



# **Agenda**

## **Ordinary Meeting of Council**

Wednesday 17 October 2012 at 7:00pm

Queenscliff Town Hall  
50 Learmonth Street, Queenscliff

### **Distribution**

#### **Councillors**

Cr. Bob Merriman (Mayor)

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

#### **Officers**

Lenny Jenner - Chief Executive Officer

Ev Wuchatsch - General Manager Governance & Community

Phil Josipovic - General Manager Planning & Infrastructure

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

**THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL**



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## Appendices

Appendix	Title	Agenda Item	Distribution
Appendix 1	Council Plan - Quarterly Progress Report against Business Plan Priorities for the period 1 July - 30 September 2012	11.1 Council Plan - Quarterly Progress Report against Business Plan Priorities for the period 1 July - 30 September 2012	Under separate cover
Appendix 2	Borough of Queenscliffe Quarterly Finance Report – 30 September 2012	11.2 Financial Report for the period 1 July to 30 September	Under separate cover
Appendix 3	Borough of Queenscliffe Council's Annual Report for the financial year 1 July 2011 to 30 June 2012	11.3 Borough of Queenscliffe 2011/12 Annual Report	Under separate cover



**1. OPENING OF MEETING**

**2. PRESENT & APOLOGIES**

**3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES**

Councillors:

Officers:

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#### **4. PUBLIC QUESTION TIME**

#### **5. CONFIRMATION OF COUNCIL MEETING MINUTES**

##### **5.1. Ordinary Meeting of Council – 19 September 2012**

A copy of the previous Minutes of the Ordinary Meeting of Council held on Wednesday 19 September 2012 was distributed to Councillors under separate cover.

##### **Recommendation:**

**That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 19 September 2011, as distributed, be confirmed as an accurate record.**

#### **6. RECORD OF ASSEMBLY OF COUNCILLORS**

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

##### **Recommendation:**

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

#### **7. MOTION ON NOTICE**

##### **7.1. Motion On Notice Status Update**

##### **Recommendation:**

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

##### **7.2. Motion on Notice**

Nil.



## **8. CORRESPONDENCE**

### **8.1. Petitions and Joint Letters**

Nil.

### **8.2. Inwards Correspondence**

Date	Correspondence
17 September 2012	Correspondence received from Australian Local Government Association regarding 2013 National General Assembly of Local Government.
24 September 2012	Correspondence received from Point Lonsdale resident regarding Foreshore Concept Master Plan.
27 September 2012	Correspondence received from Queenscliff resident regarding rates notice.
9 October 2012	Correspondence received from Point Lonsdale resident regarding groynes for Point Lonsdale front beach.

#### **Recommendation:**

**That the Correspondence be noted.**



## 9. MAYOR'S REPORT

### 9.1. Functions Attended

Date	Function Attended
14 September 2012	Mayor judged Queenscliff and Point Lonsdale Business Windows for Queenscliff Football Netball Club.
15 September 2012	Mayor attended the Bellarine Football & Netball League Grand Final Breakfast.
18 September 2012	Mayor & CEO met with Keith Gordon, Executive General Manager & Stephen Bradford, CEO, Port of Melbourne Corporation.
20 September 2012	Cr Burgess, deputising for the Mayor, and the CEO attended the MAV State Council meeting.
27 September 2012	Mayor attended the Historic Museum Meeting.
28 September 2012	Mayor & CEO attended the G21 Board Meeting being hosted by the Borough of Queenscliffe.
29 September 2012	Mayor attended the RSL General Meeting.
11 October 2012	Mayor and Cr Davies attended the Proposed Botanic Gardens Project Control Group.

#### Recommendation:

**That the Mayor's Report be received.**





**10. COUNCILLOR PORTFOLIO REPORTS**

Nil.

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## **11. GOVERNANCE, FINANCE & EXTERNAL RELATIONS**

### **11.1 Council Plan - Quarterly Progress Report against Business Plan Priorities for the period 1 July - 30 September 2012**

**File:** QG054-01-01

**Report Author:** Chief Executive Officer

#### **Introduction**

The purpose of this report is to provide Council with a quarterly progress report (**Appendix 1**) on actions taken in relation to the 2012/13 Business Plan priorities for period from 1 July to 30 September 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 2012/13 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 2012 Ordinary Meeting. This report provides Council with progress achieved against the Council Plan.

#### **Financial**

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

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## **Social Implications**

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

## **Environmental Implications**

The progress report highlights that Council has progressed a number of priority actions that have contributed to the environmental sustainability of the Borough.

## **Risk Management**

No specific issues to report. The report details some system improvements that 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 and 30 September 2012 in relation to the Business Plan priorities for the 2012/13 financial year.

In 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.

## **Concluding Comments**

The Council Plan Quarterly Progress Report describes the range and level of activity undertaken by the Borough of Queenscliffe during the first quarter of the 2012/13 financial year. The report continues to reinforce the importance of good working relationships and project partnerships between community, Council and other levels of Government. The Council activities over the 3 month period that deserve particular attention include:

- A further allocation of \$1M from the State Government's 'Country Roads & Bridges Program' to be allocated to road renewal and maintenance in the Borough of Queenscliffe. Consistent with the Council resolution regarding priorities for 2012/13, The Hon Terry Mulder, Minister for Transport, has approved funds to be allocated to the design and construction of two roundabouts; the first at the corner of Admans Street and Point Lonsdale Road, Point Lonsdale and the second at the corner of Hesse, Wharf and Symonds Streets in Queenscliff.
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- Development of the 150 Year anniversary celebration program of events following significant input of ideas from the community reference group. It is very positive that His Excellency, the Hon Alex Chernov AC QC, Governor of Victoria and Mrs Elizabeth Chernov have accepted the Council invitation to participate in the program of community events scheduled for 4 May 2013. The Premier of Victoria and the Minister for Local Government have also been advised of the Council's 150 year anniversary and a funding application to support the program of events has been submitted to the State Government.
- The 2012/13 'Community Grants Ceremony' was conducted on 9 August 2012 with 22 people attending and cheques presented to all grant recipients. The ceremony highlighted the range of activities being progressed by various community organisations and clubs.
- Receiving the positive results in the 2012 Local Government Community Satisfaction Survey and the report conclusions comparing the Borough of Queenscliffe to the Small Rural Shires Grouping and the State.
- Implementing an increasing range of activities (reflected in Council's Sustainability Plan) designed to reduce the carbon footprint of Council and the community more broadly.
- Working with the Queenscliff Kindergarten Inc Committee of Management to progress planning for the future service and infrastructure needs of this critical early years service.

**Recommendation:**

**That Council note the 2012/13 Council Plan Progress Report against Business Plan priority actions for the period 1 July - 30 September 2012.**



## **11.2 2012/13 Quarterly Financial Report as at 30 September 2012**

**File:** QG085-01-08

**Report Author:** Senior Accountant

### **Purpose**

This report provides information on Council's operating and capital performance for the three months to 30 September 2012 against the 2012/13 budget adopted by Council in June 2012.

The report considers the trends for all program areas and capital works projects, against the original budget and includes any known major changes to budget estimates (for example grant funding amounts that have since been confirmed and projects carried forward from 2011/12 for completion in 2012/13).

The quarterly report is essentially a "management" report based around program areas and generated to ensure accountability for officers and management to monitor actual results in each area.

As with each quarterly report throughout the year, the main focus is on forecasting the full year result compared to the result originally budgeted. This comparison to Budget is reported to Council as a legislative requirement under S138 of the Act. Year-to-date (YTD) budget and actual figures are provided for information but the variance explanations are based on a review of the budgeted figures, that is, the difference between the Budget and the revised forecast.

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 20 June 2012 meeting Council adopted the budget for the 2012/2013 financial year. The budget was based on projected completion of projects and capital works at 30 June 2012 and information available at that time.

Any funding provided for projects/works incomplete as at 30 June 2012 has been carried forward to the 2012/13 financial year and is now included in the 2012/13 forecast. The Capital Works report shows the 2012/13 Budgeted Capital Works as well as those carried forward from 2011/12.

### **Key Issues**

The year-end forecast **operating result** included in the Standard Income Statement (before abnormal items) indicates an improvement in surplus of \$235,000 over the adopted budget for

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2012/13, predominantly the result of additional income from caravan park fees and additional capital grants and contribution income above the level budgeted.

The year-end forecast **underlying** result for the 2012/13 financial year is (\$676,000) deficit, an increase of \$637,000 on the budgeted deficit of (\$39,000). This issue is discussed in detail in the Discussion section of this report below.

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 achieved at 30 June 2012, coupled with \$149,000 of new borrowings in September 2012, has now been fully allocated to the repayment of superannuation liability (\$206,000) and projects included within the 2012/13 Budget on the basis of forecast cash surplus reported at December 2011 and determined by Council for inclusion in the 2012/13 budget setting (\$213,000), with the balance of the accumulated cash surplus at 2011/12 transferred to the Asset Replacement Reserve (\$36,000) within the 2012/13 year. Forecasts have been updated accordingly.

The September 2012 quarterly review now indicates that a cash surplus of \$80,000 is expected to be available at 30 June 2013, compared with the \$47,400 cash surplus budgeted. This represents unencumbered monies which are real savings that have been accumulated from the Rates Budgets. Verification of this accumulated cash surplus is provided from a calculation based on Balance Sheet figures in the attached report (**Appendix 2**).

## Discussion

The financial report notes any major variations between the 2012/13 Budget and the year end forecast position for 30 June 2013. A number of statements are presented including:

- Standard Income Statement (including the underlying operating result)
- Working Capital Summary - conversion of Operating result to Cash/Rates result and a Statement of Income and Expenditure per the Rates Budget (including a chart on the cash balances over the last two financial years)
- Program summaries
- Discretionary Reserves summary
- Debtors analysis
- Debt position and Superannuation liability
- Cash and investments
- Aged Creditors
- Summary and recommendations
- 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 September 2012***

	<b>Adopted Budget</b>	<b>YTD Actual</b>	<b>Year End Forecast</b>
Revenue	\$9.705m	\$3.267m	\$11.013m
less Expenditure	<u>\$8.449m</u>	<u>\$1.871m</u>	<u>\$ 9.522m</u>
<b>Operating Result</b>	<b>\$1.256m</b>	<b>\$1.396m</b>	<b>\$ 1.491m</b>
less Other non-operating items	<u>\$0.005m</u>	<u>\$0.015m</u>	<u>\$ 0.020m</u>
<b>Surplus</b>	<b>\$1.251m</b>	<b>\$1.382m</b>	<b>\$ 1.471m</b>
less Capital income and Asset sales	\$1.295m	\$1.277m	\$ 2,167m
add back Other non-operating items	\$0.005m	\$0.015m	\$ 0.020m
<b>Underlying Operating Surplus/(Deficit)</b>	<b><u>(\$0.039m)</u></b>	<b><u>\$ 0.119m</u></b>	<b><u>(\$ 0.676m)</u></b>

The table above shows a forecast underlying deficit of (\$676,000) for the year against a budgeted deficit of (\$39,000), an increase in deficit of \$637,000 above that level budgeted. This is predominantly due to \$636,000 of operating expenditure project funds held in carry forward reserve at the 2011/12 year-end for completion in the 2012/13 year.

Carry forward reserves are used at each financial year-end to set aside income and expenditure budgets which have not been expended during the year and for which Council is committed to completing in future years. Some items of income and expenditure can be carried forward over more than one financial year, one such example being the Local Government Infrastructure Program for which funding is attributed to project work that will be undertaken over the period to 2015/16.

All operating expenditure projects carried forward will impact on the underlying result reported by Council, given the timing issue of receiving income in one financial year and not expending this money until the following (or later) financial years. Note capital projects carried forward do not have the same impact, given capital expenditure is excluded from the Income Statement (as explained in more detail on the next page of this report).

Further, the forecast underlying deficit for 2012/13 assumes that all projects will be completed by 30 June 2013. History indicates that there will always be a level of carry forward at each financial year-end. Given the difficulty in accurately predicting the level of carry forward which will occur,



the forecast throughout the year continues to assume all works will be completed and it is only at the financial year-end when actual results are known that the level of carry forward dollars into the next year is then reported to Council.

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 report of YTD actual and forecast 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 year end forecast for Capital funding and expenditure is also shown in the attached report. Project income and expenditure has been collated and the transfer to and from reserves is provided to show a clear picture of capital transactions.

2011/12 incomplete projects are shown in the report including the funding that was reserved at the end of 2011/12 and carried forward into the 2012/13 financial year.

### ***Reserves summary***

The Carried Forward Reserve is used to show movements as project funding is transferred from one year to the next. The Asset Replacement Reserve is used to set aside funds for future years,

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specifically in relation to asset replacement (future building renewal requirements). A separate reserve account has also been established for use in setting aside funding received under the Local Government Infrastructure Program, for which projects will be carried out over the period to 2015/16.

### ***Results as at 30 September 2012***

Results for the year to 30 September 2012 are presented as an attachment to this report.

Notable variances to the original budget, as forecast in the September quarterly report, include:

- The allocation of prior year accumulated cash surpluses of \$306,000 plus new loan borrowings of \$149,000 as follows:
  - (\$213,000) allocated to specific projects as part of the 2012/13 budget deliberations by Council
  - (\$206,524) early repayment of superannuation liability recognised in the 2011/12 year-end accounts and due 1 July 2013 (resulting in interest savings of \$11,652)
  - (\$35,476) remaining cash surplus transferred to the Asset Replacement Reserve for future years, in line with recommendation in Council's Strategic Financial Plan
- \$2,165,861 projects carried forward from 2011/12 for completion in 2012/13 (funded by transfer from Carry Forward Reserves)
- \$854,000 additional grants/contributions and corresponding expenditure, not budgeted and net \$Nil impact on cash result for Council, including:
  - \$250,000 Local Government Infrastructure Program (this was budgeted in 2011/12 but was not received until the September 2012 quarter)
  - \$177,000 coastal tender funding (announced late in 2011/12, after 2012/13 budget completed)
  - \$100,000 lighthouse reserves development plan
  - \$145,000 ferry to the pier project
  - \$100,000 G21 tennis strategy (\$50,000 grant funds and \$50,000 contributions from other Councils)
  - \$25,000 Sustainability Accord grant funding (second instalment)
  - \$10,000 Regional Victoria Living Expo funding (announced during the September quarter)
- \$269,000 additional grants and other income, for which no additional expenditure is required by Council, including:
  - \$118,200 additional caravan park user fee income (reflecting actual income received in 2011/12 above level budgeted)



- \$33,600 increased rate revenue (the result of property classification changes for differential rating, full year effect of 2011/12 supplementary rates and new supplementary rates in the 2012/13 year)
- \$25,365 Roads to Recovery Program (final year of four year funding round, with funds not claimed in earlier years to be received in 2012/13)
- \$21,314 Victoria Grants Commission (2012/13 budget underestimated largely due to prior year prepayments of grant income)
- \$20,000 interest income is expected to continue at a higher level than budgeted due to the large value of carry forward projects
- \$18,000 additional boat ramp income expected due to the change in permit due dates which has enabled more effective capture of peak season user fees
- \$137,000 savings in non-salary expenditure items including:
  - \$36,500 roads, parks and reserves contract provisional sum (this contingency budget is reviewed and adjusted down on a quarterly basis as necessary)
  - \$29,100 maintenance budgets (public conveniences, boat ramp and playgrounds) above level of actual expenditure in 2011/12 and that forecast for 2012/13.
  - \$22,741 Queenscliff Sports Club enhancement project. Some contribution income, budgeted to be received in 2011/12, will now be received in 2012/13 instead.
  - \$21,600 savings now expected in some utility budgets (street lighting and water).
- (\$244,000) additional expenditure on non-salary budget lines including:
  - (\$48,000) powerline and sundry tree clearance in line with more stringent regulations, as well as additional costs for the tree removal and replacement program.
  - (\$33,000) open space masterplans (note \$30,000 grant funding expected, for which a Council contribution is required)
  - (\$29,300) landfill disposal including landfill levy (includes carbon tax impact on increasing gate fees)
  - (\$24,105) legal expenses incurred during the 2012/13 YTD
  - (\$20,500) asset revaluation work. The infrastructure asset revaluation is being brought forward for completion in 2012/13 (rather than 2013/14)
  - (\$20,000) additional engineering and project management resources to progress priority projects.
- (\$72,000) additional costs (\$32,000 employees and \$40,000 contractors) in the areas of administration, finance and caravan parks specifically. The additional caravan park salaries is as a result of increased demand due to the cabins and backfill staff while permanent staff are on leave. The additional expenditure is covered by additional user fee income. The finance team will incur additional costs for a fixed period of twelve months to assist with infrastructure asset revaluation work. This overspend is offset in Finance & Rates by additional



interest income. Additional administration hours relate to records management review to meet State legislative requirement and related standards.

- (\$30,000) additional foreshore asset renewal to be funded from the Asset Replacement Reserve during 2012/13
- (\$14,300) reduction in infringement income expected based on level of activity in the 2011/12 financial year and 2012/13 YTD

### **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).

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### **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 2012/13 forecast year position is an increase in deficit of \$637,000, to an expected result of \$676,000 deficit in terms of the underlying operating result. This is largely the result of \$636,000 of operating expenditure project funds held in reserve at the 2011/12 year-end and carried forward for completion in the 2012/13 financial year.

The forecast accumulated **cash** surplus as at 30 June 2013 is \$80,000.

### **Recommendation:**

#### **That Council:**

- 1. Receives the Quarterly Finance Report for the three month period to 30 September 2012.**
- 2. Notes the forecast cash surplus of \$80,000 included in the quarterly report.**



### **11.3 Borough of Queenscliffe 2011/12 Annual Report**

**File:** QG085-13-03

**Report Author:** Chief Executive Officer

#### **Purpose**

This report presents the Borough of Queenscliffe Council's Annual Report (**Appendix 3**) for the financial year 1 July 2011 to 30 June 2012 for Council's endorsement.

The Annual Report has been provided to Councillors under separate cover and was delivered electronically to the office of the Minister for Local Government on 28 September 2012 and recorded on their database in compliance with s131 (6) of the Local Government Act 1989.

#### **Background**

Section 131 of the Local Government Act 1989 requires Council to prepare an Annual Report and stipulates that the report must contain:

- a) A report of Council's operations during the financial year;
- b) Audited standard statements for the financial year;
- c) Audited financial statements for the financial year;
- d) A copy of the Council's Performance Statement, prepared under Section 132;
- e) A copy of the report on the Performance Statement prepared under Section 133.

All of the above provisions have been met.

Section 134 of the Local Government Act 1989 states that the meeting to consider the Annual Report must be kept open to the public while the report is discussed.

#### **Corporate Plan Objectives/Strategies**

Consideration of the Annual Report by Council is a statutory requirement under s131 of the Local Government Act (1989).

#### **Community Consultation**

In accordance with the Local Government Act 1989 copies of the Annual Report are available for inspection during office hours at the Municipal Offices, 50 Learmonth Street, Queenscliff, the Queenscliff Library and are available for download from Council's website at [www.queenscliffe.vic.gov.au](http://www.queenscliffe.vic.gov.au)

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## **Conclusion**

The Annual Report conforms to the requirements of the Local Government Act 1989 and further provides an accurate account of the Council's operations over the 2011/12 financial year as well as its achievements and its challenges.

## **Recommendation:**

**That Council endorses the 2011/12 Borough of Queenscliffe Annual Report.**

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**12. SUSTAINABILITY & LOCAL ENVIRONMENT**

Nil.

**13. BUSINESS & TOURISM**

Nil.

**14. COMMUNITY DEVELOPMENT**

Nil.

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## 15. PLANNING, HERITAGE & COMMUNITY ASSETS

### 15.1. Planning Permit Activity Report

#### 15.1 (a) Summary 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	Public notification
<b>**2010/058</b>	<b>18/06/2010</b>	<b>1 Beach Street Queenscliff</b>	<b>Demolition of buildings within a Heritage Overlay (Fisherman's Wharf)</b>	<b>Waiting on advice from applicant</b>
<b>**2012/004</b>	<b>10/01/2012</b>	<b>64 King Street Queenscliff</b>	<b>Alterations and extensions (two storey) to an existing dwelling and variation to side setback requirements of Design and Development Overlay – Schedule 1</b>	<b>Under consideration</b>
<b>**2012/026</b>	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")	Notice of Decision issued
<b>**2012/036</b>	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	Under consideration
2012/038	24/04/2012	5 Bowen Road Point Lonsdale	Alterations and extensions to an existing three storey dwelling and variation to the side and rear setback requirements of Design and Development Overlay – Schedule 3 and lopping of native vegetation	Under consideration
<b>**2012/044</b>	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
<b>**2012/047</b>	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	Under consideration





App. No	Date Received	Address	Proposal	Status
<b>**2012/051</b>	<b>25/05/2012</b>	<b>10 Cheshunt Street Point Lonsdale</b>	<b>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</b>	<b>Notice of Decision issued</b>
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	Under consideration
2012/053	01/06/2012	90 King Street Queenscliff	The construction of fences	Under consideration
<b>2012/054</b>	<b>05/06/2012</b>	<b>79 Hesse Street Queenscliff</b>	<b>Creation of access to a road in a Road Zone, Category 1 and the construction of fences in a Heritage Overlay</b>	<b>Refer agenda</b>
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	Under consideration
<b>**2012/058</b>	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	Under consideration
<b>**2012/060</b>	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
<b>**2012/061</b>	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	Referrals to Engineering Department, Heritage Advisor, Municipal Building Surveyor & Vic Roads
<b>**2012/062</b>	21/06/2012 (Amended 20/08/2012)	1B Murray Road Queenscliff	2 lot subdivision and the development of two double storey dwellings	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



App. No	Date Received	Address	Proposal	Status
**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	Under consideration
**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	Under consideration
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	Under consideration
2012/072	31/07/2012	147 Point Lonsdale Road Point Lonsdale	Alterations and extensions to an existing dwelling	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
2012/076	08/08/2012	50 Stokes Street Queenscliff	The installation of a rainwater tank in a Heritage Overlay	Under consideration
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



App. No	Date Received	Address	Proposal	Status
**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")	Public notification
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



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

App. No	Date Received	Address	Proposal	Status
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	Permit issued
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	Permit issued
2012/028	21/03/2012	17 Edgewater Close Queenscliff	Alterations and extensions to an existing two storey dwelling	Permit issued
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	Permit issued
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	Permit issued
2012/082	28/08/2012	22 King Street Queenscliff	Alterations to an existing dwelling individually listed in a Heritage Overlay	Permit issued



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

App. No	Date Received	Address	Proposal	Status
2012/086	12/09/2012	159 Point Lonsdale Road Point Lonsdale	Works associated with extensions to the lawn cemetery and construction of roads and the removal of native vegetation	Referrals to Engineering Department, Heritage Advisor & DSE
2012/087	20/09/2012	15 Stokes Street Queenscliff	Alterations and external painting to an existing dwelling in a Heritage Overlay	Referral to Heritage Advisor
2012/088	24/09/2012	18 Werry Road Point Lonsdale	Alterations and extensions to an existing dwelling	Public notification Referral to CCMA
2012/089	25/09/2012	19 Alexander Crescent Point Lonsdale	Alterations and extensions to an existing two storey dwelling	Public notification
2012/090	28/09/2012	16 Kirk Road Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling, variation to the setback requirements of Design and Development Overlay – Schedule 4 and construction of a front fence	Initial assessment being undertaken

**LEGEND**

**\*\*** Objections received

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

**Bold** Officer delegation removed



**Recommendation:**

**That the report be received.**



## **15.2 No. 79 Hesse Street, Queenscliff**

**File:** QP90-7900

**Report Author:** Senior Planner

### **Purpose**

The purpose of this report is to advise Council of the planning implications of the proposed development at No. 79 Hesse Street, Queenscliff, summarised as:

- The proposal is for the creation of access to a road in a Road Zone Category 1 (Hesse Street), and the construction of fences in a Heritage Overlay.
  - The proposed crossover at the northern end of the site's Hesse Street frontage will result in the loss of two (2) public car parks from Hesse Street.
  - The fences proposed are to allow secure car parking behind them. The design of the fences has been considered by the Heritage Advisor, who has given specific requirements that the fences should meet in order to be sympathetic to the surrounding area. The applicant has agreed to the suggestions of the Heritage Advisor, and conditions are to be included on any permit issued to reflect these requirements.
  - The application was also referred to Council's Engineering Department, who gave conditional approval.
  - The application was referred to VicRoads, who also gave conditional approval.
  - The application has been advertised and no objections have been received to date.
  - Council officers raised concern regarding the potential for cars being parked in the front setback area, potentially being detrimental to the heritage value of the existing building. Council sought legal advice, and a condition is to be included on any permit issued requiring a section 173 agreement to be entered into requiring that no cars be parked there.
  - Council also investigated if access could be provided via the privately owned laneway to the rear of the site, however the property owners who have ownership over the laneway have not supported this proposal.
  - It is noted that a crossover previously existed on the other side of the northern boundary of the site, which was removed as part of the Ozone Hotel redevelopment.
  - The proposed crossover generally complies with the relevant requirements of the Queenscliffe Planning Scheme, so long as there is a way for Council to enforce that no cars can be parked in the front setback area. The proposed fences are sympathetic to the historic significance of the site, and accordingly the application warrants support.
  - It is recommended that Council grant a Planning Permit for this application, subject to the inclusion of appropriate conditions.
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## Key Issues

- Compliance with provisions of Queenscliffe Planning Scheme;
- Loss of public car parks
- Heritage value of the site and surrounds; and
- Comments of internal and external referral authorities.

## Discussion

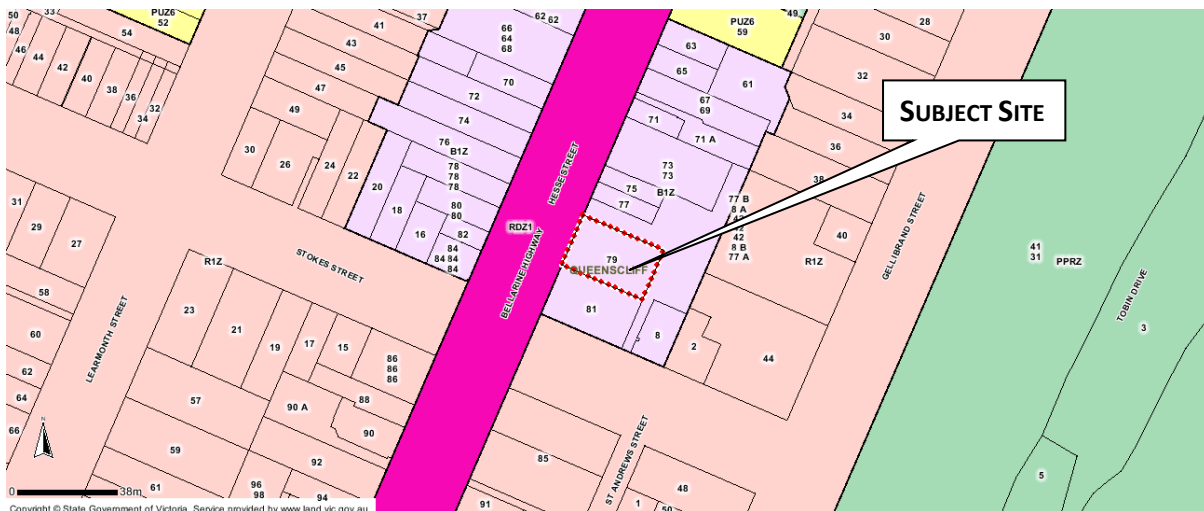
### Subject site and surrounds

The subject site is located on the east side of Hesse Street, Queenscliff.

The site has a frontage of approximately 20.5 metres, and a depth of approximately 33.2 metres, measuring a total of approximately 680m<sup>2</sup> in size. The site has a slight slope up into the site away from the Hesse Street frontage.

There is currently no vehicle access to the site.

### Locality Plan



Source: [www.land.vic.gov.au](http://www.land.vic.gov.au) - 04.10.2012



### Aerial Image



Source: [www.nearmaps.com](http://www.nearmaps.com) - 04.10.2012

The aerial image shows the space between the building and the site's northern boundary where the proposed driveway is to go. Also shown in the image is the existing public car parks on Hesse Street to the west of the subject site, two (2) of which are to be removed as a result of this application. The private laneway to the rear of the site, and associated car parking area, for the Ozone Hotel apartments is also visible in this image.

### Proposal

The application proposes the creation of access to Hesse Street, which is also nominated as Bellarine Highway at this section. The proposed access involves the existing front fence being converted to a sliding gate, 3.5 metres wide, to allow vehicle access. The height of this existing fence remains unchanged at 1.055 metres.

The second fence, to be constructed internally on the site, is to be setback 7.35 metres from the site's Hesse Street frontage, and 400mm behind the church pillar. The fence is proposed to be approximately 7 metres in length, and is to be constructed half of rendered concrete block work, with the other half to be constructed of timber pickets.

There is a third fence running from the front boundary directly into the site and stopping close to the front pillar at the north-west corner of the church. This fence is 5.3 metres in length, at a height of 1.055 metres to match the existing front fence, with the design also to match exactly.

There is also a brick paved driveway proposed between the new crossover and the larger gate behind the front wall of the church.

All of these aspects of the design were referred to Council's Heritage Advisor, who supported the application on the basis of the designs complying with the following requirements:

#### *The section of the existing picket fence across the front of the property*

The section of the existing picket fence across the front of the property which will (like the gate section beyond), slide from north to south to allow car entry is to be of timber material of exactly the same dimensions as the existing picket fence across the front of the property,



in terms of its pickets, its top and bottom rails, its plinth board and its end and intermediate posts.

#### *Solid Rendered Panel*

The solid rendered panel as part of the new sliding gate structure, is to have a maximum height of 1800mm, and a maximum thickness of 300mm.

#### *Capping detail*

It can have a flat, rounded or tapered top capping (to fit within the max 1800mm height). It is to be rendered with a tint such that its colour, after a weathering period of 12 months, will be the same colour as the existing Church render.

#### *Linking to Church wall*

The rendered panel will sit close to the existing north wall of the church structure but must not connect with it. This 'junction' will be hidden from Hesse Street behind the buttress in the Church structure's northwest corner.

#### *Timber section of the sliding parking space fence/gate*

This sliding fence/gate 3.5m in width is to have a maximum height of 1,800mm. It is to be made of timber picket construction with pickets to be a maximum of 100mm wide, 25mm thick and with a minimum spacing between pickets of 25mm.

#### *Finish to Timber Section of the sliding parking space fence/gate*

The timber is to incorporate dressed timber pickets, which will be stained or painted such that its colour, after a weathering period of 12 months, will be the same colour as the existing Church render.

#### *The new picket fence running between Hesse Street and the church façade*

This fence to be constructed in timber is to be of exactly the same dimensions as the existing timber picket fence across the front of the property, in terms of its pickets, its top and bottom rails, its plinth board and its end and intermediate posts.

#### *Brick Drive Strips*

The two brick drive strips are to incorporate pressed "Red Commons" bricks and each strip is to a maximum width of 700mm.

Further to the design detail of the fences, Council's Heritage Advisor has also provided the following comments in regard to the impact cars parking in the front setback area may have on the heritage value of the property:

#### *Recommended Operational Requirements*

Following on from my initial recommendations of 07-03-12 on this proposals pre-application, and taking onto account the 2006 VCAT determination on this site, which indicated that the provision of on-site parking should not undermine the heritage integrity of the site, the

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above design requirements must be linked with particular operational procedures. These must include conditions whereby both the sliding section of front fence and the sliding fence/gate behind are to remain closed - whether or not a car is parked in the parking space, and that the grassed (and partially brick paved) area between the front fence and the gate cannot be used for car parking.

The applicant agreed to all the abovementioned requirements in regard to design and operational requirements.

### **Planning Scheme controls**

The site is located in a Business 1 Zone, and is subject to a Heritage Overlay – Schedule 31, and Design and Development Overlay – Schedule 1 (DDO1).

### **Permit triggers**

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

- Clause 34.01-4 – buildings and works in a Business 1 Zone
- Clause 43.01-1 – buildings and works in a Heritage Overlay;
- Clause 43.02-2 – buildings and works in a Design and Development Overlay; and
- Clause 52.29 – creation of access to a road in a Road Zone Category 1.

### **Referrals**

#### **External**

Pursuant to the requirements of Clause 52.29 of the Queenscliffe Planning Scheme, a referral was sent to VicRoads for comment in regard to the proposed access to Hesse Street. VicRoads advised of no objection to the proposal, subject to the following condition:

*The vehicular crossover from the subject land to the declared arterial road (Hesse Street) must be constructed in accordance with the submitted plans to the satisfaction of VicRoads and the responsible authority.*

This condition is to be included on any permit issued.

#### **Internal**

##### ***Engineering***

Discussions were held with Council's Engineer in the pre-application stage of this proposal, and the application was formally referred for comment once received. Council's Engineer advised:

- *No objection to location of driveway crossover.*
- *No objection to loss of two on-street car parks.*
- *Slight amendment required to crossover design however in principle support for the general concept. I would prefer to revise design detail in the road opening permit process.*



- *Works in road reserve will require a road opening permit.*

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

#### *Heritage Advisor*

Discussions were held with Council's Heritage Advisor in the pre-application stage of this proposal, and formal advice was sought once an application was lodged with Council. As detailed earlier within this report, the Heritage Advisor is supportive of the proposal, subject to the work being done in accordance with his design and operational requirements.

It is considered that these matters can be addressed via the inclusion of conditions on any permit issued.

#### **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 area, and the impact that the proposed removal of two on street car parks will have on the everyday function of the Hesse Street commercial precinct.

This matter was considered by Council's Engineering Department, who advised of no concern with this aspect of the design.

Furthermore, it is noted that there was previously a crossover and driveway running along the other side of the site's northern boundary, providing access to the rear of the Ozone Hotel. This crossover was removed and replaced with a building as part of the approved redevelopment of the Ozone, and an additional three car parking spaces being provided on Hesse Street. This is demonstrated by the image below which shows the previous crossover in this location.



**Source: Council image database. Photo taken 01.11.2005**

This demonstrates that crossovers have existed in this area in the past, and given that only two car spaces are proposed to be removed under this application, there is to be a net gain of one car space if compared to the circumstances from November 2005.

Further to the above, in an effort to exhaust all other opportunities for access to the site, it was noted that the redevelopment of the Ozone includes a common driveway running along the east boundary of the subject site and the adjoining property at No. 82 Hesse Street, entering from Stokes Street beside the property at No. 8 Stokes Street.

Correspondence was sent to the body corporate manager of the adjoining property, as well as to each of the individual property owners. This correspondence requested that the property owners consider the option of allowing access to the subject site at No. 79 Hesse Street, via the common driveway to the rear. Included with the letter was a pro-forma response form as well as a stamped addressed envelope to allow the property owners to easily provide feedback to Council.

The body corporate manager advised Council officers that he had made the request to the owners of the laneway and they rejected the proposal.

To date, there has been two (2) responses received to the letters Council sent to the individual owners, advising that they do not support shared laneway. This figure can be updated by the officer on the night of the October Council Meeting.





Given the above, and also noting that the application was advertised and no objections were received, it is considered that there will be no social impact as a result of this application.

Given the application 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 there should not be an unreasonable negative effect on the surrounding community.

### **Environmental**

It is considered that the proposal does not have any environmental impacts.

### **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 proposal 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)*

The application has been assessed against the following relevant clauses of the LPPF:

- Clause 22.03 – Heritage Policy
-



- Clause 22.03-7 – Heritage Overlay 7 Hesse Street Commercial Area
- Clause 22.04 – Urban Character Policy
- Clause 22.04-1 – Queenscliff

It is considered that the proposal is consistent with the requirements of the above clauses, subject to the inclusion of appropriate conditions on any permit issued.

### Zoning

The subject site is located within the Business 1 Zone.

Pursuant to Clause 34.01-4 of the Queenscliffe Planning Scheme, a planning permit is required to construct or carry out works.

The proposal has been assessed against the decision guidelines contained within the Business 1 Zone, and has been deemed consistent with the requirements and warrants support.

### Overlays

The subject site is affected by the following overlays:

- Heritage Overlay – Schedule 31 (HO31)
- Design and Development Overlay – Schedule 1 (DDO1)

#### *Heritage Overlay – Schedule 31 (HO31)*

As detailed earlier within this report, the application has been forwarded to Council's Heritage Advisor for consideration, who has subsequently provided detailed design and operational requirements that must be met in order for them to support the application.

The applicant has agreed to meet all the requirements set out by Council's Heritage Advisor, and accordingly it is considered that the proposal is appropriate and warrants support.

#### *Design and Development Overlay - Schedule 1 (DDO1)*

This overlay triggers a planning permit for all buildings and works, other than repairs and routine maintenance to existing buildings and works. The overlay seeks to ensure that new development maintains, protects and enhances the distinguishing elements of the urban character of the Queenscliff township. 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	There is no building proposed.	N/A



	<i>Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
<i>Building Setbacks</i>	The minimum front setback for the proposed development should be the average of the adjoining properties.	No change to front setback.	N/A
	Buildings should not be built on side and rear boundaries unless this is a dominant feature of buildings in the street.	No built form proposed for site boundaries.	N/A
<i>Landscaping</i>	At least 50% of the required private open space should be "soft landscaping" (i.e. vegetation). Hardstand areas should consist of porous surfaces.	There is no "required" private open space.	N/A
<i>Front Fence</i>	No higher than 1.3 metres in height.	While the front fence is proposed to be changed to a sliding gate in a 3.5 metre wide section, there is no change to the height or style.	Complies
<i>Site Coverage</i>	Maximum 40%	No change to site coverage.	N/A
<i>Adjacent to a heritage overlay</i>	The property has been identified of having individual heritage significance.	The site is of individual heritage significance. The application has been supported by Council's Heritage Advisor, subject to the inclusion of appropriate conditions on any permit issued.	Complies.

As demonstrated above, the proposal is fully compliant with the requirements of the Design and Development Overlay – Schedule 1.

#### Particular Provisions

##### *Clause 52.29 – Land adjacent to a Road Zone, Category 1*

Pursuant to the requirements of Clause 52.29 the application was referred to VicRoads, who provided conditional support of the application.





Further to the above, the application has been assessed against the decision guidelines of Clause 52.29, and it is considered that the proposal is compliant and should be supported.

### 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, and erecting a public notice in the municipal offices for fourteen (14) days.

There have been no objections received by Council to date.

Further to the above, as detailed earlier within this report Council sought advice from the 11 individual property owners of the apartments at the Ozone Hotel regarding providing access to the subject site from the rear. Council have received one notification from this process, advising that the property owner definitely does not support the request for access.

### Legal advice

As mentioned earlier within this report, Council officers have concern regarding the visual impact of vehicles being parked in the front setback area of the property, as this may be detrimental to the heritage value of the property.

As this regards use of private land, legal advice was sought to determine what enforceable restrictions could be put in place to ensure Council has an ability to enforce the restriction of vehicles parking in this location.

The legal advice that provided indicated that in order to achieve the preferred outcome for Council, any permit include a requirement that the applicant enter into a section 173 agreement prohibiting cars from being parked in the front setback area.

Accordingly, a condition is to be included on any permit issued requiring the 173 agreement as described.

### **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;
-



- There was a previous crossover next to where this one is proposed, and the proposed crossover will result in the loss of 2 car parking spaces, compared to the 3 car parking spaces that were occupied by the previous crossover;
- Conditions can be included that require the design and operational requirements of the Heritage Advisor to be met, and also the requirements of Council's Engineer.

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. 2012/054 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 Planning Permit be issued for the creation of access to a road in a Road Zone, Category 1, and the construction of fences and driveways in a Heritage Overlay, at No. 79 Hesse Street, Queenscliff, 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, but modified to show:**
  - a) the section of the existing picket fence across the front of the property which will slide from north to south to allow car entry to be of timber material of exactly the same dimensions as the existing picket fence across the front of the property, in terms of its pickets, its top and bottom rails, its plinth board and its end and intermediate posts;**
  - b) The solid rendered panel as part of the new sliding gate structure, is to have a maximum height of 1800mm, a maximum thickness of 300mm, with a flat, rounded or tapered top (not exceeding 1800mm in height), and is to be rendered with a tint such that its colour, after a weathering period of 12 months, will be the same colour as the existing Church render;**
  - c) the rendered panel sitting close to the existing north wall of the church structure but not connecting with it, and this 'junction' is to be hidden from Hesse Street behind the buttress in the Church structure's northwest corner;**
  - d) the sliding timber fence/gate, 3.5m in width and adjacent to the rendered panel, is to have a maximum height of 1800mm, and is to be made of timber picket construction with pickets to be a maximum of 100mm wide, 25mm thick and with a minimum spacing between pickets of 25mm;**
  - e) the timber for the 1800mm high internal fence is to incorporate dressed timber pickets, to be stained or painted such that its colour, after a weathering period of 12 months, will be the same colour as the existing Church render;**



- f) the new internal picket fence running from the front boundary to the Church building is to be constructed in timber and is to be of exactly the same dimensions as the existing timber picket fence across the front of the property, in terms of its pickets, its top and bottom rails, its plinth board and its end and intermediate posts;
- g) the two brick drive strips are to incorporate pressed "Red Commons" bricks and each strip is to a maximum width of 700mm; and
- h) a detailed colours and materials schedule is to be submitted to demonstrate the compliance with conditions a) to g) above.

- 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 under this permit, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.

The agreement is to prohibit cars from parking within the front setback area. The owner/operator under this permit must pay the costs of the preparation, checking, execution and registration of the Section 173 Agreement.

4. VicRoads condition:

The vehicular crossover from the subject land to the declared arterial road (Hesse Street) must be constructed in accordance with the submitted plans to the satisfaction of VicRoads and the responsible authority.

- 5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 6. 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): Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- Note (2): 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 (3): A Road Opening Permit is required for any work in the road reserve.
-



**16. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS**

Nil.

**17. QUESTIONS WITHOUT NOTICE**

**17.1. Questions Without Notice Status Update**

**Recommendation:**

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

**17.2. Questions Without Notice**

**18. LIST OF COUNCIL MEETINGS**

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

**PLANNING REVIEW MEETING**

Date to be advised

**STATUTORY MEETING OF COUNCIL**

Wednesday 14 November 2012 at 7:00pm

**COUNCIL MEETING**

Wednesday 21 November 2012 at 7:00pm

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## **19. CONFIDENTIAL ITEMS**

Time: \_\_\_\_\_pm

### **Recommendation:**

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 item:

- 19.1. Confirmation of Confidential Council Meeting Minutes – 19 September 2012  
(in accordance with Section 89 (2a, e, d, h) of the Local Government Act 1989)**

Time: \_\_\_\_\_pm

### **Recommendation:**

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

## **20. RATIFICATION OF CONFIDENTIAL ITEMS**

### **Recommendation:**

That the decisions made in camera be ratified by Council.

## **21. CLOSE OF MEETING**



## **ADJUNCT TO 6 - RECORD OF ASSEMBLY OF COUNCILLORS**

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

### **6.1. Planning and Heritage Portfolio Reference Group - Friday 10 August 2012**

**Assembly Commenced:** 4.45pm **Assembly Closed:** 6.30pm

**Assembly Location:** Athelstane House Hobson St Queenscliff

#### **Attendees:**

Cr David Mitchell

Boyce Pizzey

Bob Fuller

Chris Johnson

Roland Orchard

Jocelyn Grant

#### **Apologies:**

Winsome Callister

#### **Conflict of Interest Disclosures:**

Councillors: None

Officers: No Officer in Attendance

#### **Agenda Items:**

1. Principles of Contemporary Planning in a Heritage Context
2. Planning Scheme Review



## **6.2. Councillor Assembly – Monday 17 September 2012**

**Assembly Commenced: 6:15pm**

**Assembly Closed: 7:12pm**

**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

### **Apologies:**

Ms. Ev Wuchatsch, General Manager Governance & Community

### **Conflict of Interest Disclosures:**

Councillors: Nil

Officers: Nil

### **Agenda Items:**

1. Fort Queenscliff Defence Farewell Event
  2. Councillor Communique
  3. Project Progress Report
  4. Public Briefing on State Government Proposed Zoning Changes
-



### **6.3. Councillor Assembly – Wednesday 19 September 2012**

**Assembly Commenced: 6:18pm**

**Assembly Closed: 6:52pm**

**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

Mr. Phil Josipovic, General Manager Planning & Infrastructure

**Apologies:**

Nil

**Conflict of Interest Disclosures:**

Councillors: Nil

Officers: Nil

**Agenda Items:**

1. Financial Reporting
  2. Zoning discussion
-





**ADJUNCT TO 7.1 – MOTION ON NOTICE STATUS UPDATE**

<b>Date</b>	<b>Motion Number</b>	<b>Action</b>	<b>Status</b>
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.
19 September 2012	2012/560 - Efficient Street Lights	<p>That Council:</p> <p>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;</p> <p>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.</p> <p>Endorse the following motion at the MAV:</p> <p>'That the MAV advocate for increased innovation in lamp technology and improved contestability in the provision of public lighting in the Victorian market.'</p>	This is yet to be implemented.



**ADJUNCT TO 17.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE**

<b>Date</b>	<b>Question Title</b>	<b>Action</b>	<b>Status</b>
19 September 2012	Cr Mitchell: Can officers provide information to Councillors on those holiday accommodation properties where the Commercial Rate is applied.	The CEO responded indicating that he would take the request on notice and report back to the Council.	Update report emailed to Councillors.
19 September 2012	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?	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 Council's interest in a shared contract arrangement and had received initial positive feedback from CoGG officers. The CEO agreed to this matter with Stephen Griffin, CEO, City of Greater Geelong.	Update report emailed to Councillors.