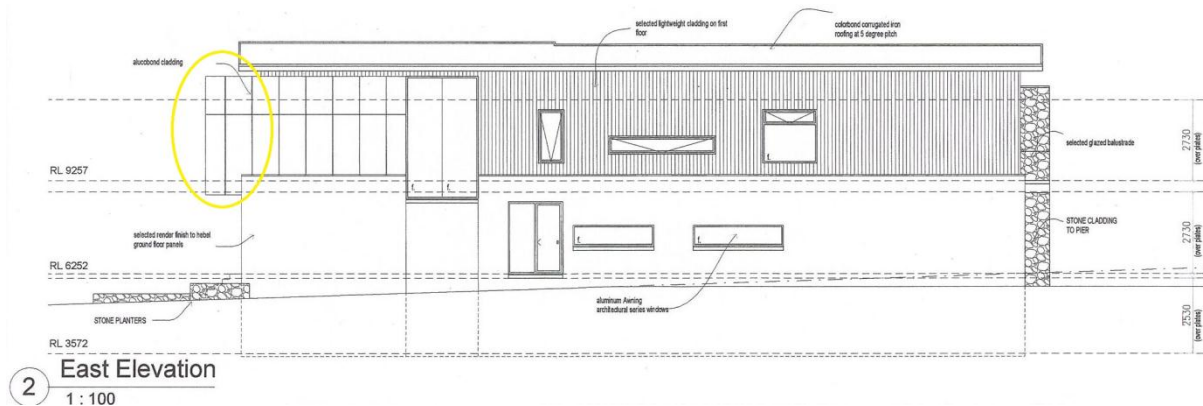
	<i>Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
	An outbuilding, garage or carport should not be constructed on a boundary, except in the following circumstances: <ul style="list-style-type: none">- the building height on the boundary does not exceed 3.6 metres;- the average height of the wall does not exceed 3.0 metres;- the length of the wall on the boundary is not greater than 10 metres.	There is no built form on the site's boundaries.	Complies
<i>Permeable surface area</i>	At least 30% of the area of a site should have a permeable surface.	Approximately 42%	Complies
<i>Site Coverage</i>	Maximum 40%	Approximately 45%	Does not comply – variation required
<i>Adjacent to a heritage overlay</i>	Does not adjoin a property in a heritage overlay	The site does not adjoin a property in a heritage overlay.	N/A

As demonstrated above, the proposal is generally compliant with the requirements of the Design and Development Overlay – Schedule 4, with variations being sought in regard to the front setback at first floor, and the overall site coverage.

Street setback

It is considered that the setback of the first floor from the site's Cheshunt Street boundary is appropriate; however the scale of building works surrounding the balcony should be reduced. It is considered that the large level of alucobond cladding surrounding the balcony is excessive when viewed from the street, and emphasises the bulk when viewed from the street. Accordingly, it is considered to be necessary to ensure that the setback of the alucobond cladding be greater than the setback to the southernmost wall of the sitting room at ground floor level directly beneath,

with the setback of the sitting room being retained as 6.475 metres. The section of alucobond that is being referred to is best shown in the image below, as circled in yellow.



Site coverage

As discussed earlier within this report, it is considered that the proposed 45% site coverage is excessive and should be reduced. Having regard to recent decisions in the surrounding area, specifically in regard to No. 9 Albert Street to the west of the subject site, it is considered appropriate to allow a maximum of 44% site coverage. This can be required as a condition on any permit issued.

Particular Provisions

Clause 52.48 – Bushfire Protection: Exemptions

As discussed earlier within this report, Clause 52.48 of the Scheme exempts the need for a permit to remove any vegetation, including trees, within 10 metres of an existing building used for accommodation, so long as it meets certain criteria. It is relevant to this application in respect of the proposed vegetation removal, as the significant moonahs in the front setback area are within 10 metres of a dwelling that satisfies the criteria of the exemption.

This matter has been discussed in detail earlier within this report.

It is considered that, while it would be ideal for all the significant trees to be retained as part of this proposal, the fact that an exemption applies that allows for their removal at any time while the existing dwelling remains on the site significantly weakens the ability of Council to refuse the application on the basis of vegetation removal. Accordingly, it is considered that the best outcome is for Council to approve the proposed vegetation removal proposed under this application, however a condition is to be included on any approval issued which requires a significant level of offset planting to be provided on the site, particularly within the front setback area, to ensure the vegetative character of the surrounding area is retained in the long term.

General Provisions

Clause 65 – Decision Guidelines

The proposal has been assessed and is considered to be consistent with the relevant decision guidelines contained within Clause 65 of the Scheme.



Accordingly, it is considered appropriate that the proposal be supported in this instance.

Public notification

In accordance with Section 52 of the Planning and Environment Act 1987, the application was required to be advertised by sending a set of the proposed plans by registered post to adjoining and surrounding property owners, maintaining a notice on site for a minimum of fourteen (14) days, erecting a public notice in the municipal offices for fourteen (14) days, and including a public notice in the local Echo newspaper.

Five (5) objections were received in relation to the proposal, from surrounding property owners and also persons who do not live near the property, but have concerns regarding the appropriateness of the proposal in the context of the surrounding area.

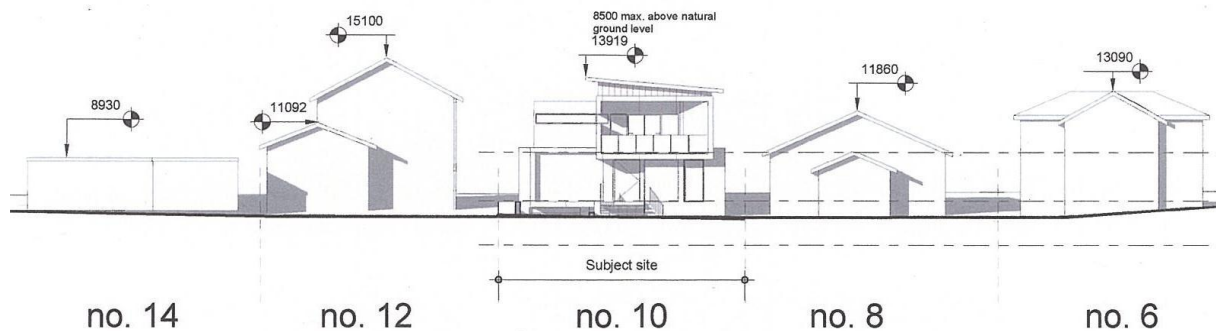
The issues raised in the objections are:

Urban character;
Removal of native vegetation;
Overshadowing;
Setback;
Loss of amenity;
Site coverage and permeable area;
Noise impacts from plant room;
Overlooking; and
Underground car park.

A response to each of the areas of objection is included below:

Urban Character

It is noted that there is an existing double storey dwelling at No. 12 Cheshunt Street, adjoining the subject site to the west, which has a maximum ridge height over 1 metre higher than the dwelling proposed. There is a single storey dwelling located at No. 8 and then another double storey located at No. 6. A streetscape elevation incorporating the proposed dwelling is shown in the image below. It is considered that this demonstrates that the proposed double storey dwelling sits comfortably within the existing built form of the area. Furthermore, it is noted that the roof form has been angled so that the overall height increases as the built form moves away from the single storey dwelling to the east, and towards the double storey dwelling to the west. This is considered to be an element of the proposal that has considered the existing built form in the surrounding area, and has been designed accordingly.



Further to the above considerations of height, the materials that are proposed are considered to be consistent with the existing built form in the immediately surrounding area, as well as being consistent with the contemporary style of dwellings recently constructed within Point Lonsdale. It is noted that the reduced front setback for the first floor balcony raises some concern, however this matter is to be addressed via a condition on any permit issued requiring the scale of alucobond cladding surrounding the balcony to be reduced significantly and brought back to be no further forward than the wall of the ground floor below.

As discussed earlier within this report, the issue regarding the ramp access and basement car park is also to be addressed via a condition to be placed on any permit issued that requires alternative access to be provided to the basement car park, other than a large ramp, that is as discrete as possible and does not compromise the character of the surrounding area.

Removal of native vegetation

The matter of removal of native vegetation has been considered in great detail earlier within this report. On the basis of the considerations already tabled within this report, it is considered appropriate to allow the proposed removal of native vegetation, with a condition to be included on any permit issued that requires extensive offset planting of trees to be provided within the front setback area of the dwelling.

Overshadowing

A concern has been raised by the adjoining neighbours at No. 8 Cheshunt Street regarding overshadowing impacts of the proposal on their home. The applicant has submitted overshadowing diagrams with the application documentation to provide some clarity in terms of the overshadowing impact the proposal will have on surrounding property owners.

It must be noted that the dwelling will have to meet the relevant overshadowing requirements under the building regulations prior to being built, or seek a dispensation from the Municipal Building Surveyor for any variation to this requirement. This is a matter that is dealt with outside the planning permit process, and so this matter is not considered in the assessment of this planning permit application.

Setback

A concern has been raised in regard to the setback to the front boundary, specifically the first floor balcony. This matter has been dealt with earlier within this report, and a condition is to be



included on any permit issued that requires the scope of the alucobond surrounding the balcony to be significantly reduced so as to minimise the visual bulk to the street. The condition will require that the balustrade be of a simple post and wire construction, or glazed, so as to minimise the level of bulk to the street.

Loss of amenity

Issues have been raised in regard to the general loss of amenity, particularly by the adjoining property owners at No. 8 Cheshunt Street and No. 3 Albert Street. It is noted that the proposed dwelling will have to meet all the siting requirements under the building regulations, which are designed to ensure that due consideration is given to the amenity impacts on adjoining property owners (dealing with matters such as overshadowing, overlooking, daylight to north facing windows, etc.). This is outside the scope of the planning permit process, and so is not considered as part of this assessment.

It is noted that the decision guidelines of Clause 65 require consideration of the amenity of the surrounding area. It is considered that the amenity of the surrounding area is unlikely to be unreasonably affected as a result of this application, as it suggests the construction of a single dwelling on a lot, it satisfies all the side and rear setback requirements of the DDO4, and will be required to satisfy all the technical requirements of the building regulations in regard to siting (including overshadowing, overlooking, daylight to north facing windows, etc.). Accordingly, it is considered that the proposal does not propose something that unreasonably affects the amenity of the surrounding area.

Site coverage and permeable area

These matters have been discussed earlier within this report. A condition is to be included on any permit issued requiring the site coverage to be reduced from 45% to a maximum of 44%, to be consistent with previous decisions of Council in the surrounding area. The application provides sufficient permeable area, consistent with the requirements of the DDO4.

Noise impacts from plant room in basement

The adjoining neighbour has raised a concern regarding the noise generated by the 'plant room' located in the basement, to store the mechanisms to operate the lift. This matter was discussed with Council's Environmental Health Officer who has provided comment in regard to this matter, which is to be addressed as a note on any permit issued.

Overlooking

As detailed earlier within this report, overlooking is considered as part of the building regulation requirements, and so therefore no consideration is given to the overlooking impacts of this proposal. It is noted that the north facing bedroom 2 window is nominated as being frosted completely, while there is no screening provided to the first floor deck area.

Underground car park

It is noted that underground car parking is foreign to the character of Point Lonsdale, and this matter has already been discussed at length earlier within this report. It is considered appropriate to include a condition on any permit issued that requires the development to provide an



alternative method of access to the basement garage, rather than a large ramp, to ensure that the character of the area is not compromised as a result of this development. This is considered to be a practical response to what is likely to become a growing demand for underground parking, that doesn't compromise the neighbourhood character of the broader area, and retains the 'informal' presentation of properties in Point Lonsdale.

Conclusion

It is considered that the proposal is appropriate and warrants support for the following reasons:

- The development is generally consistent with the requirements of the Queenscliffe Planning Scheme, subject to the inclusion of conditions on any permit issued;
- The proposed built form has given due regard to the surrounding urban character of this precinct of Point Lonsdale;
- The removal of native vegetation, and associated offset planting, will provide a long term benefit to the site; and
- The development has been designed to minimise impacts on existing view corridors from surrounding properties.

For the reasons outlined above, it is considered that the proposed development is appropriate for the site and should be supported.



Recommendation:

That Council, having caused notice of Planning Application No. 2012/051 to be given under Section 52 of the Planning and Environment Act 1987 and the Queenscliffe Planning Scheme, and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 resolves that the application be approved and that a Notice of Decision to Grant a Permit be issued for the development of a dwelling (two storey), removal of native vegetation and variation to the site coverage and setback requirements of the Design and Development Overlay – Schedule 4, at No. 10 Cheshunt Street, Point Lonsdale, in accordance with plans to be submitted pursuant to Condition 1 hereof, and subject to the following conditions:

1. Before the development 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 submitted with the application on 25th May, 2012, but modified to show:
 - a) the provision of a revised landscape plan nominating offset planting of 2 native and/or indigenous trees per 1 native and/or indigenous tree removed under this application;
 - b) the site coverage reduced to a maximum of 44.00%
 - c) the amount of alucobond cladding surrounding the south facing first floor balcony reduced significantly so as to minimise the level of bulk presenting to the Cheshunt Street frontage, with the balustrade retained as glazed or a transparent alternative;
 - d) removal of the ramp to the basement car park, with an alternative method of access to be provided that is discrete and sympathetic to the character of the surrounding area; and
 - e) the provision of a full colour, finishes and building materials schedule is to be submitted to and approved by the responsible authority. The schedule must include illustrated examples (demonstrated on an A4 or A3 sheet) of the materials to be used for the development, for all external elevations.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
3. Prior to the commencement of works approved under this permit, tree protection zone fences must be erected around all vegetation to be retained by a qualified arborist, in accordance with the requirements set out in the '*Arboricultural Assessment and Report*' provided by David Shepherd, dated 19th January 2011. These tree protection zone fences must be maintained for the duration of the construction work on the site.
4. Prior to a Certificate of Occupancy being issued for the dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
5. All landscaping work shown on the endorsed plans must be completed within 6 months of the Certificate of Occupancy being issued for the dwelling hereby approved, unless with the prior written consent of the responsible authority.



6. The site must be drained to the satisfaction of the responsible authority.
7. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
8. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the responsible authority.
9. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years from the date of permit issue.
 - b) The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

-
- | | |
|-----------|---|
| Note (1): | The requirements of Part 4 - Siting - of the Building Regulations have not been taken into consideration in the granting of this Planning Permit. |
| Note (2): | Prior to the commencement of the development you are required to obtain the necessary Building Permit. |
| Note (3): | The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit. |
| Note (4): | A local law permit is required for the removal of any vegetation from the road reserve. |
| Note (5): | A Road Opening Permit is required for any work in the road reserve. |
| Note (6): | Consideration needs to be taken into account when designing and constructing the proposed plant room in the basement. Compliance under the Public Health and Wellbeing Act 2008 & the Environmental Protection (Residential Noise) Regulations 2008 is to be observed. |
-



Councillors: Mitchell/Davies

That Council defer consideration of this planning application.

Motion Lost

Cr Mitchell requested a division:

For: Crs Mitchell & Davies

Against: Crs Merriman, Butler & Burgess

Time: 8:26pm

Councillors: Burgess/Butler

That Council adjourn the Council meeting.

Carried

Time: 8:38pm

Councillors: Butler/Burgess

That Council reconvene the Council Meeting.

Carried

Councillors: Butler/Burgess

That Council, having caused notice of Planning Application No. 2012/051 to be given under Section 52 of the Planning and Environment Act 1987 and the Queenscliffe Planning Scheme, and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 resolves that the application be approved and that a Notice of Decision to Grant a Permit be issued for the development of a dwelling (two storey), removal of native vegetation and variation to the site coverage and setback requirements of the Design and Development Overlay – Schedule 4, at No. 10 Cheshunt Street, Point Lonsdale, in accordance with plans to be submitted pursuant to Condition 1 hereof, and subject to the following conditions:

- 1. Before the development 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 submitted with the application on 25th May, 2012, but modified to show:

- a. the provision of a revised landscape plan nominating offset planting of 2 native and/or indigenous trees per 1 native and/or indigenous tree removed under this application;
 - b. the site coverage reduced to a maximum of 44.00%
 - c. the amount of alucobond cladding surrounding the south facing first floor balcony reduced significantly so as to minimise the level of bulk presenting to the Cheshunt Street frontage, with the balustrade retained as glazed or a transparent alternative;
 - d. removal of the ramp to the basement car park, with an alternative method of access to be provided that is discrete and sympathetic to the character of the surrounding area; and
 - e. the provision of a full colour, finishes and building materials schedule is to be submitted to and approved by the responsible authority. The schedule must include illustrated examples (demonstrated on an A4 or A3 sheet) of the materials to be used for the development, for all external elevations.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
 3. Prior to the commencement of works approved under this permit, tree protection zone fences must be erected around all vegetation to be retained by a qualified arborist, in accordance with the requirements set out in the '*Arboricultural Assessment and Report*' provided by David Shepherd, dated 19th January 2011. These tree protection zone fences must be maintained for the duration of the construction work on the site.
 4. Prior to a Certificate of Occupancy being issued for the dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
 5. All landscaping work shown on the endorsed plans must be completed within 6 months of the Certificate of Occupancy being issued for the dwelling hereby approved, unless with the prior written consent of the responsible authority.
 6. The site must be drained to the satisfaction of the responsible authority.
 7. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 8. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the responsible authority.
 9. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years from the date of permit issue.
 - b. The development is not completed within four (4) years from the date of permit issue.



In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

- Note (1):** The requirements of Part 4 - Siting - of the Building Regulations have not been taken into consideration in the granting of this Planning Permit.
- Note (2):** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- Note (3):** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note (4):** A local law permit is required for the removal of any vegetation from the road reserve.
- Note (5):** A Road Opening Permit is required for any work in the road reserve.
- Note (6):** Consideration needs to be taken into account when designing and constructing the proposed plant room in the basement. Compliance under the Public Health and Wellbeing Act 2008 & the Environmental Protection (Residential Noise) Regulations 2008 is to be observed.

Carried

Cr Mitchell requested a division:

For: Crs Merriman, Butler & Burgess

Against: Crs Mitchell & Davies



15.3 Car Park Waiver Levy

File: QG290-01-02

Report Author: General Manager Planning & Infrastructure

Purpose

The purpose of this report is to provide information to Council as requested through Council motion number 2009/519 adopted at Council's Ordinary Meeting on 21 October 2009.

Background

At its ordinary meeting, Council adopted the following motion raised by Cr. Mitchell (Motion Number 2009/519):

That Council request Officers to prepare a report for Council on the reinstatement of a Car Park Waiver Levy.

The motion was carried unanimously.

Background information provided with the above motion discussed how in the past Council has levied a fee in the event of waiving car parking requirements under the Queenscliffe Planning Scheme. The levies were retained in a fund and used for land acquisition or local transport management initiatives to address improved car parking management within the municipality. The motion also discussed that creation of a fund (car park waiver levy) would be used to specifically address traffic management issues that can arise from not providing adequately for car parking in individual planning and development applications.

Key Issues

The key issue for Council to consider is under what circumstances is the introduction of a car park waiver levy for planning applications lawful.

Discussion

The introduction of a car park waiver levy would be by way of a Planning Permit Condition and would need to comply with Section 62(5) and (6) of the Planning and Environment Act 1987 (the Act), which states:

62. What conditions can be put on permits?

(5) In deciding to grant a permit, the responsible authority may-



- (a) include a condition required to implement an approved development contributions plan; or*
- (b) include a condition requiring specified works, services or facilities to be provided or paid for in accordance with an agreement under section 173; or*
- (c) include a condition that specified works, services or facilities that the responsible authority considers necessary to be provided on or to the land or other land as a result of the grant of the permit be-*
 - (i) provided by the applicant; or*
 - (ii) paid for wholly by the applicant; or*
 - (iii) provided or paid for partly by the applicant where the remaining cost is to be met by any Minister, public authority or municipal council providing the works, services or facilities.*
- (6) The responsible authority must not include in a permit a condition requiring a person to pay an amount for or provide works, services or facilities except-*
 - (a) in accordance with subsection (5) or section 46N; or*
 - (b) a condition that a planning scheme requires to be included as referred to in subsection (1)(a); or*
 - (c) a condition that a referral authority requires to be included as referred to in subsection (1)(a).*

The inclusion of a condition for cash payment in lieu of fully meeting car parking requirements has been tested a number of times in VCAT since 2005, the most recent case being in February 2012 (Date of VCAT order 6 March 2012) between a restaurant owner and Hepburn Shire Council. In this case the restaurant owner (applicant) appealed against a Planning Permit condition requiring a cash payment of \$18,000 in lieu of providing an additional 3 car spaces as required by the planning scheme.

In the case above VCAT ordered that the condition was invalid and void. VCAT also ordered Hepburn Shire Council to pay \$5,600 to the applicant being part of the applicant's costs to bring the matter to VCAT. The sitting member commented that Section 62 (5) and (6) of the Planning and Environment Act 1987 is intended to avoid conditions requiring cash in lieu payments for hypothetical broad future car parking projects. It was further noted that this position, in a legal sense, has been reaffirmed on a number of occasions in the last 6 years.

If Council was to introduce a car park waiver levy, it would need to identify specifically how the funds would be used to make it legal. For example, an adopted Precinct Car Parking Plan that identifies car parking works, estimated cost and timing would satisfy the legal requirements of Section 62 (5) and (6) of the Act.

It should also be noted that the power of councils to require cash in lieu of car parking has changed under amendments to the Victorian Planning Provisions (VPP) prepared by the Department of Planning and Community Development (DPCD). The provisions add a 'Parking Overlay' to the suite of overlays which can be used by Councils. A schedule to this draft overlay



may specify a requirement to pay an amount to the responsible authority as a way of meeting car park requirements. The schedule will need to specify:

- The amount to be paid for each car parking space.
- Any method of indexing the amount if indexation is proposed.
- Details of the car parking project(s) to be funded by the financial contributions. Where a schedule provides for a payment of an amount as a way of meeting the car parking requirement, the responsible authority must include a condition in a permit requiring a payment of an amount to the responsible authority as a way of meeting the car parking requirement.

A State Government Car Parking Advisory Committee was established in 2011 to review DPCD's proposed amendments and submitted a report to the Planning Minister in January 2012. The report has not yet been made available to the public.

The following dot points are key extracts from DPCD's Practice Note 22, Using the Car Parking Provisions (June 2012), relating to payment in lieu payment for waiving car parking requirements:

- A schedule to the Parking Overlay can be used to require a financial contribution (such as a 'cash-in-lieu' payment) in place of providing car parking spaces. Where a schedule provides for this it will set out:
 - The amount required in dollars to be provided in place for each car parking space
 - The method of indexing the amount
- Financial contributions can only be sought when specifically provided for in a schedule to the Parking Overlay.
- When a financial contribution is to be paid in place of providing car parking spaces a condition should be included on the permit to secure the funds.
- Contributions must be collected for an identified purpose, and not general revenue raising.
- Each payment must be made into a 'parking and access fund' established by council.
- The funds can only be used to provide for the project identified in the schedule.

DPCD's Practice Note 57, The Parking Overlay (June 2012) further states that *"Before a Parking Overlay is drafted, it will generally be necessary to prepare a car parking plan that identifies car parking needs and issues, relates these to broader social, economic and environmental considerations and sets out what car parking objectives a council wishes to achieve and how it will do this."*

Practice Note 57 indicates that a car parking plan will include objectives, strategies and an implementation section for a defined precinct. A typical path towards preparing a car parking plan that would underpin a Parking Overlay can be summarised in six steps, namely:

1. Identify and survey area and likely issues;
2. Establish a multi-disciplinary team and reference group;
3. Survey existing conditions;



4. Identify the final precinct and resolve the precinct's car parking issues;
5. Define the objectives and develop strategies; and
6. Define implementation responsibilities.

The changes to the VPP discussed above are consistent with Section 62(5) and (6) of the Act in terms of Council's ability to require cash in lieu of car parking provisions as a condition on any planning permit.

Financial

There are no financial implications with respect to this report.

Social

There are no social implications with respect to this report.

Environmental

There are no environmental implications with respect to this report.

Risk Management

There are no risk implications with respect to 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 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

In the absence of an adopted car parking plan or projects for future car parking, cash payments in lieu of car parking requirements is invalid under the Planning and Environment Act 1987. In order to introduce a payment in lieu of car parking, Council would need to:

1. Prepare a car parking plan for each precinct it wishes to introduce the ability for cash payments;
-



2. The car parking plans must identify works and / or strategies to address the identified car parking issues;
3. The identified projects / strategies together with the amount of payment (including method of indexation) is required to be identified in a schedule to a Planning Overlay in the Queenscliffe Planning Scheme;
4. Any collected funds must be deposited in a specified fund only to be used for the projects identified in point 3 above.

Councillors: Burgess/Butler

That Council note this report.

Carried Unanimously



16. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS

Nil

17. QUESTIONS WITHOUT NOTICE

17.1. Questions Without Notice Status Update

Councillors: Davies/Butler

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

Carried Unanimously

17.2. Questions Without Notice

Question:

Cr Mitchell: Can officers provide information to Councillors on those holiday accommodation properties where the Commercial Rate is applied.

Answer:

The CEO responded indicating that he would take the request on notice and report back to the Council.

Question:

Cr Burgess: Can the CEO provide advice to Council on the timing of the Waste Management Contract and the progress of plans to coordinate a joint approach with the City of Greater Geelong?

Answer:

The CEO responded stating that previous advice to the Council had indicated that the City of Greater Geelong had determined to progress an Expression of Interest tender process for waste collection services without including the Borough of Queenscliffe. The CEO noted the disappointment associated with the CoGG decision given that the Borough had (1) framed the period of its current waste management contract to coincide with the contract dates of the the CoGG contract and (2) communicated it's interest in a shared contract arrangement and had received initial positive feedback from CoGG officers. The CEO agreed to again mention this matter to the CEO OF CoGG.



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 3 October 2012 at 7:00pm (if required)

COUNCIL MEETING

Wednesday 17 October 2012 at 7:00pm

19. CONFIDENTIAL ITEMS

Time: 9:02pm

Councillors: Davies/Butler

That Council suspend standing orders and commence in-camera meeting, at which time the meeting will be closed to members of the public, to resolve on matters pertaining to the following items:

- 19.1. Confirmation of Confidential Council Meeting Minutes – 15 August 2012
(in accordance with Section 89 (2d, e, h, i) of the Local Government Act 1989)**
- 19.2. Confirmation of Unconfirmed Confidential Audit Committee Meeting Minutes –
3 September 2012
(in accordance with Section 89 (2h) of the Local Government Act 1989)**
- 19.3. Pilot Project – Significant Heritage Buildings
(in accordance with Section 89 (2e) of the Local Government Act 1989)**
- 19.4. Contract 2012/07 – Lawn Mowing and Minor Garden Home Maintenance Service.
(in accordance with Section 89 (2d) of the Local Government Act 1989)**
- 19.5. CEO Performance Review.
(in accordance with Section 89 (2a) of the Local Government Act 1989)**

Carried Unanimously

Time: 9:22pm

Councillors: Davies/Butler

That Council cease 'in camera' meeting and resume standing orders.

Carried



20. RATIFICATION OF CONFIDENTIAL ITEMS

Councillors: Burgess/Davies

That the decisions made in camera be ratified by Council.

Carried Unanimously

21. CLOSE OF MEETING

9:24pm

Confirmed

Cr B Merriman

MAYOR

17 October 2012



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 13 August 2012

Assembly Commenced: 6:15pm

Assembly Closed: 7:45pm

Assembly Location: Queenscliff Town Hall

Attendees:

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Ms. Ev Wuchatsch, Acting CEO

Mr. Phil Josipovic, General Manager Planning & Infrastructure

Mr. Andrew Kidd, Manager, Queenscliff YMCA

Mr Colin Hunt, CEO, Geelong YMCA

Ms Kate Nelson, Board Member, Geelong YMCA

Ms Margot Stork, Board Member, Geelong YMCA

Ms. Elaine Carbines, CEO, G21

Mr. Tim Hellsten, Coordinator Planning Strategy, City of Greater Geelong

Cr Tony Wolfe, Baw Baw Shire Council

Ms. Jacqueline Wilson, Sustainability Officer

Apologies:

Mr. Lenny Jenner, CEO

Cr. John Burgess

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. YMCA Presentation
2. Notice of Motion listed for Council Meeting Agenda – 15 August 2012



Agenda Items:

3. G21 Regional Growth Plan
Elaine Carbines, CEO, G21 & Tim Hellsten, Coordinator Planning Strategy, CoGG
4. Cr Tony Wolfe, Baw Baw Shire Council



6.2. Councillor Assembly – Wednesday 15 August 2012

Assembly Commenced: 6:15pm

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

Ms. Ev Wuchatsch, Acting CEO

Mr. Phil Josipovic, General Manager Planning & Infrastructure

Mr. Mitch Hodgson, Senior Planner

Apologies:

Mr. Lenny Jenner, CEO

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. Planning Briefings:
 - 37 Bethune Street, Queenscliff
 - 79 Hesse Street, Queenscliff
2. Council Meeting Agenda



6.3. Reconciliation Committee - Monday 27 August 2012

Assembly Commenced: 6:20pm **Assembly Closed:** 8:00pm

Assembly Location: Queenscliff Town Hall

Attendees:

Cr Lloyd Davies (Chair)

Jo Whitehead

Bob Semmens

Apologies:

Cr Helene Butler

John Murray

Ju-Lin O'Connor

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. 150 Anniversary
-



6.4. Councillor Assembly – Monday 3 September 2012

Assembly Commenced: 6:24pm

Assembly Closed: 8:10pm

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 (6:35pm – 8:10pm)

Mr. Phil Josipovic, General Manager Planning & Infrastructure

Mr. Mitch Hodgson, Senior Planner (6:24pm – 7:05pm)

Apologies:

Nil

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. Briefing: 10-18 Hesse Street, Queenscliff
2. Amendment C23 to the Queenscliffe Planning Scheme – Ferry Terminal Upgrade
3. Confidential Rating Briefing
4. Carpark Levy Waver
5. Tree removal
6. Review of YMCA presentation



6.5. Councillor Assembly – Wednesday 5 September 2012

Assembly Commenced: 6:20pm

Assembly Closed: 6:45pm

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

Brendan Fahey, Year 6, Queenscliff Primary School

Jenny Cowburn, Principal, Queenscliff Primary School

Apologies:

Ms. Ev Wuchatsch, General Manager Governance & Community

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. Brendan Fahey, Year 6, Queenscliff Primary School presenting his book about Swan Bay 'The Land is Alive'. Attending with Brendan will be Jenny Cowburn, Principal.
 2. Planning Review Meeting update
-



6.6. Planning Review Meeting – Wednesday 5 September 2012

Assembly Commenced: 7:04pm

Assembly Closed: 7:35pm

Assembly Location: Borough of Queenscliffe Council Offices

Attendees:

Cr. Bob Merriman

Cr. Helene Butler

Cr. David Mitchell

Cr. John Burgess

Cr. Lloyd Davies

Mr. Lenny Jenner, CEO

Mr. Phil Josipovic, General Manager Planning & Infrastructure

Mr Mitch Hodgson, Senior Planner

Presenters:

79 Hesse Street, Queenscliff

1. Applicant Katherine Bourke

10 Cheshunt Street, Point Lonsdale

1. Applicant John Gullan, Kandu Consultants
2. Objector Chris Tsernjavski

Apologies:

Nil

Conflict of Interest Disclosures:

Councillors: Nil

Officers: Nil

Agenda Items:

1. 79 Hesse Street, Point Lonsdale
2. 10 Cheshunt Street, Point Lonsdale



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	Advise Council on an appropriate policy in regard to unauthorised tree lopping	The CEO undertook to report back to Council	Briefing provided to Council on Council's Tree – April 2012. Completed.
18 July 2012	Cr Helene Butler asked that further to the recent briefing about the proposed plebiscite and consistent with the Council Plan and the approved 2012/2013 budget, should it be appropriate for Council to write to the residents living in the Geelong side of Point Lonsdale to explain Councils motivation for undertaking the plebiscite and outlining the benefits that we see in moving	The Council discussed the merits of sending a letter from Council to residents living in the area of Point Lonsdale within the City of Greater Geelong	Letter sent to all householders in Point Lonsdale within the City of Greater Geelong with an accompanying information sheet. Completed.



Date	Question Title	Action	Status
	to single governance and management provided by the BOQ for all residents within the Point Lonsdale town boundary?		
18 July 2012	Cr David Mitchell asked how the commercial rate was applied in the Borough of Queenscliffe to properties that were rented	The CEO indicated that he would provide information to Council regarding this matter.	Officers provided a briefing to Council in September 2012. Completed.
15 August 2012	When Council could expect the Preliminary Financial Results and Report for the year end 30 June 2012	The Acting CEO responded that the External Auditors were finalising the audit this week and the final 2011/12 report will form part of the 19 September 2012 Council Agenda and will also be included in the Audit Committee meeting agenda scheduled for 3 September 2012	2011/12 Audited Financial Report presented at the September Council Meeting. Completed.
15 August 2012	If Council can be provided with details of this \$616,000 'turn around' ASAP but no later than September Council meeting as we are now eight weeks on from the 20th June 2012 council meeting, (this being the date when this forecast was released)?	The Acting CEO responded that it would not be prudent to guess the final figure prior to the completion of the External Auditor's 'sign off'.	2011/12 Audited Financial Report presented at the September Council Meeting. Completed.
15 August 2012	That following the Street Lighting presentation by Cr	The Acting CEO acknowledged the request and Councillor's support for this direction and indicated that officers would take	MAV State Council



Date	Question Title	Action	Status
	Tony Wolfe, Baw Baw Shire Council at the Council Assembly held on Monday 13 August 2012, the Borough of Queenscliffe submit a Motion for inclusion in the agenda at the upcoming MAV State Council Meeting on 20 September 2012. This was unanimously supported by all Councillors.	the necessary action to achieve this end.	Motion submitted. Completed.
15 August 2012	Why Council was not levying the Commercial Rate consistent with the definition of Commercial Rate contained in the annual Budget Resolutions.	The Acting CEO responded that a briefing will be provided to Council once the annual accounts are finalised.	Officers provided a briefing to Council in September 2012. Completed.