

Minutes

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

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

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

Phil Josipovic - General Manager Planning & Infrastructure

Alison Chaloner – Senior Accountant (7:00pm – 7:53pm)

Mitch Hodgson – Senior Planner (7:00pm – 8:09pm)

Apologies:

Nil.

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES

Councillors: *Cr Mitchell declared a conflict of interest in relation to item 15.2 in that he has a close association with an objector to this planning application related to 79 Hesse Street, Queenscliff.*

Officers: Nil



4. PUBLIC QUESTION TIME

As a ratepayer

Given

The Annual 2012/13 Rates Statutory Budget of the Borough adopted June last, publicly declared a Underlying Deficit Result for the year of \$39,000.

However,

The Quarterly 30th September, 2012 Finance Report (Agenda Item 11.2) to be adopted by the BoQ tonite seeks to increase the above referred Statutory Underlying Deficit Result to \$676,000. An increase loss of \$637,000 in just on 3 months from the 30th June last. The Finance Report, quote page 3 Executive Summary

... "the increase in the deficit is predominately due to \$636,000 for operational expenditure projects which were included in the 2011/12 Year and held in reserve at the 2011/12 Year end, to be carried forward for completion in the 2012/13 year".

Question:

Was the 2012/13 Rates Statutory Budget Deficit of \$39,000 then or is this Projected 2012/13 Loss of \$637,000 a True and Fair Statement. Is this inter year transference of expenditures true and fair?

Answer:

The General Manager, Governance & Community Services responded by stating that at the time the Budget was prepared (note the document was completed and advertised in early April 2012), the amount of funding to be carried forward from 2011/12 is unknown. The Budgeted underlying deficit of \$39,000 as explained in the Budget document, is based on the 2012/13 rates income and the associated operational expenditures. It does not account for any 2011/12 committed amounts that may be unspent or for any unbudgeted grants that may be received late in the financial year.

As is the case every year, once the financial year is closed off there are a number of committed projects that are funded by that years rate income but are unspent or incomplete at 30 June. This means the expenditure occurs the year following the year in which it was budgeted. The published and audited Financial Statements contained in the Annual Report are certified by the Auditor General and in his opinion the financial reports, and I quote: "presents fairly, in all material respects, the financial position of the Borough".

Note also that Council's auditors have also provided reports on both the budget and the financial reporting accepting them to be a fair representation of the Borough's finances.

It should also be noted that the forecast position is at 30 June 2013 and is not the position after 3 months as suggested.

Given

The Annual Report 2011/12, (Agenda Item 11.3) to be adopted by the BoQ tonite quotes an Underlying Operating Surplus 30th June, 2012 of \$620,000.



The Quarterly 30th September 2012 Finance Report (Agenda Item 11.2) to be adopted by the BoQ tonite, quote page 3 Executive Summary

... "the increase in the deficit is predominately due to \$636,000 for operational expenditure projects which were included in the 2011/12 Year and held in reserve at the 2011/12 Year end, to be carried forward for completion in the 2012/13 year"

Thus the sole reason for the 2011/12 surplus was by these expenditures of \$636,000 forward dated to 2012/2013 yer: and thus the actual Underlying Operating Surplus 30th June, 2012 would be a deficit of \$16,000.

Question:

What is the real Operating Result 30th June 2012. Is this inter year transference of \$636,000 expenditures true and fair?

Answer:

The General Manager, Governance & Community Services responded by stating that the \$620,000 underlying operating result in the Financial Statements published in the Annual Report is in accordance with applicable accounting standards and the financial reporting requirements of the Local Govt Act and certified as such by the Auditor General.

Question:

Does not the massive swings of quantum dollars, \$636,000, taking a small forward deficit to large forward deficit and the distortion in annual accounts of deficit to surplus cause questions of Good Governance and the transparency reporting to the community?

Answer:

The CEO responded stating that the Council's financial statements have been produced in line with accounting standards and State Government legislative requirements and that the financial statements have received an unqualified audit from the Victorian Auditor General. The CEO also highlighted that Council's financial practices are the subject of ongoing internal audits overseen by the Audit Committee comprising four independent members.

The CEO indicated that funds received in 2011/12 need to be recorded as income in the year received while the related expenditure would then be realised in the following financial year. The CEO highlighted the fact that Council had received two pre-payments of Victorian Grants Commission funds for 2012/13 in 2011/12.

Question:

I ask Councillors to show concern and refer this matter to the Victorian Auditor General for a principal decision on appropriate standards of reporting.



Response:

The CEO repeated that the Council's financial statements have been produced in line with accounting standards and State Government legislative requirements and that the financial statements have received an unqualified audit from the Victorian Auditor General.

Question

Why was the vegetation removed from the side of the roadside in the Narrows near the traffic lights? Were qualified persons involved in the pruning of the native vegetation and what measures are being undertaken to stabilise and replant the site?

Answer

The CEO responded indicating that the question would be taken on notice and a reply would be forwarded to the submitter.

Question

When will the protective guards be placed around the Moonah stumps at the Point Lonsdale playground which was part of the plan 18 months ago to ensure the regeneration from epicormic buds (the are continuous, being damaged by children, bikes and pushers).

Answer

The CEO responded indicating that the question would be taken on notice and a reply would be forwarded to the submitter.

7:14pm – Cr Mitchell declared a conflict of interest in that he has a close association with who is responsible for the following public question. Cr Mitchell then departed the Council Chamber.

Question

I have sent to the Mayor, Councillors and the CEO an email dated 14th October 2012 in regard to the Planning Application for 79 Hesse Street Queenscliffe in tonight's Agenda Paper, requesting

- That the CEO provide me with an explanation of how misrepresentations in the Senior Planners Report in regard to previous VCAT determinations have occurred
- and
- As a consequence of reviewing these VCAT determinations, the Application for on-site parking be rejected.

I have received a letter from the Statutory Planner today, acknowledging my objection and I acknowledge an Addendum for tonight's meeting.



I note that the Senior Planner states that the Heritage Officer reflects that his Report was in agreement with the VCAT Order and the difference in wording was simple a result of the Heritage Advisor restating the VCAT directions in his own words being "on-site parking should not undermine the heritage integrity of the site".

How is "should not undermine", as stated in the Heritage Advisors advice the same as the VCAT determination which states "would undermine" and it does not clarify how many car spaces.

The Senior Planner has not addressed in the addendum nor raised in the Report, relevant and critical information regarding the VCAT determination of 2005 where VCAT was concerned about the potential for increased conflict between vehicles entering and exiting Hesse Street properties and pedestrians walking along the footpath".

Answer

In VCAT order 2657 (Sykes v Queenscliffe Borough Council (2006), the VCAT member accepted evidence that "provision of on site parking would undermine the heritage integrity of the site....." (refer paragraph 48 and 49). This comment was made in the context of the requirement to provide between 25-30 spaces on site (refer to paragraph 49 of the aforementioned VCAT order). The Heritage Advisor echoes the view that it is important the heritage integrity of the building on the site be retained. Accordingly, the report prepared by the Heritage Advisor has included specific design and operational requirements to ensure that any approved development is appropriately sympathetic to the existing building on the site, in this case provision for the parking of two cars and fencing. It is Council's view that the design and operational requirements for two car parking spaces as specified in the conditions of the Notice of Decision to Grant a Permit approved by Council on Wednesday, 17th October 2012 will not undermine the heritage integrity of the site.

In regard to the previous 2005 VCAT decision which was concerned about the potential for increased conflict between vehicles entering and exiting Hesse Street properties and pedestrians walking along the footpath, it is noted that this VCAT decision was considering access to the Ozone Hotel redevelopment, which included 17 car spaces and had alternative access from Stokes Street. The reference to access from Hesse Street as opposed to Stokes Street was in response to a community member's request that the existing (at the time) access from Hesse Street be retained instead of the proposed (at the time) Stokes Street entrance.

This application for 79 Hesse Street seeks to provide 2 car spaces. The level of vehicular movement is significantly different to the scale of what was considered as part of the Ozone Hotel redevelopment. Accordingly, it is considered that the scope of vehicle use proposed under this application is appropriate and warrants support. It is further noted that both VicRoads and Council's Engineering Department have considered the proposed access arrangements, and both have issued conditional support. These conditions were reflected in the recommendation in the report to the October Council Meeting. It is further noted that in this instance all possible vehicle alternative access points were investigated and proved to be unachievable.

7:19pm – Cr Mitchell returned to the Council Chamber following consideration of the question from related to the planning application related to 79 Hesse Street, Queenscliff.



Question

Unfunded Super Liability – If Council received the call on its unfunded super liability in July 2012, why was it included in the 2011/12 Financial Report?

What is the basis of the accounting principle involved in this treatment?

Was this consistent with other Councils?

What financial benefit was derived from our early call when it was due in July 13 when investing in a term deposit may have yielded a similar return/saving?

Answer

The CEO responded that it was a directive from the Auditor General for all Councils across the State to include the unfunded superannuation liability in the 2011/12 accounts.

Question

Caravan Park/Cabin Revenue – Can Council explain how our expected budgeted \$150,000 was derived from Caravan & Cabins in last months of the financial year?

Answer

The CEO responded indicating that at the time of drafting the 2012/13 budget, Council officers took a conservative position in relation to likely cabin accommodation revenue. Increases in revenue stemmed from the opportunity to purchase and install a low cost, second hand cabin and the benefits of the final new cabin coming on stream.

The CEO stated that the element of the question regarding the timing of the reporting of the additional revenue would need to be taken on notice with a response to be forwarded to the submitter.



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.

Councillors: Butler/Davies

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.

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/Burgess

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: Butler/Davies

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

Carried Unanimously

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.

Councillors: Davies/Butler

That the Correspondence be noted.

Carried Unanimously



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.

Councillors: Butler/Davies

That the Mayor's Report be received.

Carried Unanimously



10. COUNCILLOR PORTFOLIO REPORTS

Nil.



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.



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.
-



- 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.

Councillors: Davies/Butler

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

Carried Unanimously



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



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

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

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,



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).



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.

Councillors: Davies/Butler

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.**

Carried



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



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.

Councillors: Davies/Butler

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

Carried

Cr Lloyd Davies and Cr John Burgess acknowledged the efforts of Officers in preparing a high standard Annual Report.



12. SUSTAINABILITY & LOCAL ENVIRONMENT

Nil.

13. BUSINESS & TOURISM

Nil.

14. COMMUNITY DEVELOPMENT

Nil.



15. PLANNING, HERITAGE & COMMUNITY ASSETS

15.1. Planning Permit Activity Report

15.1 (a) Summary Report

App. No	Date Received	Address	Proposal	Status
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
**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
**2012/026	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")	Notice of Decision issued
**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	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
**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
**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	Under consideration



App. No	Date Received	Address	Proposal	Status
**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	Notice of Decision issued
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
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	Refer agenda
2012/056	07/06/2012	36 Golithly 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
**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	Under consideration
**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	Referrals to Engineering Department, Heritage Advisor, Municipal Building Surveyor & Vic Roads
**2012/062	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



Councillors: Mitchell/Burgess

That the report be received.

Carried Unanimously

Councillors: Mitchell/Davies

That Council requests officers provide a briefing to Council regarding:

Application 2012/086 – 159 Point Lonsdale Road, Point Lonsdale given the significant stand of vegetation.

Carried Unanimously



7:55pm – Cr Mitchell declared a conflict of interest in relation to item 15.2 in that he has a close association with [redacted], an objector to this planning application related to 79 Hesse Street, Queenscliff and departed the Council Chamber.

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.

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

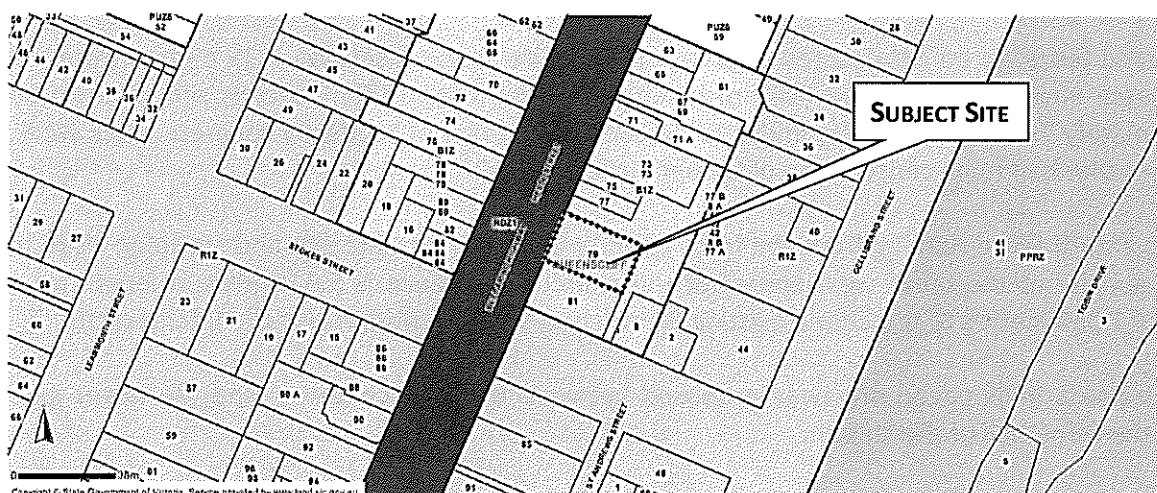
Subject site and surrounds

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 680m² 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 - 04.10.2012

Aerial Image



Source: 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



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.

A late objection (**Figure 1**) was received by Council on Sunday 14 October 2012. The objection has raised concern regarding consistency between the advice from Council's Heritage Advisor, and comments made by the Senior Planner, in the context of previous VCAT decisions for the subject site and adjoining property to the north/east.

The matters raised are listed below, with a response provided to each:

The report is flawed and misrepresents the VCAT determinations from Sykes v Queenscliffe Borough Council [2006].

The difference in wording between the VCAT Order and the Heritage Advisor's report has been reflected upon by the Heritage Advisor, who has confirmed that the report was in agreement with the VCAT Order, and the difference in wording was simply a result of the Heritage Advisor restating the VCAT direction in his own words.

Design and operational requirements were included in the Heritage Advisor's recommendation to ensure the proposal does not undermine the heritage integrity of the building, consistent with the concerns of the Tribunal.

It is further noted that the VCAT Order referenced by the objector was discussing the provision of car parking for between 25 and 30 vehicles on the site in the context of the use of the land as a reception centre and restaurant. VCAT waived the requirement for 25-30 car parking spaces on the site, in part, because this requirement would undermine the heritage integrity of the site. The current application seeks to provide accommodation for a maximum of two (2) vehicles, with design requirements specified within the conditions of the permit to ensure that the heritage character of the building is not undermined.

The comment of the Senior Planner misrepresents the previous VCAT comments regarding the crossover at the adjoining site.



This matter has been reviewed and it is not considered to be a misrepresentation, as the report simply states a fact that a crossover previously existed adjacent to the subject site.

Aside from the above, the recommendation listed within the report is to be amended to require a Notice of Decision to be issued, rather than a Planning Permit.

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.



Councillors: Butler/Merriman

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.

Carried

8:09pm – Cr Mitchell returned to the Council Chamber.



Figure 1

Fiona Hunter-Evans

Subject: FW: Urgent Attention - Planning Application 79 Hesse Street Queenscliff

From:

Date: 14 October 2012 10:26:42 PM AEDT

To: <bob.merriman@queenscliffe.vic.gov.au>, <helene.butler@queenscliffe.vic.gov.au>, <loyd.davies@queenscliffe.vic.gov.au>, <john.burgess@queenscliffe.vic.gov.au>, <david.mitchell@queenscliffe.vic.gov.au>, <lenny.jenner@queenscliffe.vic.gov.au>

Subject: Urgent Attention - Planning Application 79 Hesse Street Queenscliff

Mayor, Councillors and CEO

Today I spoke on the telephone with Mayor Bob Merriman, who suggested I email my concerns regarding the Senior Planner's Report and the Heritage Advisor's advice contained within this Report, prepared for Council in the Agenda for the Ordinary Meeting of Council, Wednesday 17 October 2012, regarding item 15.2, No. 79 Hesse Street, Queenscliff.

The report is flawed and misrepresents the VCAT determinations from Sykes v Queenscliffe Borough Council [2006] VCAT 2657 (22 December 2006), as referenced by the Heritage Advisor in his *Recommended Operational Requirements* page 34 of 50 in the Agenda Paper.

The Heritage Advisor states that*"taking into 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,"*

In fact the 2006 VCAT determination accepted Ms D. Donald's evidence that*"Provision of on-site parking would undermine the heritage integrity of the site and potentially create conflicts with pedestrians in Hesse Street. [5]"*

The Heritage Advisors advice needs to read *"would undermine the heritage integrity of the site"* not*"should not undermine the heritage integrity of the site"*.

In regard to the comments contained in the Senior Planner's Report relating to the pre-existing driveway adjacent to the Fish and Chip Shop, the notation [5] as referenced in the above VCAT determination, refers to an earlier determination being NFTM Properties v Queenscliffe Borough (Red Dot) [2005] VCAT 2600 (9 December 2005) paragraph 59 which states that*"We acknowledge that the strip of land in Hesse Street adjacent to the fish and chip shop has traditionally provided vehicle access to the site. However, we would be concerned about the potential for increased conflict between vehicles entering and exiting the site and pedestrians walking along the footpath."*

This earlier VCAT determination is also misrepresented by the Senior Planners comment on page 31 of 50 in the Agenda Paper which states favourably*"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"*.

I am concerned that the recommendations of the Senior Planner and Heritage Advisor to Council are in direct conflict with two previous VCAT decisions and that the recommendations are flawed and constitute a critical misrepresentation.

I now ask



1. That the CEO provide me with an explanation of how these misrepresentations of the above referred VCAT determinations have occurred and
2. that as a consequence of the above VCAT determinations, Council reject the application for on-site car parking at 79 Hesse Street, Queenscliff.

Yours sincerely,

This email has been scanned by
[Hewstone MailArmour](#)
Anti-Virus, Spam & Content Filter.

6



16. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS

Nil.

17. QUESTIONS WITHOUT NOTICE

17.1. Questions Without Notice Status Update

Councillors: Davies/Burgess

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

Carried

17.2. Questions Without Notice

Question:

Cr Bob Merriman – Can the CEO provide an update on the status of green waste collection?

Answer:

The CEO responded stating that in May 2010 Council's waste collection contract was tendered. This included a green waste collection option in anticipation of Council finding a green waste processing facility that would accept Council's green waste.

A preferred collection model for green waste has been developed and a costing for the service was undertaken in 2010 based on the tendered collection option.

The initial contract term awarded for Council's waste collection contract is 3 years (ending 30 June 2013) with an option of a 2 year extension. If the contract is not extended and retendered, a green waste option will be requested within the new tender.

Council is also aware following briefings from officers and the Barwon Region Waste Management Group that green waste disposal has become a regional issue. The City of Greater Geelong has indicated that it is unwilling and unable to incorporate the Borough's green waste into its disposal contract at this time due to uncertainty with the disposal of their collected green waste.

The Barwon Region Waste Management Group (BRWMG) is currently undertaking trials for a solution to the green waste processing issues in the region. BRWMG is trialling 'on-farm composting' in partnership with the State Government and regionally local farmers. BoQ has expressed interest in participating in the program when the trial is complete and if the process proves successful as a sustainable long term option.



While keeping a close eye on the 'on-farm composting' trials, BoQ in partnership with the BRWMG is preparing to investigate alternative 'small scale in- vessel composting' facilities that may be able to be situated and operated in or near the Borough.

BoQ has also submitted an Expression of Interest funding application to the State Government seeking \$150K for the purchase of green waste bins in anticipation of being able to secure a disposal facility.

Question:

Cr Bob Merriman – Can the CEO provide an update on the status of Council's advocacy regarding the future of the Fisherman's Coop building?

Answer:

The CEO responded stating that Council has continued its advocacy to the State Government and to Parks Victoria regarding the future use of Fisherman's Coop. This includes several meetings and letters to state public servants and to Ministers communicating the resolution passed by Council seeking community use of the site and for the governance to rest with a suitable community organisation. In passing this resolution Council was well aware of the Queenscliff Maritime Museum's interest in using the buildings to expand their operation.

Given the lack of any response from Parks Victoria on this matter I am seeking a meeting with The Hon Ryan Smith, Minister for the Environment to take place in November 2012.

Question:

Cr Bob Merriman – Can the CEO provide an update on the Status of the Ferry to Pier project?

Answer:

The CEO requested Mr Phil Josipovic, General Manager, Planning & Infrastructure to provide a response. Mr Josipovic stated that a Planning Application for vegetation removal was submitted by Council in July 2012 and still being assessed with a decision expected before the end of October.

Contract documentation for weed removal and revegetation as well as contract documentation for pathway reconstruction and walkway construction is to be completed by end of October with advertising of the tender and evaluation of submissions to take place in November.

Works are scheduled to commence in December and be completed by February / March 2013. Additional revegetation will take place between March and April 2013.

The total estimated project cost of \$310K is funded from a number of sources – Regional Development Victoria (\$250K), Borough of Queenscliffe (\$30K), Peninsula Searoad Transport (\$20K) and local service clubs (\$10K). Documented evidence of these commitments are on file.



The first payment from the State Government of \$125K was received in March 2012 which was based on providing evidence of meeting required funding agreement milestones.

The timeline described above is in line with the State Government funding agreement.

Question:

Cr Bob Merriman – Can the CEO provide an update on the status of the Senior Citizens' Centre development?

Answer:

The CEO responded stating that Council is aware that the initial application for this project to Sport and Recreation Victoria's Community Facilities Fund was unsuccessful.

Following receipt of this advice Council resolved to support a further application to the State Government under the 'Putting Locals First' fund that expanded the project to include the Senior Citizens Centre, the Sea Scouts Hall and improvements to the Queenscliff Railway precinct.

Officers submitted an 'Expression of Interest' for funding to the Department of Planning & Community Development (DPCD) in August 2012.

This application has been considered by the DPCD regional office and state panel and the State Government has recently requested that Council progress a full submission.

This is currently being prepared and will be submitted by the end of November 2012.

Question:

Cr Bob Merriman – Can the CEO provide an update on the status of the future of Fort Queenscliff & the Colonel's Cottage?

Answer:

The CEO responded stating that Council has been working with Geelong Otway Tourism and the Department of Planning & Community Development seeking funding to undertake a Tourism Development Plan for the use of the Fort following the departure of the Army later this year.

The CEO advised that Tourism Victoria has allocated \$20K to Geelong Otway Tourism to progress this project. In addition, the Department of Planning & Community Development (DPCD) has indicated its interest in receiving a funding application from the Borough of Queenscliffe and Geelong Otway Tourism. DPCD has made it clear that their funding support will be dependent on the support from the Department of Defence.

Following a meeting involving the Mayor, CEO and senior public servants from the infrastructure management area of the Department of Defence, the Department of Defence has communicated its support for the project however has declined any financial contribution.



In relation to the King Street Cottage adjacent to the Fort, Council has been involved in several meetings regarding the potential community use of this building. This proposal has been supported by both Colonel Bruce Murray and Colonel Andrew Galloway.

In the past, a building assessment undertaken by the Department of Defence indicated asbestos in the outbuildings adjacent to the Cottage. These outbuildings have now been removed. The Department of Defence has recently corresponded to Council stating that the Cottage would be permanently locked and not available for any use.

Council has now forwarded this correspondence to Senator David Feeney, Parliamentary Secretary for Defence, requesting his review and formal intervention in this matter.

Question:

Cr David Mitchell – Can the CEO clarify if the email regarding numbers of properties paying the commercial rate can be included in the Council minutes?

Answer:

The CEO confirmed that this would be included.

Question:

Cr Helene Butler – Can the CEO clarify the area of Fort Queenscliff that will not be used by the National Archive Centre?

Answer:

The CEO responded stating that, based on the briefing from the Department of Defence public servants, it was his understanding that the Department of Defence would complete the construction of the new National Archive Centre in mid 2014 and this will involve an upgrade of those buildings closest to the Fort wall on King Street and Hesse Street. As a general estimate this would leave approximately 60% of the Fort available for other uses, assuming no security related issues.

The proposed Tourism Development Plan would seek to assess the feasibility of tourism options for the Fort and identify the strategies to achieve this goal.

Question:

Cr John Burgess – Can the CEO clarify the future location for the Anzac Day Dawn Service given my previous report to Council indicating that the parade ground of the Fort as a better site?

Answer:

The CEO responded stating that Cr Burgess' views regarding the best future location for the Dawn Service at the Fort Queenscliff parade rather than the Ocean View carpark had been



communicated to Colonel Andrew Gallaway. Andrew Gallaway had indicated that the preference of the RSL was to continue with the Dawn Service at the Ocean View carpark.

Question:

Cr John Burgess – Can the CEO provide a briefing to the new Council on the work undertaken by the current Council and the Municipal Association of Victoria regarding the view that a minimum of seven Councillors should be the benchmark for Local Government?

Answer:

The CEO responded stating that he would include this in a briefing to the new Council.

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



19. CONFIDENTIAL ITEMS

Time: 8:30pm

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 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)**

Carried Unanimously

Time: 8:32pm

Councillors: Davies/Butler

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

Carried Unanimously

20. RATIFICATION OF CONFIDENTIAL ITEMS

Councillors: Davies/Butler

That the decisions made in camera be ratified by Council.

Carried Unanimously



21. CLOSE OF MEETING

8:32pm

Mayor, Cr Bob Merriman acknowledged the support and contribution of the CEO, General Managers and Officers over the term of the Council.

The Mayor also recognised the community contribution to achieving the Council goals.

Confirmed

MAYOR

21 November 2012



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 Pizze

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

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.
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

Date	Question Title	Action	Status
19 September 2012	Cr Mitchell: Can officers provide information to Councilors on those holiday accommodation properties where the Commercial Rate is applied.	<p>The CEO provided a report to Council indicating the following:</p> <p>The commercial rate is applied to 266 properties (this includes 114 'Tourist Accommodation Dwellings' within the following property types). This can be broken down to:</p> <p>88 = Detached dwellings</p> <p>19 = Single unit/villa/townhouses</p> <p>7 = Strata Units</p> <p>114 = Total</p> <p>For privacy reasons I am unable to provide specific rating details of individual properties.</p>	Completed
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?	<p>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 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.</p>	Completed

