



# Minutes

## Ordinary Meeting of Council

Thursday 26 July 2018 at 7:00pm

Queenscliff Town Hall  
50 Learmonth Street, Queenscliff

### **Distribution**

#### **Councillors**

Cr Susan Salter (Mayor)

Cr Boyce Pizzey (Deputy Mayor)

Cr Tony Francis

Cr Ross Ebbels

Cr Bob Merriman

#### **Officers**

Lenny Jenner - Chief Executive Officer

Phillip Carruthers - General Manager Organisational Performance & Community Services

Phil Josipovic - General Manager Planning & Infrastructure

Jessica Chappell – Executive Officer Community Engagement & Customer Services



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## Appendices

<b>Appendix</b>	<b>Title</b>	<b>Agenda Item</b>	<b>Distribution</b>
Appendix 1	Minutes of the Audit Committee Meeting held on 4 June 2018	6.2 Audit Committee Meeting – 4 June 2018	Under separate cover
Appendix 2	Public Toilet Strategy 2015-2025 (updated July 2018)	12.1 Public Toilet Strategy 2015-2025 (updated July 2018)	Under separate cover
Appendix 3	Queenscliff Music Festival 2017 – Post Event Summary Report	13.1 Queenscliff Music Festival 2017	Under separate cover
Appendix 4a	Destination Queenscliff Concept Plans	13.3 Community Engagement and Design Response for the Destination Queenscliff Project	Under separate cover
Appendix 4b	Independent Community Consultation Report	13.3 Community Engagement and Design Response for the Destination Queenscliff Project	Under separate cover
Appendix 5a	Draft Lease Agreement	16.1 Point Lonsdale Bowls Club Proposed Lease	Under separate cover
Appendix 5b	Draft Licence	16.1 Point Lonsdale Bowls Club Proposed Lease	Under separate cover
Appendix 6	Strategic Directions Statement	16.2 Strategic Directions Statement for the Barwon Integrated Water Management Forum	Under separate cover
Appendix 7a	Correspondence from Point Lonsdale Civic Association Inc.	16.3 Reappointment of Chief Executive Officer	Under separate cover
Appendix 7b	Correspondence from Queenscliffe Community Association Inc.	16.3 Reappointment of Chief Executive Officer	Under separate cover



**1. OPENING OF MEETING**

The meeting opened at 7:04pm

**2. PRESENT & APOLOGIES**

*Present:*

Cr Susan Salter (Mayor)

Cr Boyce Pizzey (Deputy Mayor)

Cr Tony Francis

Cr Ross Ebbels

Cr Bob Merriman

Phillip Carruthers – Acting Chief Executive Officer

Phil Josipovic - General Manager Planning & Infrastructure

*Apologies:*

Lenny Jenner - Chief Executive Officer

Jessica Chappell – Executive Officer Community Engagement & Customer Services

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

*Councillors must disclose a conflict of interest in accordance with Section 79 of the Local Government Act 1989.*

Councillors: Cr Ebbels declared a conflict of interest in relation to item 15.3 in that the subject site is in close proximity to his private place of residence.

Officers: Nil

**4. LEAVE OF ABSENCE OF COUNCILLOR**

Nil

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## 5. PUBLIC QUESTION TIME

### 5.1 Public Questions Status Update

**Councillors Merriman / Ebbels:**

**That Council note the Public Questions Status Update, as presented as an Adjunct to Item 5.1, summarizing the status of questions that were not fully responded at the relevant Council Meetings and/or were taken on notice.**

**Carried unanimously**

### 5.2 Public Questions

*Public Questions are submitted to the Chief Executive Officer prior to the opening of the Ordinary Meeting of Council, in accordance with the Borough of Queenscliffe Local Law No 1, 2010, Processes of Municipal Government.*

*The acting CEO advised Council that 9 public questions had been received by Council within the prescribed timelines.*

#### **Question 1**

The person who submitted the question was not present in the chamber.

**Councillors Merriman / Francis:**

**That Council, given the absence of the person raising the public question, respond to the public question in a manner consistent with normal correspondence.**

**Carried unanimously**

#### **Question 2**

Planning Scheme Amendment C28 seeks to rezone some of the land currently zoned 'CA' (Commonwealth of Australia) by State Ministerial Intervention. Diligent search of various records such as DELWP, Landata and the Victorian Government Gazette did not provide evidence that the land under consideration has been transferred to the State of Victoria. Can Council produce the instrument which confirms that this is no longer Commonwealth land?

#### **Mayor**

I will ask the General Manager Planning & Infrastructure to answer this question.

#### **Response by the General Manager Planning & Infrastructure**

Thank you Mayor. Council does not have the instrument requested as this is properly held by the State and Commonwealth. Council was appointed Committee of Management by the State



Government on 21 November 2012. It is my understanding that the State Government cannot appoint Committees of Management to Commonwealth owned land. I will provide a copy of the instrument of appointment to the person asking the question, which also includes references to gazetted orders for the land.

**Question 3 from Point Lonsdale Civic Association**

Given that Council has seen fit to publish a response to the Petition from 22 Retailers in the Agenda for tonight's meeting (26 July 2018) after reading the response I ask:

Where is Council's expression of concern, its empathy, its compassion or its support for the Borough of Queenscliffe's retailers who are attempting to explain their plight to Council about the decisions it is making in opening a 40 seat (?) restaurant at the RIP View and who will soon have to contend with an enlarged restaurant at the ferry terminal which has just started its marketing campaign of discount meals and wine for ticketed passengers?

**Mayor**

I will ask the Cr Francis to answer this question.

**Response by Cr Francis**

Thank you Mayor. Council during the early concept design review process reduced the size of the proposed café / kiosk. The initially proposed café / kiosk was more than double the capacity of what is now proposed. Council with due regard to the Hesse Street traders made this change to reflect the current café operation.

In terms of the Ferry Terminal, there would be many businesses in town who offer discounts. Further, the allowable retail area for the terminal in the planning scheme provisions and articulated in the implementation plan allow is 1000 square metres. This was approved by the Minister for Planning as part of the Planning Scheme Amendment process for the Ferry Terminal area. The recently approved development plan provides for 366 square metres of retail space, significantly less than the allowable area.

**Question 4 from Queenscliffe Community Association**

The QCA believes that this hasty and inadequate public consultation on the C28 rezoning of land should instead provide the opportunity to apply a PCRZ to Shortland's Bluff with an entire heritage overlay and SLO.

Will this council agree to such a request and can it provide detailed reasons for its response?

**Mayor**

I will ask the General Manager Planning & Infrastructure to answer this question.

**Response by the General Manager Planning & Infrastructure**

Thank you Mayor.

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The purpose of the Public Park and Recreation Zone (PPRZ) is to recognise the use of areas for public recreation and open space and to protect and conserve areas of significance where appropriate.

The purpose of the Public Conservation and Resource Zone (PCRZ) is to conserve the natural environment through minimal degradation of the environment or natural processes.

Given that the land has been historically substantially and significantly altered from its natural state, by the provision of the Ocean View carpark, the Public Park and Recreation Zone is the most appropriate zone when considering both the existing uses and future uses for the site.

The application of a Significant Landscape Overlay (SLO) was considered, however, unlike the area to the north and east which contain the lighthouse and native vegetation, the CA land currently contains a carpark which does not currently contribute to the natural landscape of the area.

With regard to the application of a Heritage Overlay (HO), the carpark at the south end of Hesse Street was not noted in the Queenscliffe Heritage Study, 2009 as either significant or contributory to the heritage values of the Borough. As a result, a Heritage Overlay is not considered appropriate.

The subject site is, however, covered by the Environmental Significance Overlay – Schedule 1 (ESO1) and the Design and Development Overlay – Schedule 1 (DDO1). Both of these provisions ensure that:

- any application for a planning permit will need to be referred to the Department of Environment, Land, Water and Planning for comment (in accordance with Clause 66.06 of the Queenscliffe Planning Scheme) ; and
- will need to be assessed against both the Objectives and Requirements of Schedule 1 to the Design and Development Overlay.

The proposed rezoning will not impact any consideration of heritage values and further consideration of the heritage values of the site and potential additional planning controls will be undertaken as part of Council's heritage review.

#### **Question 5**

The Mayor said last night at the Traders petition meeting against Destination Queenscliff that the General Manager of Planning and Infrastructure has been involved in 'highly strategic' traffic planning.

Does that involve directing further traffic from Hesse Street using Gellibrand St. (as the de facto highway) and thereby contributing to the potential economic detriment of Hesse St traders and to the possible benefit to other businesses whether Council, leased or privately owned?

#### **Mayor**

I will ask Cr Ebbels to answer this question.

#### **Response by Cr Ebbels**

Thank you Mayor. Council has committed \$40,000 to plan for improvements to Hesse Street with a view to improve traffic flow and improve outcomes for Hesse Street traders.

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**Question 6**

It is noted that the responses to the Destination Queenscliff project were at a very low 4.1% or thereabouts of the borough population.

It is further noted that under council’s Community Engagement Policy, a Major Project has a requirement for a higher level of engagement, including a letterbox drop (council agenda January 2018, page 36.).

The letterbox drop did not take place which has likely resulted in the very low response rate.

Please explain - Why were non 3225 residents excluded in the analysis of the Destination Queenscliffe survey responses?

(Page extract for convenience)

**5. Summary**

The open house commentary and many of the written submissions indicated a level of dissatisfaction with the proposed design, especially with to the respect to the kiosk placement and the Ocean View car park. However, the survey results generally indicate otherwise.

Survey respondents overall reacted favourably to most proposed elements, as shown in the table below.

The highlighted (last two) project elements revealed a polarisation of opinions among survey respondents. The third and fourth columns of the table below indicate the numbers of survey respondents from postcode 3225 who were in favour ('liked' or 'liked very much') and who rejected ('disliked' or 'did not like at all') the proposals.

Project Element	Response	Number of 3225 residents...	
		Favouring	Rejecting
Shared pedestrian and bicycle path to connect the township and the foreshore	82% in favour	69	9
Queenscliff Lighthouse Reserve pathways and improved planting	82% in favour	62	12
Pathway linking Lovers Walk to proposed Kiosk location	74% in favour	58	18
Public amenities in the Kiosk/Café building	73% in favour	57	24
Stepped deck near Kiosk	73% in favour	57	23
Proposed plantings down Hesse Street and in the car park	73% in favour	58	15
Improved car parking along the southern end of Hesse Street	70% in favour	54	24
The Kiosk Café concept design	67% in favour	52	30
Ocean View Car Park upgrade	66% in favour	53	27
Access boardwalk	52% in favour	36	37
Design of lodgings	49% in favour	38	39

**Mayor**

I will ask the General Manager Planning & Infrastructure to answer this question.

**Response by the General Manager Planning & Infrastructure**

Thank you Mayor. The four open house sessions were extensively advertised in the Mayor’s Column published by the Rip, Bellarine Times and the Echo. These publications are widely available to the community, some of which are delivered to all households. Statistically speaking, a 4.1% response rate is considered positive.

The extract on page 34 of the agenda is taken from the Kismet Forward Consultation results report included as Appendix 4b in tonight’s agenda. The extract is from the summary section of the report which includes the overall response results in % terms and then shows in the last two columns responses from 3225 residents. Details in Kismet’s report analyses and graphically shows responses to all questions from people both within postcode 3225 and people from other postcodes.



### **Question 7**

I refer to an article in today's Australian p24 (you will agree it is no left wing rag) by Bernard Salt, a well respected business man titled "The mayor essentials: how to galvanise communities"

Salt explains "the single-most important thing for every community to do is to develop a real vision for the medium and long term"

The second thing he recommends is "to get rid of the person who thinks" getting a grant from the federal government and running a seminar on "building an entrepreneurial culture" is a good idea.

Given Council has been running a "get-a-grant and build it" strategy for years without an overall narrative for the borough, will council spend some time and effort into considering the need for a over arching vision?

### **Mayor**

I will ask Cr Francis to answer this question.

### **Response by Cr Francis**

Thank you Mayor. Council's over-arching document is the Council Plan and the annual Implementation Plan as required by legislation. The Council Plan is always the subject of community consultation and input.

In addition, Council has undertaken a number of strategic studies typically over a number of years that include community consultation. These projects inform priority projects that get included in the Council Plan. Examples include the Implementation Plan, Economic Development Strategy, Point Lonsdale Structure Plan, the Municipal Strategic Statement, Queenscliffe Coastal Management Plan, Point Lonsdale Foreshore, Point Lonsdale and Queenscliff Lighthouse Reserve studies. After these studies are subject of community consultation, Council resolves the preferred way forward. Council's decision making process takes into account the results of community consultation as well as balancing the overall benefit of any project to the community as a whole. Funding is sought only after these steps are completed.

### **Question 8 from The Rip**

Council recently gave a revised end of May deadline for recreation Reserve netball courts to be completed. Can it explain why this project is running over time yet again and can it give our cricketers any hope that their training nets will be ready for when training starts in a month's time? If not, what alternative measures are being put in place to ensure our cricket club is not disadvantaged?

### **Mayor**

I will ask the General Manager Planning & Infrastructure to answer this question.

### **Response by the General Manager Planning & Infrastructure**

Thank you Mayor. It was reported to Council in April of this year that civil works would be completed by the end of May and Netball Facilities by end of September. The delay in civil works is due to the contractor experiencing difficulty in procuring a cricket net design to meet the required

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specifications. These have now been secured and approved by Council and construction of the nets and base slab is due to start next week. This issue was out of Council's control. It is anticipated all works will be completed by September.

**Question 9**

Destination Queenscliff Master Plan. Given the level of concern by local people, changes to the Destination Queenscliff master plan proposed by Hassell Ltd and the rushed new Planning Scheme Amendment (C28) proposal to rezone coastal land at Queenscliff Headland without community participation, will Council undertake a second round of consultation with the community prior to initiating a planning permit process.

**Mayor**

I will ask the Cr Ebbels to answer this question.

**Response by Cr Ebbels**

Thank you Mayor. No Council will not be undertaking a second round of consultation before the planning permit process, however community consultation is an integral part of the planning permit process.

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

### **6.1 Ordinary Meeting of Council – 21 June 2018**

A copy of the previous Minutes of the Ordinary Meeting of Council held on 21 June 2018 was distributed to Councillors under separate cover.

**Councillors Francis / Merriman:**

**That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 21 June 2018, as distributed, be confirmed as an accurate record.**

**Carried unanimously**

### **6.2 Audit Committee Meeting – 4 June 2018**

**Councillors Merriman / Salter:**

**That the Minutes of the Audit Committee Meeting held on 4 June 2018 (Appendix 1) be accepted.**

**Carried unanimously**

*Cr Merriman noted the new member of the Audit Committee, Mr Peter Bolan.*

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## **7. RECORD OF ASSEMBLY OF COUNCILLORS**

Record in accordance with section 80A(1) of the Local Government Act 1989 (see **Adjunct to Item 7**).

**Councillors Ebbels / Francis:**

**That the Record of Assembly of Councillors, as presented in Adjunct to Item 7, be noted.**

**Carried unanimously**

## **8. MOTION ON NOTICE**

### **8.1 Motion on Notice Status Update**

**Councillors Francis / Pizzey:**

**That the Motion On Notice Status Update, as presented in Adjunct to Item 8.1, be noted.**

**Carried unanimously**

### **8.2 Motion on Notice**

No Motions on Notice were received.

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## 9. CORRESPONDENCE

### 9.1 Petitions and Joint Letters

*In accordance with the Borough of Queenscliffe Local Law No 1, 2010, a petition or joint letter presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.*

#### 9.1.1 Petition: Hesse Street Traders - Queenscliff

**File: QG090.02.23**

Council received a petition addressed to Councillors on 16 July 2018 stating in part *“Please accept this letter as a petition against any further development”* (at Shortland’s Bluff). Consistent with the Local Law No.1 the petition is now tabled for Council's information.

The petition reads as follows:

*‘On behalf of the signatures below (traders in Hesse Street and immediate surrounds) we have been made aware of the proposed development at Shortland’s Bluff and major development works outlined in the Destination Vision and Brief.*

*As business owners in Hesse Street, we embrace development, however we have grave concerns about the proposed 40 seat café at Shortland’s Bluff and major development works outlined in the Destination Vision and Brief and the impact this will have on established cafes, restaurants and other businesses in the retail heart of Queenscliff.*

*We wish to make clear that we are not resistant to change and development in Queenscliff per se, however we firmly believe your current plans dissect the town and further, you must take into consideration the need to lift and revitalise Hesse Street before reinvesting in any development at the ferry terminal or on Shortland’s Bluff. Hesse Street is the hub and heart of Queenscliff and deserves attention.*

*Our concerns with the master plan include:*

- 1. The absence of any financial analysis or information about the impact the tax payer funded café / kiosk and high end lodgings will have on existing businesses – in particular cafes, restaurants and accommodation providers across the Borough*
- 2. Lack of consultation with local businesses and residents most likely to be affected by the development plans prior to the Master Plan’s release.*

*We therefore request:*

- The current project timelines be suspended until genuine consultation with local businesses and residents is conducted prior to the commencement of any planning approval process.*
-



- *You table a detailed financial analysis to determine the impact of Council's planned commercial development on current businesses in Hesse St and its surrounds*
- *Action on developing and restoring Hesse Street in consultation with local businesses and residents concerned about need to improve the street appeal in the heart of town.*

*Therefore, we strongly oppose any development on the Shortland's bluff and ask for the Borough to hear our ideas as traders before development begins.*

*Please accept this letter as a petition against any further development.*

*Signed*

*Traders of Queenscliff*

## **Discussion**

The petition contains 22 signatures however no addresses were provided. A lead petitioner has been identified for correspondence purposes.

The major issues raised by the petitioners are discussed in detail below.

*Lack of financial assessment of the impact of the Destination Queenscliff on local businesses.*

In terms of the Café / Kiosk, it should be noted that a café has operated from the site for many years. The current café operates from a caravan / shipping container and is well utilised by locals and visitors, including campers at the adjacent Recreation Reserve. Prior to the current set up, there was a larger café with indoor seating that was burnt down in the 1970s.

It is considered the proposed café / kiosk included in the Destination Queenscliff concept plans is of a modest size and will not significantly impact businesses in Hesse Street given there has been a café operating from the Shortland's Bluff site for well over 50 years.

Further, a community consultation process conducted in 2013 was designed to gather general thoughts, issues, concerns and ideas relating to the future use of the Queenscliff Lighthouse Reserve. As reported in a discussion paper on the future use of the Queenscliff Lighthouse Reserve, the community engagement and stakeholder engagement in 2013 identified upgrade of the kiosk as a project priority.

In terms of the proposed 10 accommodation lodgings, this was first proposed in the 2006 Queenscliffe Coastal Management Plan, which included:

- *Provide a range of accommodation types including cabins and cottages or other low-set facilities to meet changing demand*

During the preparation of the discussion paper mentioned above, a tourism accommodation offering assessment was undertaken. The discussion paper included the following information regarding the current market offerings.

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*The high end accommodation offering (4 or more stars) in the Borough is relatively limited, with a large supply of mid-range 3 star offerings. A selection of the main luxury accommodation providers are summarised below.*

- The Vue Grand (4 stars). Historic boutique hotel offering 32 rooms. It includes a fine dining restaurant and conference facilities. Prices range between \$175–\$395 per night.*
- The Queenscliff Hotel (4 stars). Historic hotel offering 18 rooms. It includes a restaurant and conference facilities. Prices range from \$145–\$340 per night.*
- Athelstane House (4 stars). Historic guesthouse offering 10 rooms. Includes a bar, restaurant and function facilities. Prices range from \$200–\$250 per night.*
- Big 4 Beacon Resort and Queenscliff Tourist Park (3 stars). The two caravan parks in Queenscliff offer deluxe cabin and villa accommodation. This accommodation type is reportedly becoming increasingly popular with family groups. Prices range from \$200–\$290 per night.*

*The higher-end offerings in Queenscliff have a greater focus on history and providing a heritage experience to guests. Anecdotally, the high-end accommodation offerings were viewed as ‘dated’ with limited investment in establishments occurring in recent years. This lack of investment has meant that the area is failing to attract a new generation of patrons who are looking for a more contemporary experience.*

*Surprisingly for a coastal location there is no accommodation which has direct access to the coast other than the Queenscliff Tourist Park cabins in the Foreshore Reserve.*

The assessment identified a gap in the current market offerings and reinforced the idea that high end accommodation will complement current offerings. The proposed high end lodgings will attract new customers by offering a unique experience and location which will also provide an economic benefit to local traders.

A financial assessment of the proposed lodgings was undertaken by independent consultants and reported to Council in April 2015 and is publically available. While the assessment indicates Council will receive income from the proposed 10 lodgings, it is important to note that Council has a legal obligation to invest any revenue from Crown Land activities into Crown Land management. It is also important to note that for a number of reasons, caravan park site numbers have decreased by over 60 over recent years. The reduction in site numbers was the result of establishment of Moonah Reserves in Victoria Park and the upgraded sports precinct at the Queenscliff Recreation Reserve. Both these project were well supported by the community. Council’s caravan park operations provide a significant revenue source used to maintain Council managed Crown Land.

#### *Hesse Street Revitalisation*

The petition also requests traders and community be engaged to improve the street appeal of Hesse Street. Council completed a Hesse Street revitalisation project in 2010 which was implemented following significant engagement with local traders, including the establishment of a Hesse Street Reference Group.

In addition, Council has allocated funding to undertake further design works to improve Hesse Street. To date, officers have held discussions with Vic Roads (Hesse Street is a Vic Roads road) to assess what can and cannot be done. Council will progress a community engagement process over

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the coming months that will inform the ultimate design of works in Hesse Street. The engagement process will include Hesse Street traders and users.

*Lack of consultation with local businesses*

The components of Destination Queenscliff have been the subject of extensive community consultation dating back to before 2006. The following is a summary of consultation undertaken to date:

1. Queenscliffe Coastal Management Plan. This plan included consolidating all land management responsibilities to Council and preparing a masterplan that included a range of accommodation options in the Queenscliff Recreation / Shortland's Bluff precinct. It also recommended landscape / public realm improvements in this particular area.
2. Following Council's appointment in 2012 as Committee of Management for the Queenscliff Lighthouse Reserve, a discussion paper was developed on the future use of the area which identified 3 options. Following community consultation in 2013 and 2014 which included open houses, surveys and establishment of a community reference group, Council resolved to adopt option 3 as its preferred option. This option included 10 accommodation units and an upgraded kiosk.
3. Following securing funding to implement Council's resolution noted above, Council appointed Hassell Architects in late 2017 to undertake design services to implement Council's adopted preferred option for the Queenscliff Lighthouse Reserve and surrounds. The design also incorporates the Fort Activation components of the Fort Master Plan which was developed following extensive community consultation.
4. Hassell's concept design was subject to four open house sessions during late May / early June 2018. Two of the open house sessions were conducted during week days and two during weekends to provide an opportunity to as many community members as possible to attend.
5. There were two Council Listening Posts held in May and June that also provided an opportunity for members of the community to raise their views on the Destination Queenscliff Project. The Listening Posts were held on 10 May, 10.30am at the Queenscliff Uniting Church and 21 June, 10.30 am at the Point Lonsdale Primary School Hall.

It is considered that ample opportunity has been provided to all community members, including Hesse Street traders, to be informed about the project. That said, at the time of writing this report, Council's acting CEO was arranging a meeting with the petition signatories to provide a briefing on the project.

The petition also calls for Council to suspend the project pending additional consultation. The project is being largely funded by State and Federal Government grants. These grants require the project to be delivered to agreed milestones. While milestones can be varied from time to time, the Federal Government Grant (through the National Stronger Regions Fund) requires Council to complete the project by the end of 2019. Any suspension of the project at this stage will seriously compromise Council's ability to deliver the project in the required timeline.

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**Councillors Pizey / Francis:**

**That Council:**

- 1. Receive and consider the petition;**
- 2. Note the extensive community consultation Council has undertaken on all elements of the Destination Queenscliff project;**
- 3. Note Council's Acting CEO has arranged and conducted a briefing with the petition signatories on the Destination Queenscliff Project;**
- 4. Resolve not to suspend the Destination Queenscliff Project**
- 5. Authorise the Acting CEO to write to the lead petitioner advising of Council's decision.**

**Carried unanimously**

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## 9.2 Inwards Correspondence

Date	Correspondence
4/7/18	Correspondence from a resident regarding the future of Home and Community Care
5/7/18	Correspondence from a resident regarding trimming of vegetation, Queenscliff Community Sports Club and CEO appointment
18/7/18	Correspondence received from a resident regarding the success of the Low Light Festival
20/7/18	Correspondence from a resident and business owner providing Listening Post feedback

**Councillors Merriman / Francis:**

**That the Correspondence be noted.**

**Carried unanimously**



## 10. MAYOR'S REPORT

### 10.1 Functions Attended

Date	Function Attended
18 – 20 June 2018	The Mayor and CEO attended the National General Assembly of Local Government in Canberra
20 June 2018	The Mayor and Executive Officer Community Engagement and Customer Services attended the Australasian Reporting Awards
22 June 2018	The Mayor, Councillors Pizzey, Merriman, Ebbels, the CEO and General Manager Organisational Performance and Community Services attended the Official Launch of the Low Light Festival
24 June 2018	The Mayor attended the opening of the Graeme Peeples exhibition at the Queenscliff Gallery
4 July 2018	The Mayor attended an Aboriginal Place Naming Workshop
5 July 2018	The Mayor, Councillors Pizzey, Merriman, Ebbels, the CEO, General Managers and Executive Officer met with Brian McKiterick, Liberal Candidate for the Victorian Electorate of Bellarine to discuss Council priorities
8 July 2018	The Mayor attended the Queenscliffe Literary Festival event, 'The Enlightenment of the Greengage Tree' by Shokoofeh Azar, at the Queenscliff Uniting Church
16 July 2018	The Mayor and Acting CEO attended the MAV Rural South Central Regional Meeting
17 July 2018	The Mayor, Councillors Pizzey, Merriman, Ebbels, Francis, the Acting CEO, General Manager Planning & Infrastructure and Executive Officer met with Sarah Henderson MP, Member for Corangamite, to discuss Council priorities
18 July 2018	The Mayor attended the Victorian Sister Cities Forum at Parliament House, Melbourne
18 July 2018	The Mayor, Councillors Pizzey, Merriman, Ebbels, Francis, the Acting CEO, General Manager Planning & Infrastructure and Executive Officer met with Libby Coker, Pre-selected Labor Candidate for the Federal Electorate of Corangamite, to discuss Council priorities



Date	Function Attended
19 July 2018	The Mayor and Councillors Ebbels and Pizzey hosted a Council Listening Post at the Queenscliff Uniting Church
19 July 2018	The Mayor, Councillors Ebbels and Merriman and the Acting CEO attended the Barwon Regional Assembly at the Flying Brick Cider House

**Councillors Francis / Merriman:**

**That the Mayor's Report, as amended, be received.**

**Carried unanimously**

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**11. COUNCILLOR PORTFOLIO REPORTS**

No reports to consider.





## 12. COMMUNITY WELLBEING

### 12.1 Public Toilet Strategy 2015-2025 (updated July 2018)

<b>File:</b>	<b>QG052.03.2014/09</b>
<b>Report Author:</b>	<b>Roads and Infrastructure Engineer</b>
<b>Strategic Objective:</b>	<b>Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.</b>
<b>Portfolio:</b>	<b>Community Wellbeing</b>
<b>Portfolio Holder:</b>	<b>Cr Susan Salter</b>

#### **Purpose**

The purpose of this report is to seek Council endorsement of the Public Toilet Strategy 2015-2025 (Updated July 2018) – **Appendix 2**.

#### **Background**

Council appointed Gilbert Consulting to prepare the Public Toilet Strategy for a ten year period in 2015.

The aim of the Strategy is to determine needs in relation to public amenities and to inform Council's decision-making and actions so as to:

- most efficiently and effectively service the community with public amenities,
- improve the quality of public toilets across the Borough.

The draft strategy report was put out for community consultation in 2016 and the outcome of 8 submissions were all positive, constructive and supported the outcomes of the strategy.

#### **Key Issues**

The key issues considered in this strategy are:

- comprehensive examination of existing public toilets
  - Capital Works improvements
  - Minor Works Improvements
  - Operational Changes
  - Ancillary Services Improvements
  - Signage Improvements
-



- Guidelines for the provision of new Public Toilets

## Discussion

The consultant undertook a comprehensive examination in 2015 of Council's existing public toilets and makes recommendations based on performance, risk, building condition and user needs for the future provision of public toilets, the management and operations of the public toilets and recommends thirty three (33) actions to be undertaken over the next ten years for the improved provision and maintenance of the public toilets. The strategy identifies a 10 year capital works program for new or replacement toilets for consideration for funding. The 2015 strategy has been updated to July 2018 to reflect the improvements undertaken in that three year period summarized as:

- Point Lonsdale Foreshore public toilets rebuilt
- Point Lonsdale Lighthouse Reserve public toilets interim upgrade

The Strategy also provides guidelines for the design, siting and fit-outs of public toilets taking into account the surrounding environment, accessibility for people with disabilities, distance between public toilets, incorporating crime prevention through environmental design (CPTED) principles, configuration of public toilets, desired fittings and fixtures and incorporating environmental sustainability features.

There are other public toilets in the Borough such as Queenscliff Railway and Ferry Terminal but these have not been included in this strategy as it only relates to toilets for which council are responsible for care and maintenance.

The Strategy also provides criteria for assessing and prioritizing the need for new public toilets.

## Council Plan

The report relates to **Strategic Objective 4 – Planning and Heritage**.

The relevant strategies include:

- Enhance access to and the amenity and use of the Borough's parks and foreshore reserves

## Financial

The Strategy proposes a total of thirty three (33) actions to be undertaken over the ten year period.

Capital funding for new or replacement toilets will require specific allocation for each project. Funding from other levels of Government for the upgrade of existing toilets or construction of new toilets does not exist unless it is a minor component of a larger project that meets the assessment criteria of a funding program. Council has been able to achieve this outcome in previous years with the Princess and Citizens Park project and the Point Lonsdale Foreshore Revitalisation (Stage 3). Where possible, Council should assess and pursue funding from other levels of Government.

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Minor works and operational changes identified in the Strategy can be funded from existing annual budgets.

## **Social**

The provision and management of appropriately located, safe and clean, quality public toilets is an important service that enhances the experience of residents and visitors who enjoy the many attractions and facilities throughout the Borough. This strategy provides a clear plan for the efficient and effective management of this service over the ten year period.

## **Environmental**

To maximise the safety of users and lessen or prevent the incidence of crime, the design, location and management of public toilets should incorporate Crime Prevention Through Environmental Design (CPTED) principles. These principles include: siting for visibility, Building Materials and finishes and landscaping. These principles encourage public toilets to be highly visible and access should not be obscured from view by landscaping or other features.

## **Risk Management**

There are no significant risks as a result of this report.

## **Officer Direct or Indirect Interest**

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

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

## **Assessment**

The Public Toilet Strategy provides recommendations that will improve the performance and management of Council's public toilets over the ten year period. The strategy provides processes that will provide maintain a safe, accessible, high quality, sustainable network of public toilets within the Borough.

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## **Conclusion**

The Strategy provides a comprehensive review of existing public amenities and provides a program for improvement of these facilities over a ten year period. It also addresses risks associated with public toilets through design principles.

**Councillors Francis / Merriman:**

**That Council endorse the Public Toilet Strategy 2015- 2025 (updated July 2018).**

**Carried unanimously**

**Councillors Francis / Merriman:**

**That Council request officers to:**

- 1. Report back on progress against priorities; and**
- 2. Report on the future implementation.**

**Carried unanimously**

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## 13. LOCAL ECONOMY

### 13.1 Queenscliff Music Festival 2017

<b>File:</b>	<b>QG080-04-01</b>
<b>Report Author:</b>	<b>Economic and Community Development Program Leader</b>
<b>Strategic Objective:</b>	<b>Foster a diverse and vibrant local economy</b>
<b>Portfolio:</b>	<b>Local economy</b>
<b>Portfolio Holder:</b>	<b>Cr Ross Ebbels</b>

#### Purpose

The purpose of this report is to provide Council with a summary report on the 2017 Queenscliff Music Festival (QMF) and reinforce the valuable contribution it makes to the local community.

#### Background

The 21<sup>st</sup> QMF was held on the 24-26 November 2017. The 2017 Festival showcased 65 acts across the three day program. The QMF provides a unique and significant cultural contribution to the Australian contemporary music industry and through its charter is dedicated to adding value to the community in which it resides. The 2017 QMF achieved 'sold out' status for the second time in the festival's history.

The Festival makes a significant contribution to the local community and is a major drawcard event for regional and interstate visitors. Council, along with the State Government and industry, business and community stakeholders, is a supporter of this annual event. Council has made a clear commitment to assist the QMF Committee to plan, develop and deliver the event each year.

Council has a three-year major sponsorship agreement in place with QMF for the 2016, 2017 and 2018 Queenscliff Music Festival events. The Sponsorship Agreement requires an annual evaluation of the event followed by a post event summary report (**Appendix 3**) presented to Council each year. This summary report highlights the contribution of the event to the local community and provides an assessment of how the operational requirements have been met for the event.

#### Discussion

The QMF is required to submit an Event Application each year to the Borough of Queenscliffe, including a Site Management Plan, Noise Management Plan and an Emergency Management Plan. An analysis and summary of these operational elements are as follows:

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**Noise management:**

Noise management is an integral part of the Festival's operation. Noise management is required to ensure that the amenity of the area is not unduly impacted by the music generated during the Festival. The State Environmental Protection Policy or *SEPP N-2 (Control of Music Noise from Public Premises)* sets out noise limits for music generated at festivals.

The Environment Protection Policy goal is to protect residents from levels of music noise that may impact on walking, sleeping, enjoyment of the environment made in noise sensitive areas (homes), whilst recognising the community demand for and benefits of a wide range of music entertainment. The Environment Protection Authority (EPA) sets the noise limit at 65 dB(A) when the measured point is outdoors and the measurement period is approximately 15 minutes.

The Borough of Queenscliffe is responsible for overseeing the management of noise at the event as it is the delegated responsible authority. This delegation, until recently, was approved on an annual basis by the EPA of Victoria. It was decided that a 3 year delegation approval would be sought to prevent unnecessary delays. This was issued and approved in 2016. The delegation expires end November 2018. A new approval will be sought prior to the 2019 event.

The Festival is deemed to be of social significance and is therefore allowed to operate at times outside of those prescribed in the SEPP N2.

**a. Acoustic report and findings**

Prior to the event the QMF was requested to adopt the following procedures:

- Apply a maximum noise limit at affected residences Leq 65 dB(A).
- A remote noise logger to be checked regularly.
- Procedures to be implemented to allow for a quick reduction of the music levels if the logger or Council officers indicate an exceedance.
- The production manager to ensure that sound engineers reduce music levels as instructed by checking the level reduction at the sound desk logger and then rechecking the remote logger to ensure that the required reduction is achieved.
- Noise monitoring to be conducted throughout the event by Environmental Health and Local Laws Officers.

**b. Noise monitoring assessment (formatting):**

- 2017 noise monitoring locations included Beach Street, Bridge Street, Wharf Street, Gellibrand Street and Symonds Street.
  - The Environmental Health Officer completed 15 noise level assessments over the festival period.
  - 4 of noise assessments recorded levels over the noise limit at noise sensitive locations.
  - There were no verbal or written noise complaints.
  - The acoustic consultant's report was not very clear and needs improvement.
  - Assessment of all food vendors was completed and compliance (excluding minor issues) was achieved.
-



- Council as the regulator and delegated authority requested that the festival continue to work towards compliance with the State Environmental Protection Policy for Outdoor Music Noise through the implementation of a robust noise management plan and independent noise assessments.
- 2017 festival noise control measures regarding scheduling of acts, positioning of stages and noise barriers worked very well.

**c. Future Noise monitoring and management**

Council will continue to work with the festival towards achieving noise compliance with the State Environmental Protection Policy. It is recommended that a) QMF be advised to ensure that reference levels are adhered to; or b) noise is minimised in the event that exceedances are observed for the 2018 Festival and continue to report on the results.

***Health and hygiene matters:***

The Environmental Health Officer undertook inspections through the Festival and no issues were identified. A food safety assessment was completed for each of the food vendors. Compliance was achieved for all vendors again in 2017.

***Emergency Services feedback:***

While significant improvements have been achieved by QMF organisers in recent years, feedback received from Emergency Services agencies highlighted concern regarding vendors not being fully equipped at the time of inspection. It was suggested that a more thorough pre-inspection approach be undertaken by the QMF Safety Officer. Council will work with the QMF Operational Manager to ensure comprehensive detail is provided to vendors and the QMF Safety Officer regarding what safety requirements must be met in advance of the Emergency Services agencies' site inspection.

***Public safety and amenity:***

Public safety has become an increasingly higher priority during the pre-planning phase of the festival events with emphasis placed on risk identification and management. The internal area of events is generally well taken care of. Outside the venue can become problematic with adverse weather conditions and high crowd numbers.

While there is low risk for pedestrians moving to and from the venue using roadways and footpaths, pedestrian movement in sparsely lit areas does present potential risks to public safety.

Police resourcing has reduced in recent years. The 2017 event saw this trend continue. Policing will need to be continually reassessed to ensure that public safety needs are met. The attendance of Liquor Licencing Officers, both within the venue and at external licenced venues, appeared to have a positive response with very few alcohol related issues occurring.

2017 saw an unannounced visit from Worksafe during the setup of Lower Princess Park. The inspection resulted in the event achieving full compliance.

Local Laws observed a small number of campers occupying space on the 'Railway Reserve' land behind the houses in Wharf Street. This piece of land is not managed by the Borough of Queenscliffe and therefore parking in this area cannot be managed by Local Laws. Vic Track are aware of this issue.

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The area of grass near the Queenscliff Lighthouse Reserve in the Ocean View car park was opened up to allow for extra parking to address the overflow from the Tourist Park.

Increased waste services were implemented again in 2017 and rubbish (litter) was not a major issue. Cables ties being left on the ground after pack up posed the biggest problem with regard to waste. The Borough of Queenscliffe received a number of complaints from the public regarding the cable ties. There will be a targeted focus in disposing of cable ties for the 2018 event.

Parking did not cause any major concerns this year because several changes were made to accommodate the influx of visitors. Symonds Street works created a number of extra spaces available for usage. Attention to addressing 'Disabled Parking' from 2016 were numerous parking infringements were issued resulted in improved compliance and understanding by patrons. There was no peak in infringements in 'Disabled Parking' areas in 2017.

Streets were generally cleared of both pedestrians and vehicles within one (1) to one and half (1.5) hours after the final act.

***Tourist Park operations:***

Council staff worked closely with the 2017 Festival event organisers to provide a range of camping options to visitors. This included small tent camping on the Queenscliff Recreation Reserve oval, managed by QMF, and both two-night and three-night camping options in Council managed Tourist parks managed by Queenscliff Tourist Parks. Overflow bookings were encourage to stay at Royal Park; 2017 saw the biggest uptake in this offer in the parks history with 39 sites booked. This collaborative approach to the management of the camping resulted in the Tourist Park operations running smoothly.

**Council Plan**

The Queenscliff Music Festival aligns with the Borough of Queenscliffe Council Plan 2013-2017 through Strategic Objective 3: foster a diverse and vibrant local economy' with an initiative to 'Support local organisations to effectively plan and promote major public participation and tourism related events in Queenscliff and Point Lonsdale

**Financial**

Council provides sponsorship to QMF of \$10,000 and in-kind support to the value of \$10,000. This is recognised in Council's 2016-2018 Sponsorship Agreement with QMF. The QMF Sponsorship Agreement is an operational agreement, negotiated every three years and guided by Council's CP022 Sponsorship Policy.

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## Social

The QMF has a significant social impact on the Borough of Queenscliffe. A cornerstone of its social significance is the sourcing and engagement of community groups to provide voluntary support services in return for a cash donation. In 2017 the Festival:

- Provided \$54,401.16 in cash donations to the Bellarine Peninsula Railway, Queenscliff Coast Guard, Queenscliff Cricket Club, Queenscliff Primary School, Queenscliff 1<sup>st</sup> Sea Scouts, Queenscliff Sports Club, Queenscliff Fire Brigade, Point Lonsdale Primary School, Queenscliff Uniting Church, Point Lonsdale Board Riders, Red Cross, Community Calendar and Tides of Welcome Choir, in return for services or facilities pre/post/during the festival.
- The Festival provided physical resources to assist the following groups: Queenscliff Film Festival, Bellarine Catchment Network, Point Lonsdale Board Riders, Community Calendar, Queenscliff Bowling Club, Queenscliff Football and Netball Club, Queenscliff Sports Club, Great Victorian Bike Ride, Queenscliff Literary Festival, Queenscliff Neighbourhood House and Queenscliff Hot Rod Run.
- Provided complimentary tickets with a face value of \$7,880 to 13 fundraising events and activities at various schools, community groups, sporting clubs and other charitable organisations;
- Engaged 391 community volunteers, contributing more than 3,910+ hours to the Festival operations;
- Gifted \$10,600 in total cash, through the QMF Emerging Artist Grant in its 8<sup>th</sup> year, to two emerging Bellarine and Surf Coast music acts to further advance their careers and opportunities;
- Provided a free musical and cultural show for over 600 local and regional Primary School children, parents and teachers on the Friday of the Festival.

The Festival provides a significant economic benefit to the Borough of Queenscliffe. Data collected by the Festival organisers highlighted that there is:

- \$4.61m Total Economic Impact
- 10.57% increase in ticket sales from 2016
- 6.4% increase in attendance from 2016 16,809 total attendance over the 3 days
- 79% stay for 2 or more nights
- 69% female
- 78% over the age of 40
- 69% coming from outside of Local & Greater Geelong, Bellarine, Surf Coast regions
- \$4,618,000 Total Economic Effect based on the REMPLAN Tourism Impact Summary Report.
- \$152,913.39 total marketing expenditure spent on the Festival, promoting Queenscliffe and the surrounding region

In 2017 the festival's main venue tent increased in size by 22% allowing an overall increase in capacity to the event.

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## **Environmental**

The impact of the Festival on the grounds of Lower Princess Park, Princess Park and the back-up helicopter landing site was minimal. The parks coped well, assisted by the excellent weather conditions and Council's good working relationship with event management. The staging of the Festival in Princess Park, Lower Princess Park and the back-up helicopter landing site precinct should continue to be supported at this location.

While it is the opinion of Council officers that this event should continue to be supported at this site, there is a need to continually monitor the impact on the site when extreme weather conditions are experienced. From year to year the park will have varying ability to recover from this large scale event. The capability of the site to recover can be impacted by scheduling multiple events in short succession. Again, this needs to be monitored by Council officers who are delegated responsibility for supervising park maintenance and assessing event activities.

## **Risk Management**

As part of the event permit, QMF are required to submit an extensive Risk Management Plan and Emergency Management Plan. These plans are checked and approved by all relevant local Emergency Service organisations.

Emergency Services agencies meet twice in advance of the Festival to review and provide feedback on the QMF Emergency Management Plan. A formal de-brief is conducted with the same group of Emergency Services agencies in the immediate period following the Festival.

## **Officer Direct or Indirect Interest**

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

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

## **Conclusion**

The Queenscliff Music Festival is an iconic event that significantly contributes to the local community and businesses, while promoting Queenscliff via an extensive marketing and branding campaign. The 2017 Queenscliff Music Festival experienced an increase in weekend ticket sales, up 10.57% on 2016. Festival survey feedback from attending patrons was overwhelmingly positive with 98% of surveys indicating that patrons would return to QMF in the future. Other key measures such as line-up, cost facilities, service, the Festival mobile app and program were given positive feedback.

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**Councillors Ebbels / Francis:**

**That Council:**

- 1. Note the report summarising the outcomes of the 2017 Queenscliff Music Festival;**
- 2. Request officers to prepare correspondence to the QMF Committee to formally acknowledge the significant achievements of the 2017 Queenscliff Music Festival;**
- 3. Support the 2018 Queenscliff Music Festival to be held at Lower Princess Park, Princess Park and the back-up helicopter landing site, noting that Queenscliff Music Festival is required to submit an Event Application, including a Site Management Plan, Emergency Management Plan and Traffic Management Plan;**
- 4. Require Queenscliff Music Festival to prepare a Noise Management Plan for the 2018 Festival event that demonstrates compliance with the State Environmental Protection Policy *N2 Control of Music Noise from Public Premises*;**
- 5. Require Queenscliff Music Festival to continue to engage a suitably qualified noise consultant to undertake independent noise monitoring during the 2018 Festival.**

**Carried unanimously**

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### **13.2 Zaccaria Concerts and Touring**

<b>File:</b>	<b>QG0800101</b>
<b>Report Author:</b>	<b>General Manager Organisational Performance &amp; Community Services</b>
<b>Strategic Objective:</b>	<b>Foster a diverse and vibrant local economy</b>
<b>Portfolio:</b>	<b>Local economy</b>
<b>Portfolio Holder:</b>	<b>Cr Ross Ebbels</b>

#### **Purpose**

The purpose of this report is to update Council on a proposed large scale music concert to be held in Queenscliff March 2019 and seek Councils approval to enter negotiations with the event promoter.

#### **Background**

At the Ordinary Meeting of Council held on 22 March 2018, Council resolved to provide in-principle support for the conduct of a music event conducted by Zaccaria Concerts and Touring (ZCT) in Queenscliff in early 2019.

ZCT, a private music promoter, have held numerous large scale concerts at various seaside venues in communities throughout Australia over several years.

ZCT has approached Council with a proposal to host a large scale outdoor concert at Lower Princess Park to be held on 16 March 2019. The duration of the concert is likely to be from 2pm-10pm and the event would be fully fenced and licenced and attract up to 6000 patrons.

#### **Key Issues**

The key issues that have been identified with hosting a large scale outdoor concert of this nature are as follows:

- 1) The setting of a suitable fee for use of Council controlled land for commercial purposes
  - 2) Suitability of an outdoor concert of this scale and how it would complement or detract from Queenscliff's event calendar, in particular the Queenscliff Music Festival
-



## Discussion

The setting of a suitable fee for use of Council controlled land for commercial purposes has been determined using a similar format applied by the Department of Environment, Land, Water and Planning (DELWP) for commercially run events held on Crown land managed by DELWP. Events run in whole or part for profit on DELWP land require an event fee of \$1.10 per person per day. The land in question, Lower Princess Park is deemed Crown land where Council is the Committee of Management and as such applying a similar fee structure would be consistent with this approach.

It is proposed a fee of \$10,000 be charged. This proposed fee consists of two elements:

- 1) \$5,000 site fee, and
- 2) \$5,000 fee associated with staff and organisation resourcing costs.

It is also proposed that a bond of \$5,000 be required and refunded to the event promoter if the site is returned in a condition acceptable to Council officers.

The suitability of an outdoor concert of this scale and how it would complement or detract from Queenscliff's event calendar, in particular the Queenscliff Music Festival (QMF), has been explored. Both the proposed timing (16 March 2019) and artist line up (John Farnham, Darryl Braithwaite, Ross Wilson and Jack Jones) have been discussed with the QMF. The QMF have indicated that they would be supportive of a concert held in March with the proposed lead artist John Farnham.

## Council Plan

The proposal from ZCT is aligned to the 2017-2021 Council Plan and 2018-2019 Implementation Plan as follows:

**Strategic Objective 1 - Enhance community wellbeing by providing a safe environment where people are involved, healthy and active in recreation, arts and culture.**

2017-21 Strategies:

- Enhance opportunities for participation in arts and cultural activities.

**Strategic Objective 3: Foster a diverse and vibrant local economy**

2017-21 Strategies:

- Increase year round tourism visitation by enhancing use of beaches and parks and supporting arts and cultural events.

## Financial

The event will be conducted at no cost to Council. As discussed above it is proposed a fee of \$10,000 be charged. This proposed fee consists of two elements:

- 1) \$5,000 site fee and
  - 2) \$5,000 fee associated with staff and organisation resourcing costs.
-



A bond of \$5000 would also be required and refunded if the site is been handed back in a condition acceptable to Council officer.

### **Social**

The event builds on Queenscliff's vibrant music culture and provides a significant music event for residents and visitors alike.

### **Environmental**

The event has the potential to negatively impact the peaceful environment for some residents and visitors and care will be taken to ensure music levels are projected away from residents as much as possible.

### **Risk Management**

A full risk assessment of the event will be undertaken as part of the Borough of Queenscliffe Event Application permit process.

### **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.*

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

### **Assessment**

The proposal presented by Zaccaria Concerts and Touring for the hosting of a large scale music concert in Queenscliff has met preliminary requests by Council to present artists who do not detract from the QMF and to schedule the event (16<sup>th</sup> March 2019) with a date that complements the Boroughs event calendar. The private music promoter will be required to undertake a full event application permit process including a site management plan, noise management plan, emergency management plan and traffic management plan.

The event has a strong alignment with the 2017-21 Council Plan and 2018/19 Implementation Plan.

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## **Conclusion**

The event offers the potential to expand Queenscliff's reputation as a prime music destination in Victoria.

### **Councillors Ebbels / Merriman:**

#### **That Council:**

- 1. Request officers to enter into negotiations with Zaccaria Concerts and Touring to conduct a music concert with an artist line up consisting of John Farnham, Daryl Braithwaite, Ross Wilson and Jack Jones at Princess Park on 16 March 2019 subject to the event application satisfactorily meeting the requirements of the Borough of Queenscliffe event application permit process**
- 2. Apply a \$10,000 charge for site fees and organisational resourcing costs to the hosting of the event to Zaccaria Concerts and Touring**

**Carried unanimously**

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### **13.3 Community Engagement and Design Response for the Destination Queenscliff Project**

<b>File:</b>	<b>QG052-03-2017/11</b>
<b>Report Author:</b>	<b>General Manager Planning &amp; Infrastructure / Project Manager</b>
<b>Strategic Objective:</b>	<b>Foster a diverse and vibrant local economy</b>
<b>Portfolio:</b>	<b>Local Economy</b>
<b>Portfolio Holder:</b>	<b>Cr Ross Ebbels</b>

#### **Purpose**

The purpose of this report is to advise Council of the community engagement results and design response to the Destination Queenscliff Project and recommendations regarding project advancement.

#### **Background**

The Destination Queenscliff Project brings together Council tourism master planning for community improvements to the sport and recreation reserve, improvements to caravan park infrastructure at the Queenscliff Recreation Reserve, fort activation and landscape improvements to the lighthouse reserve. The sport and recreation reserve improvement scope is being delivered under a separate project and is not a subject of this report.

The main aspects of the Fort Activation and Lighthouse Reserve scope includes the following deliverables:

- A new kiosk/café, public toilets and information centre,
- 10 high quality tourist accommodation eco-cabins located in the nearby recreation reserve,
- Landscaping, paths and ship viewing platforms within the lighthouse reserve,
- Upgrade of existing car park,
- Hesse street upgrade,
- Improved access around sections of the historic Fort Queenscliff wall,
- Enhanced public open spaces to facilitate community events, such as ANZAC day.

For the above scope, a major project milestone has been recently completed comprising project concept designs being publically advertised through “open house” sessions and surveys in order to communicate, engage and seek community feedback on the proposed works. The open houses were conducted over two week days and two weekend days in late May / early June 2018. The open house sessions were designed to maximise opportunities for community members to attend. The design team from Hassell were present at the open house sessions to directly respond to any queries from attendees.

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## Discussion

Concept designs for the project were completed by consultants Hassell in mid-May this year which were built around the design brief, project deliverables and guiding principles. Drawing upon the “Queenscliffness” of Queenscliff and the many natural and cultural values the concepts were aimed to enhance the Shortland’s bluff area and generate a place of destination.

A copy of the concept designs is provided as **Appendix 4a** to this report and were used as a basis for the community consultation.

In accordance with Council endorsed “Destination Queenscliff Community Engagement Plan” (endorsed in January of this year) Phase 1 of this plan was completed in order to inform and seek community feedback associated with the project concepts.

Four three-hour “open house” (or drop in) sessions were held at the RSL in Hesse Street on 24, 26, 31 May and 2 June 2018 and accompanied by an online survey on Council website for a three-week period closing on 15 June 2018.

In summary 237 contributions were received, with people engaging across one or more of the following:

- 95 people attended the open houses, of whom 82 (86%) identified as living in postcode 3225;
- 122 people completed the survey, of whom ninety (or 74%) were residents of postcode 3225 and forty-six (38%) had attended an open house session; and
- 22 written submissions were received.

Separate meetings were also held with members of the Point Lonsdale Civic Association and Queenscliffe Community Association. Other stakeholder meetings with the Wathaurung Aboriginal Corporation, Victorian Ports Corporation (Melbourne), Department of Defence and the Department of Environment, Land, Water and Planning were conducted also focusing on concept designs.

In addition to the above, Council also received on 16 July 2018 a petition on behalf of the Hesse Street Business Traders of Queenscliff with 22 signatures. The petition and discussion is included in the current agenda under Item 9.1.1.

## ***Community Engagement Outcomes***

Kismet Forward (a sub-consultant to Hassell) facilitated the “open house” sessions and survey, and prepared an independent community consultation report which is provided as **Appendix 4b** of this report.

Survey respondents (both generally and those living locally) reacted favourably to most proposed elements, particularly the shared bicycle and pedestrian path linking to the township, and the proposed Lighthouse Reserve pathways and improved planting. Least favoured elements were the access boardwalk to, and design of, the proposed lodgings.

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The Community Consultation report outlines that the open house commentary and many of the written submissions indicated a level of dissatisfaction with the proposed design, especially with respect to the kiosk placement and the Ocean View car park.

The table below is extracted from the Kismet Forward report included as **Appendix 4b** and summarises the results of the survey.

Project Element	Response	Number of 3225 residents...	
		Favouring	Rejecting
Shared pedestrian and bicycle path to connect the township and the foreshore	82% in favour	69	9
Queenscliff Lighthouse Reserve pathways and improved planting	82% in favour	62	12
Pathway linking Lovers Walk to proposed Kiosk location	74% in favour	58	18
Public amenities in the Kiosk/Café building	73% in favour	57	24
Stepped deck near Kiosk	73% in favour	57	23
Proposed plantings down Hesse Street and in the car park	73% in favour	58	15
Improved car parking along the southern end of Hesse Street	70% in favour	54	24
The Kiosk Café concept design	67% in favour	52	30
Ocean View Car Park upgrade	66% in favour	53	27
Access boardwalk	52% in favour	36	37
Design of lodgings	49% in favour	38	39

Details of survey results and submissions are included in Kismet Forward’s detailed report.

### ***Concept Design Response***

Resulting from stakeholder engagement, community feedback and survey results, Hassell reviewed the concept design elements and have made the following suggestions:

#### Hesse Street

- The nominated 90 degree car parking should be reviewed with provision of 45 or 60 degree car parking
- Improve multi-vehicle typologies including RV’s, buses, caravans including parking opportunities
- Improve synergies with caravan park entrance
- Introduce 40 km/h speed limit
- Consider conduits for future underground power

#### Ocean View Carpark

- Sloping carpark and green to allow improved views from parked cars towards water
- Minimise placement of furniture items impacting on car park views
- Consider incorporation of additional short-term car parks closer to water which may be incorporated as part of navigational aids maintenance access
- Assess options for RV’s, buses, caravan parking opportunities
- Water Sensitive Urban Design (WSUD) and passive irrigation in design





### Kiosk/Café

- Consider slight movement of built structure in western direction to reduce pedestrian and/or car view impacts; any change needs to ensure visible contact from Hesse Street of kiosk/café to attract visitation and not impact on lodging views
- Embed objects within landscape round kiosk to provide visual relief from new building

### Lodgings

- Review actual siting details and level of cut/fill for lodgings while maintaining views to the heads, noting cross-section provided in concept designs is not representative across the entire area of the lodgings siting
- Review of siting levels may provide opportunity to reduce extent of board walk for access to the lodgings from car park

### ***Kiosk/Café Operations***

Given the possible advancement of the design phase for the project, it is most probable that kiosk/café operations will be outsourced. It is therefore considered important for project success and efficiency that the eventual tenant/operator of the kiosk/café is engaged early in the detailed design phase to inform and influence fit-out process to generate efficiencies and timeliness for commencing operation at end of construction period. Therefore, engaging with the open market soon through an “expression of interest” process would be advantageous to Council.

### **Council Plan**

This report for the Destination Queenscliff Project relates to the following 2017–2021 Council Plan strategies:

Strategic Objective 3: Foster a diverse and vibrant local economy.

- *Encourage procurement practices that increase employment opportunities for local residents*

Strategic Objective 4: Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage

- *Enhance access to and the amenity and use of the Borough’s parks and foreshore reserves.*
- *Ensure high quality design and construction standards in new and upgraded community infrastructure*

In addition, Council’s **Implementation Plan 2017/18** includes the following:

*2017/18 Capital Works Programme* – Continue construction of the Queenscliff Sports and Recreation Precinct project

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## **Financial**

The Destination Queenscliff project is funded by grants from the Federal Government, State Government and Council. The recommendations to proceed to statutory planning is within the allocated budget.

## **Social**

The proposed works will improve both the community's and visitors' experience of the Queenscliff foreshore area through improved pedestrian linkages, landscape improvements, and highlighting Fort Queenscliff. In addition, new tourist accommodation and kiosk/café will provide a boost to the local economy.

## **Risk Management**

The requirements of the funding agreements require certain milestones to be met. The key requirement of the Federal Government Funding Agreement (under the National Stronger Regions Funding Program) is completion by December 2019. Delays in planning may result in the project not being delivered in the required time frame, a key project risk.

## **Officer Direct or Indirect Interest**

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

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

## **Final Assessment**

The survey data indicates the general community reaction to aspects of the Destination Queenscliff concept design elements can be inferred as being supported by 69% of survey respondents, and rejected by only 25% of respondents. Whilst there is no data available relating to level of support of the project design in an overall sense, the consolidated response indicates strong levels of support for each of the design elements that Council should consider favourably.

The concept design response also indicates only moderate changes should be incorporated in the next phase of the design process, much of which would normally be expected flowing from concept based designs. It is however important for Council to recognise that changes resulting from the design response for the exact siting of kiosk/café location and lodging arrangements maybe subject

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to alteration as part of the next design phase. Advancing this work to achieve sufficient detail for planning permit submission is therefore considered appropriate.

## Conclusion

Following the development of the concept designs, successful community engagement process and resultant positive survey results, the Destination Queenscliff project should formally advance to planning permit phase noting that this may include some minor design changes to siting of the kiosk/café and lodgings.

### Recommendation:

#### That Council for the Destination Queenscliff Project:

1. Endorse the concept designs;
2. Note the Community Consultation Report for phase 1 of the project Community consultation strategy;
3. Note the overall high level of satisfaction and support resulting from the survey;
4. Note the concept design response resulting from consultation feedback;
5. Proceed with planning permit process on the basis of the concept design with amendments as determined by Council.

### Councillors Merriman / Ebbels:

#### That Council for the Destination Queenscliff Project:

Endorse the concept designs;

1. Note the Community Consultation Report for phase 1 of the project Community consultation strategy;
2. Note the overall high level of satisfaction and support resulting from the survey;
3. Note the concept design response resulting from consultation feedback, highlighting the following changes to be incorporated in the detailed design process;
  - a. Hesse Street
    - i. The nominated 90 degree car parking should be reviewed with provision of 45 or 60 degree car parking
    - ii. Improve multivehicle typologies including RV's, buses, caravans including parking opportunities
    - iii. Improve synergies with caravan park entrance and opportunities with lodging carpark.
    - iv. Introduce 40 km/h speed limit
    - v. Consider conduits for future underground power
  - b. Ocean View Carpark
    - i. Sloping carpark and green to allow improved views from parked cars towards water
    - ii. Minimise placement of furniture items impacting on car park views
    - iii. Consider incorporation of additional short-term car parks closer to water which may be incorporated as part of navigational aids maintenance access



- iv. Assess options for RV's, buses, caravan parking opportunities
- v. Incorporate Water Sensitive Urban Design and passive irrigation in design
- c. Kiosk/Café
  - i. Relocation of built structure in a western direction to the open view for cars heading towards the water down Hesse Street.
  - ii. Embed objects within landscape around the kiosk to provide visual relief from new building
- d. Lodgings
  - i. Amend siting levels of lodgings whilst maintaining views to the heads to minimise extent of earthen fill.
  - ii. Reduce extent of board walk for access to the lodgings from car park
- 4. Proceed with planning permit process on the basis of the concept design with amendments as described above.
- 5. Proceed with public advertising of an "Expression of Interest" for potential future operations for the kiosk/café.

**Comment by Cr Tony Francis:**

*"I don't have any conflict of interest in relation to this matter but I want to clarify my position.*

*Officers have brought to my attention that in my role as Chair of the Rip Chamber of Commerce in early 2016 I signed, on behalf of the Chamber, a letter to Council welcoming Council's efforts to obtain funding for the Destination Queenscliff project.*

*I signed that letter as Chair of the Rip Chamber, reflecting the view of the Chamber.*

*Since signing the letter I have become a Councillor and my responsibility is to Council and the ratepayers. I have a totally open mind with respect to the Destination Queenscliff project and have considered all the information presented."*

**Carried unanimously**



**14. ENVIRONMENTAL SUSTAINABILITY**

No reports to consider.





## 15. PLANNING & HERITAGE

### 15.1 Planning Permit Activity Report

#### 15.1 (a) Planning Permit Summary Report

App. No	Date Received	Address	Proposal	Status
2016/015	15/03/2016	61-75 Murray Road & 260 Fellows Road, Queenscliff	Subdivision of the land into two lots in accordance with the Development Plan	Under review
2016/085	14/09/2016	1 Wharf Street East Queenscliff	Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell alcohol for consumption both on and off the premises (general licence) in association with a food and drink premises	Public notification
<b>**2017/035</b>	<b>09/05/2017 (Amended 3/08/2017 &amp; 13/12/2017)</b>	<b>26 Simpson Street Point Lonsdale</b>	<b>Part demolition of an existing dwelling, demolition of an outbuilding and front fence, alterations and extensions (two storey) to an existing dwelling and construction of a front fence on a site individually listed in a Heritage Overlay</b>	<b>Notice of decision to refuse to grant a permit issued VCAT application for review lodged by applicant VCAT hearing 20<sup>th</sup> December 2018</b>
2017/059	24/07/2017	Queenscliff Harbour carpark, Wharf Street East, Queenscliff	Construct and display signage	Waiting on information from applicant
<b>**2017/101</b>	<b>29/11/2017 (Amended 19/03/2018)</b>	<b>4 Lockwood Street Point Lonsdale</b>	<b>Alterations and extensions to an existing two storey dwelling and variation to the front setback requirements of Design and Development Overlay – Schedule 4</b>	<b>Notice of decision to grant a permit issued VCAT application for review lodged by objector VCAT hearing 20<sup>th</sup> November 2018</b>
2017/104	11/12/2017	Fellows Road (road reserve between Murray Road & McDonald Road) adjacent to Lakers Cutting Queenscliff	Removal of native vegetation and works associated with the minor utility installation (construction of culverts)	Referral to DELWP (Note: proposed removal of patch of vegetation covering 0.040 hectares)



App. No	Date Received	Address	Proposal	Status
**2017/110	20/12/2017 (Amended 15/06/2018)	153 Point Lonsdale Road Point Lonsdale	Construction of a two storey dwelling and front fence and variation to the site coverage and front and side setback requirements of Design and Development Overlay Schedule 3	Public notification of amended plans (Note: proposed site coverage 49.8%)
2017/111	21/12/2017	35 Hobson Street Queenscliff	Part demolition, alterations and extensions to an existing dwelling in a Heritage Overlay area and variation to the site coverage requirements of Design and Development Overlay - Schedule 1	Public notification (Note: proposed site coverage 49%)
2018/008	5/02/2018	2/206 Point Lonsdale Road Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	Public notification
<b>**2018/010</b>	<b>13/02/2018</b>	<b>39 Stevens Street Queenscliff</b>	<b>Part demolition, alterations and extensions (two storey) to an existing dwelling, demolition of outbuildings in a Heritage Overlay area, construction of an outbuilding and alteration to fences</b>	<b>Refer agenda</b>
2018/018	9/03/2018	20A Gellibrand Street Queenscliff	Alterations and extensions to an existing dwelling in a Heritage Overlay area and variation to the setback requirements of Design and Development Overlay – Schedule 1	Public notification
2018/021	16/03/2018	159 Point Lonsdale Road Point Lonsdale	Lopping and removal of vegetation in a Heritage Overlay where tree controls apply	Referral to DELWP
2018/025	23/03/2018	36-38 Winterley Road Point Lonsdale	Construction of a dwelling and variation to the site coverage requirements of Design and Development Overlay – Schedule 4	Under consideration (Note: proposed site coverage 42.3%)
2018/032	23/04/2018	5 Tobin Drive Queenscliff	Removal of vegetation	Further information requested (by DELWP)
2018/037	7/05/2018	2 Douglas Court Point Lonsdale	Alterations and extensions to an existing dwelling	Under consideration
<b>**2018/038</b>	<b>8/05/2018</b> (Amended 31/05/2018)	<b>31 Stokes Street Queenscliff</b>	<b>Alterations and extensions (two storey) to an existing dwelling in a Heritage Overlay area, alterations to an outbuilding, demolition of an outbuilding and variation to the site coverage requirements of Design and Development Overlay – Schedule 1</b>	<b>Under consideration</b> (Note: proposed site coverage 44.15%)



App. No	Date Received	Address	Proposal	Status
2018/039	9/05/2018	34-38 King Street Queenscliff	Subdivision of the land into two (2) lots, creation of access to a road in a Road Zone Category 1 and the construction of fences and driveways on a site individually listed in a Heritage Overlay	Public notification Referrals to VicRoads & Borough Engineer
2018/040	10/05/2018	Ocean & Point Lonsdale Roads (intersection) Point Lonsdale	Removal of native vegetation in the road reserve	Further information requested (by DELWP)
2018/042	21/05/2018	34 Point Lonsdale Road (Point Lonsdale Road viewing area adjacent to playground) Point Lonsdale	Buildings and works associated with the placement of a memorial plaque	Under consideration
2018/043	25/05/2018	2 Qu'Appelle Street Point Lonsdale	Construction of a two storey dwelling	Further information requested 19 June 2018
2018/045	5/06/2018	45 Learmonth Street Queenscliff	Demolition of a dwelling and outbuilding in a Heritage Overlay area and construction of a two storey dwelling	Public notification Referral to Borough Engineer
2018/046	5/06/2018	13 Douglas Court Point Lonsdale	Alterations and extensions to an existing dwelling and variation to the front and side setback requirements of Design and Development Overlay - Schedule 4	Under consideration
2018/047	12/06/2018	5 Golightly Street Point Lonsdale	Construction of a two storey dwelling	Public notification





**15.1(b) Planning Permit Summary Report: Applications on Hold at Request of Applicant**

No applications to report.





### 15.1(c) Planning Permit Summary Report: Applications Finalised Since Last Report

App. No	Date Received	Address	Proposal	Status
2017/081	10/10/2017	8 King Street Queenscliff	Part demolition of a dwelling in a Heritage Overlay area, demolition of an outbuilding, alterations and extensions to a dwelling, variation to the setback requirements of Design and Development Overlay – Schedule 1 and construction of an outbuilding	Permit issued
2017/106	13/12/2017	66 Fellows Road Point Lonsdale	Construction of an outbuilding and variation to the site coverage and front setback requirements of Design and Development Overlay - Schedule 4	Application lapsed (no permit issued)
**2018/005	2/02/2018	37A King Street Queenscliff	Demolition of an outbuilding in a Heritage Overlay, construction of a two storey dwelling and variation to the setback requirements of Design and Development Overlay – Schedule 1	Permit issued
**2018/022	19/03/2018	14 Ward Road Queenscliff	Construction of a dwelling and variation to the site coverage requirements of Design and Development Overlay – Schedule 4	Permit issued
2018/028	09/04/2018	11A Mercer Street Queenscliff	Construction of a two storey dwelling in a Heritage Overlay	Permit issued
2018/031	20/04/2018	93 Glaneuse Road Point Lonsdale	Construction of two (2) double storey dwellings	Permit issued
2018/033	23/04/2018	Pilots jetty associated with 5 Tobin Drive Queenscliff	Works associated with repairs to the Pilots jetty for the purpose of mooring a vessel by the Port Phillip Sea Pilots	Permit issued
2018/034	1/05/2018	113 Point Lonsdale Road Point Lonsdale	Alterations and extensions to an existing dwelling	Permit issued
2018/035	2/05/2018	18 Ocean Road Point Lonsdale	Construction of a dwelling and removal of native vegetation	Permit issued
2018/036	3/05/2018	17 Werry Road Point Lonsdale	Alterations and extensions to an existing dwelling	Permit issued



App. No	Date Received	Address	Proposal	Status
V 2018/044	29/05/2018	66 Learmonth Street Queenscliff	Demolition of outbuildings, construction of an outbuilding and alterations to a front fence on a site individually listed in a Heritage Overlay	Permit issued
V 2018/050	18/06/2018	8 Beach Street Queenscliff	Demolition of an outbuilding in a Heritage Overlay area	Permit issued
V 2018/051	19/06/2018	227 Point Lonsdale Road Point Lonsdale	Construction of an outbuilding (carport)	Permit issued
V 2018/052	25/06/2018	40 Hesse Street Queenscliff	Installation of solar panels on a site included in a Heritage Overlay area	Application withdrawn – permit not required
DP01/2016	15/03/2016	61-75 Murray Road & 260 Fellows Road, Queenscliff	Development Plan and two lot subdivision	Development Plan approved subject to conditions



**15.1(d) Planning Permit Summary Report: New Applications Received Since Last Report**

App. No	Date Received	Address	Proposal	Status
2018/048	15/06/2018	26 Beach Street Queenscliff	Alterations and extensions to an existing dwelling in a Heritage Overlay area	Public notification Referral to CCMA
2018/049	15/06/2018	3 Admans Street Point Lonsdale	The construction of two dwellings (two storey), variation to the site coverage and front setback requirements of Design and Development Overlay - Schedule 4 and subdivision of the land into two (2) lots	Public notification Referral to Borough Engineer
V 2018/050	18/06/2018	8 Beach Street Queenscliff	Demolition of an outbuilding in a Heritage Overlay area	Permit issued
V 2018/051	19/06/2018	227 Point Lonsdale Road Point Lonsdale	Construction of an outbuilding (carport)	Permit issued
V 2018/052	25/06/2018	40 Hesse Street Queenscliff	Installation of solar panels on a site included in a Heritage Overlay area	Application withdrawn – permit not required
2018/053	2/07/2018	15 Johnstone Street Point Lonsdale	Construction of a second dwelling (two storey)	Further information requested 9 July 2018
2018/054	5/07/2018	28 Bethune Street Queenscliff	Alterations to an existing dwelling	Under consideration
2018/055	5/07/2018	13 Kirk Road Point Lonsdale	Construction of a two storey dwelling	Public notification
2018/056	5/07/2018	16 Waterview Close Queenscliff	Alterations and extensions (deck and carport) to an existing dwelling	Public notification Referral to CCMA
V 2018/057	11/07/2018	31 Jordan Road Point Lonsdale	Construction of a carport	Further information requested 16 July 2018
2018/058	16/07/2018	14 Albert Street Point Lonsdale	Construction of a two storey dwelling and variation to the side setback requirements of Design and Development Overlay – Schedule 4	Initial review



App. No	Date Received	Address	Proposal	Status
2018/059	18/07/2018	102 Bellarine Highway Point Lonsdale	Display business identification signage	Initial review

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### 15.1(e) Development Plan Summary Report

App. No	Date Received	Address	Proposal	Status
DP02/2017	17/11/2017	1 Beach Street Queenscliff	Buildings and works associated with the re-instatement of a wharf ("Fisherman's Wharf") and slipway	Under consideration

### LEGEND

\*\* Objections received

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

**Bold** Officer delegation removed

V VicSmart application (officer delegation cannot be removed)

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**Councillors Pizzey / Ebbels:**

**That the report be received.**

**Carried unanimously**

**Councillors Pizzey / Francis:**

**That Council requests officers provide a briefing on Planning Application 2018/038: 34-38 King Street, Queenscliff.**

**Carried unanimously**

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## **15.2 Planning Permit Application 2018/010: 39 Stevens Street, Queenscliff**

<b>File:</b>	<b>220-3900/2018/010</b>
<b>Report Author:</b>	<b>Senior Planner</b>
<b>Strategic Objective:</b>	<b>Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.</b>
<b>Portfolio:</b>	<b>Planning and Heritage</b>
<b>Portfolio Holder:</b>	<b>Cr Boyce Pizzey</b>

### **Purpose**

This report seeks to advise Council on an application for a planning permit at 39 Stevens Street Queenscliff.

The application proposes the partial demolition, alterations and extensions (two storey) to an existing dwelling, demolition of outbuildings in a heritage overlay area, construction of an outbuilding and alteration to fences.

Five (5) objections to the proposal were received as a result of public notification.

### **Background**

In early November 2017 a pre-application meeting was held between the applicant, Council's heritage advisor and Council's then Senior Planner. The proposal put forward by the applicant was demolition of the existing dwelling at 39 Stevens Street and redevelopment of the site.

Council's Heritage Advisor did not support the proposal to demolish the existing dwelling, however, he was supportive of the retention of the existing dwelling with a second storey extension on the proviso that the second storey was not visible from the public arena.

On 13 February 2018, an application for a planning permit was lodged seeking approval to demolish the rear section of the existing dwelling (whilst leaving the original dwelling externally intact), extend the ground floor and add a second storey extension over the rear of the enlarged ground floor.

The application was advertised between 8 March 2018 and 23 March 2018. Seven (7) notices were sent, via Registered Mail, directly to the owners and occupiers of adjoining dwellings. A notice was placed on the site, a notice was placed on the public noticeboard in the Municipal Offices and an advertisement placed in the Echo newspaper.

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Five (5) objections were received to the proposal.

### **Key Issues**

The proposed development of 39 Stevens Street includes the addition of a second storey located approximately 20 metres to the rear of the front verandah of the existing dwelling.

The plan of the second storey at the rear of the subject site at 39 Stevens Street nominates an area containing a bedroom, study, powder room, ensuite, walk in robe and an unroofed deck.

The key issue arising from the proposed addition of a second storey is its compliance with the objectives, requirements and guidelines of the applicable provisions in the Queenscliffe Planning Scheme.

### Heritage Advisor referral comments

All applications for development on sites that are subject to heritage provisions within the Queenscliffe Planning Scheme are referred to Council's Heritage Advisor for comment. The Heritage Advisor made the following comments on the proposed development at 39 Stevens Street, Queenscliff:

*Whilst the rear extension proposed is a large one, and being undertaken to a prominent contributory dwelling they have been deliberately set to the rear, and to some extent lowered in height, to ensure there [sic.] visibility is kept to a minimum.*

*Accordingly the proposal is approved in principle, although some relatively minor modifications I believe still need to be made to ensure the newly extended dwelling respects the original structure as well as it can. These modifications include:*

- 1. The roofing material in the new extension and in the existing retained original component is to be the same as in the original being corrugated galvanised iron.*
- 2. The external walls on the component of the original dwelling is to be retained are to remain in square edged weatherboard and not altered to a 'shiplap' profile.*
- 3. The front chimney in the SW cnr. of the existing dwelling is to be retained, - this is not completely clear in all the drawings.*
- 4. To maintain the transparency of the front fencing and gates, the timber slatted inserts to be fitted into the existing front fence, as with timber picket fences throughout Queenscliff must have the slat. Spacing equivalent to at least half the width of the slats. I [sic.] this case being 35mm (not 25mm as proposed).*
- 5. The proposed new 'Fence and gate' on the NW cnr of the original dwelling is to be the same design as the modified front fencing and gates as outlined in 4. above.*

*With the three clarifications/modifications outlined above, I have no heritage objections to the proposal.*

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The response of the Heritage Advisor is one of many considerations that need to be taken into account when assessing an application for a planning permit. Discussion of other considerations is found below.

## Discussion

### Assessment of the proposal against relevant provisions of the State Planning Policy Framework.

Clause 11.05                    PLANNING FOR DISTINCTIVE AREAS AND LANDSCAPES  
Clause 11.05-2                Distinctive areas of state significance

The objective of Clause 11.05-2 is to:

*Protect and enhance the valued attributes of the distinctive areas of the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges.*

The strategies nominated to meet the objective are as follows:

- *Recognise the significant geographic and physical features of these areas.*
- *Protect the identified key values and activities of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *Recognise the important role these areas play in the state as tourist destinations.*
- *Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.*
- *Protect areas that are important for food production.*

Any assessment against Clause 11.05-2 must consider the *Bellarine Peninsula Localised Planning Statement* (Victorian Government, 2015).

By way of background, there are four localised planning statements for areas that have been identified as both attractive to and accessible by the population of metropolitan Melbourne. These areas are: the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges.

The Localised Planning Statements identify the particular and important built and natural landscapes within the four areas. The statements nominate objectives and strategies which focus on ensuring that new development contributes positively to the continued enjoyment of these areas by both residents and visitors.

The *Bellarine Peninsula Localised Planning Statement* (BPLS) was prepared by the Victorian Government, in partnership with the Borough of Queenscliffe and the City of Greater Geelong, and released in September 2015.

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The BPLS notes that the '*Borough of Queenscliffe is an important area of high conservation value both for its historical built form and environmental significance*'<sup>1</sup>. In addition, the BLPS attributes the following *Township Characteristics* to Queenscliff:

*The urban and commercial areas of the township of Queenscliff are characterised by mainly Victorian and early twentieth century architecture of significant cultural and built heritage value, and the township's rich military and maritime history is also evident. The township is a key coastal seaside resort with foreshore reserves, parkland, sporting venues and coastal and wetland landscapes which have significant environmental and tourism values. It has a significant regional tourism role based not only on the built and natural environments but also the car and passenger ferry terminal providing a link to the Mornington Peninsula and the Queenscliff Harbour. The Queenscliff commercial area contains a number of core retail and service operations, as well as specialty shops reflecting tourist led demand*<sup>2</sup>.

The policy objective identified in the BLPS to protect townships on the Bellarine, including Queenscliff is Policy Objective No. 4: *To protect, preserve and enhance built heritage, cultural and urban character values and preserve the individual identity and role of townships.*

The strategies identified to meet Objective No. 4 are to:

- *Ensure that development responds to the identity and character of the individual township in which it is located.*
- *Protect the character of local conservation precincts, places, objects and sites and heritage areas on the Bellarine Peninsula.*
- *Encourage development which respects the setting of coastal settlements by providing reasonable sharing of views of the coast and foreshore and uses contemporary design that reflects existing built form*<sup>3</sup>

In assessing the proposal for 39 Stevens Street, against the provisions of Clause 11.02-2 and the BLPS, a determination on whether the proposal effectively responds to the established identity and character of the surrounding area is critical.

The identity and character of the surrounding area is preserved in the relevant provisions of the Queenscliffe Planning Scheme including Clause 22.02 – Heritage Policy, Clause 22.03 – Urban Character Policy and Clause 43.02 – Design and Development Overlay. Assessment against each of these provisions is provided in this report.

Clause 15                      BUILT ENVIRONMENT AND HERITAGE  
Clause 15.03-1              Heritage conservation

The objective of Clause 15.03-1 is to:

*Ensure the conservation of places of heritage significance.*

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<sup>1</sup> Bellarine Peninsula Localised Planning Statement – September 2015 (State Government of Victoria), page 5

<sup>2</sup> Bellarine Peninsula Localised Planning Statement – September 2015 (State Government of Victoria), page 9

<sup>3</sup> Bellarine Peninsula Localised Planning Statement (State Government of Victoria) – September 2015, page 15



The strategies nominated to meet this objective are as follows:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.*
- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings whose use has become redundant.*

Considerable work has been undertaken in identifying and assessing the places of heritage significance within the Borough of Queenscliffe. In a sense this work has identified the 'feel' and 'look'<sup>4</sup> of the Borough with the results of this work now encapsulated in the Queenscliffe Planning Scheme and State policies such as the *Bellarine Peninsula Localised Planning Statement*.

In reading and interpreting these documents, there is a dogged intent woven through the text which is the desire to maintain and enhance the unique and intact heritage buildings which are central to 'feel' and 'look' of the township of Queenscliff.

Indeed, the subject site at 39 Stevens Street has been identified as contributing to the identified heritage values of the heritage precinct (HO11) in which it is located.

It cannot be denied that the proposal for the subject site, one which doesn't result in the demolition of the existing dwelling, ensures the conservation of the 'contributory element'. That being said, it is argued that the proposed second storey extension to the dwelling does not effectively reflect the identified heritage values of HO11.

#### Assessment of the proposal against relevant provisions of the Local Planning Policy Framework.

Clause 21.02                SETTLEMENT, HOUSING AND RESIDENTIAL DEVELOPMENT  
Clause 21.02-1            Settlement

Objective 2 of Clause 21.02-1 is to:

*Avoid inappropriate development that compromises areas of acknowledged natural, aesthetic, built, cultural or environmental sensitivity.*

The strategies nominated to meet the objective are to:

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<sup>4</sup> Hansen Partnership: *Borough of Queenscliffe Urban Character Study* July 2000, page 2



- *Contain development within existing urban areas.*
- *Avoid the adverse impacts of new use and development proposal on environmental, heritage and urban character values.*

The subject site and surrounding area have been acknowledged, through provisions in the Queenscliffe Planning Scheme, as an area of built sensitivity. The area in which the subject site is located is designated in the Queenscliffe Planning Scheme as the *Central Queenscliff Precinct* and has been afforded heritage protection under HO11. The HO11 citation in the *Queenscliffe Heritage Study* makes the following observation about why the HO11 precinct is significant to the Borough of Queenscliffe:

*The Central Queenscliff Precinct is historically important as evidencing the residential development of the town from the 1850s to the present day. Whilst the area typically contains small scale residential buildings with little or no architectural pretension, these are interspersed with a number of notable exceptions, including some commercial properties. The significance of these buildings is added to as a consequence of the largely intact pattern of subdivision which dates back to 1856. It is further supported by distinctive vegetation, including the iconic Norfolk Island pines and by the sense of consistency of scale and built form, which is particularly responsive to context and setting<sup>5</sup>.*

For the purposes of the assessment of the alterations and extensions to the dwelling at 39 Stevens Street, the key phrases in the extract noted above are *small scale residential buildings* and *the sense of consistency of scale and built form*.

The *Queenscliffe Heritage Study* provides an assessment of each of the dwellings within HO11 and rates them as *Significant heritage places, Contributory Heritage Places or Places that are neither significant nor contributory (non-contributory places)*.

A visual representation of the heritage designation allocated to dwellings in the area immediately surrounding the subject site is provided below:

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<sup>5</sup> Lovell Chen: *Queenscliffe Heritage Review Volume 4B* Precinct Citations: HO8-HO11, HO76 and HO82, November 2009

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S - Significant

C - Contributory

NC – non contributory

The *Queenscliffe Heritage Study* defines a Contributory heritage place as follows:

**Contributory heritage places** include places within Heritage Overlay precincts that are representative heritage places of local importance which contribute to the significance of the Heritage Overlay precinct in which they are located. They may have been altered but still demonstrably contribute to the identified heritage values of the precinct<sup>6</sup>.

The circular argument is that the dwellings identified above have been nominated as dwellings that play a contributory role in a precinct which contains *small scale residential buildings with the sense of consistency of scale and built form*. The proposal for the alteration and extension to the dwelling at 39 Stevens Street threatens to significantly alter both the small scale and consistency built form in this section of Stevens Street.

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<sup>6</sup> Lovell Chen: *Queenscliffe Heritage Review Volume 1 Summary Report and Recommendations*, November 2009 (reissued December 2011), page 12



Clause 21.04            BUILT ENVIRONMENT AND HERITAGE  
Clause 21.04-1        Urban Character

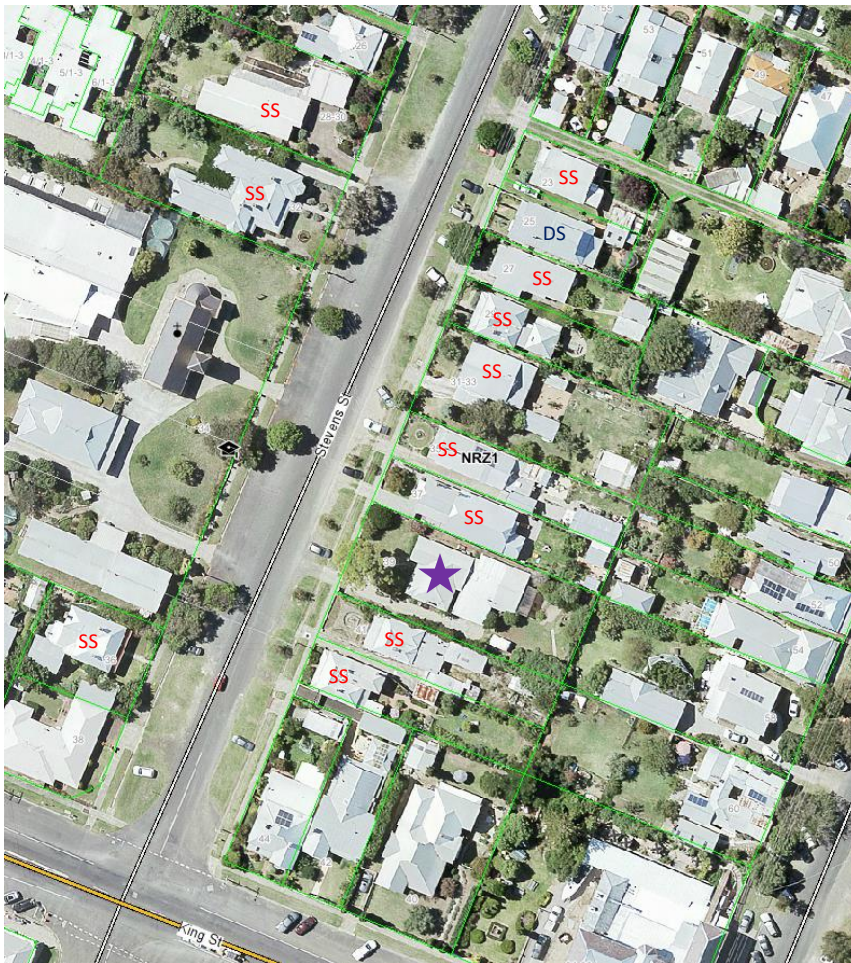
The objectives of Clause 21.04-1 are to:

- *Require that new development in the Borough protects, enhances and harmonises with the following distinguishing elements of the Borough's urban character:*
  - *The significant view lines to and from the sea, coastal dune environments and the Queenscliff townscape skyline;*
  - *The unique and intact building, landscaping heritage, and natural foreshore qualities of the Borough;*
  - *The distinguishing cultural heritage identity of the township of Queenscliff, including the prevailing Victorian and Edwardian built form and scale of development;*
  - *The sense of seclusion and intimacy of Point Lonsdale, which is created through its low-rise, recessive built form and informal, narrow streets in a natural landscape dominant environment; and*
  - *The distinctive natural coastal settings of Queenscliff and Point Lonsdale, including significant areas of intact native and remnant indigenous vegetation.*

New development in Queenscliff must have regard to the prevailing scale, style, height, siting, fencing and palate of building materials and finishes in the core heritage centre of town.

The prevailing height and scale of Stevens Street is single storey, particularly in the area directly surrounding the subject site.

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SS – Single Storey

DS – Double Storey

★ Subject site

Clause 22.02 HERITAGE POLICY  
Clause 22.02-10 Central Queenscliff Urban Conservation Precinct (HO11)

The objectives of Clause 22.02-10 are as follows:

- To provide an appropriate setting for the urban heritage and historically significant buildings of Queenscliff;
- To ensure that new development in the precinct does not detract from the significance of the heritage places identified by Heritage Overlays Schedules 1-10;
- To ensure that any buildings or works, or alterations or additions to any building or works, are in harmony with the character of heritage places identified in the precinct.
- To conserve those trees which contribute to the historic and landscape interest of the precinct or the town in general;
- To encourage new planting to respect the historic significance of the buildings listed in the precinct.
- To protect the uniformity in scale and massing of the buildings.
- To protect the prominence of the church and old parsonage on the sky line of the town and the dramatic view of the church itself.





The character of the Heritage places identified in the precinct (HO11) has been described as single storey, small scale residential buildings. The introduction of a double storey element in the centre of an area that identifies as low-scale residential would detract from the heritage values allocated to the precinct. In addition, the proposal does not reflect the existing scale and massing of the buildings within the precinct.

Clause 22.03                    URBAN CHARACTER POLICY  
Clause 22.03-1                Queenscliff Urban Heritage Areas

The objective of Clause 22.03 is to:

- *Ensure all new development has regard to the siting and design objectives and guidelines of the Borough of Queenscliffe Urban Character Study (2000).*

Clause 22.03-1 contains policy which:

*Applies to all land in the Queenscliffe Urban Heritage Areas, as shown on the Character Management Area Map 1. It includes the core Queenscliff Urban Heritage Area and the Queenscliff Urban Contributory Area.*

*Design and Development Overlay Schedule 1 (Queenscliffe Urban Heritage Areas) and Design and Development Overlay – Schedule 6 (Fisherman’s Flat and environs) applies to this Character Management Area.*

The specific policy identified in Clause 22.03-1 that is not satisfactorily addressed in the proposed extension to the dwelling at 39 Stevens Street is as follows:

*It is policy that...new development should...*

- *Retain the general uniformity in scale and massing of buildings within the street and avoid buildings which are visually dominant when viewed from public spaces due to height, bulk, colour, materials, scale or proportion*
- *Provide for additions to the rear of buildings, which are of an appropriate style in relation to the existing building and do not exceed the prevailing building or ridge lines established by the main existing building on, and adjoining the site.*

In assessing the plans for the proposed works it is not clear that the proposal has been designed with sufficient consideration to the scale and massing of the existing dwellings immediately surrounding the subject site. The 3D images prepared in support of the proposal show that the proposed addition at the rear of the building will exceed the ridge line of both the existing dwelling on the site and the dwellings located to both the north and south of the subject site.

The southern elevation of the plans submitted with the application nominate a sheer wall, between 6.3 and 7 metres high, for a distance of approximately five metres before it recesses 1 metre for another 6 metres. Whilst the dwelling will be setback between 4.2 and 5.4 metres from the southern boundary, the massing proposed along this elevation is significantly greater than for similar dwellings abutting the subject site.

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Similarly, at a distance of 5.4 metres from the eastern boundary and 4.9 metres from the northern boundary sheer walls, approximately 6.2 metres in height, will be presented to the dwellings, and private open space, of abutting properties.

### Zone

The subject land parcel is within the Neighbourhood Residential Zone – Schedule 1. A planning permit is not triggered under the zone provisions as the site is larger than 300 square metres.

### Overlay

The site is affected by Design and Development Overlay – Schedule 1. The design objectives of Schedule 1 are as follows:

*To ensure new development maintains, protects and enhances the distinguishing elements of the urban character of the Queenscliff township, such as:*

- *the substantial and intact groupings of historic one and two storey Victorian and Edwardian buildings;*
- *the unique mix of historic building scales and types, varying from grand free-standing hotels and landmark buildings to intimate single storey cottages;*
- *the informality of streetscape materials and finishes, including front fences;*
- *the broad, straight streets with buildings abutting or close to the street frontage, and side boundaries, which creates a distinctive and relatively high density urban environment;*
- *the opportunities for long views towards Swan Bay or Port Phillip Bay and shorter views to intact historic buildings and streetscapes;*
- *the townscape views of Queenscliff along Bethune Street and its surrounds, which are created by the undulating topography and predominantly single storey built form;*
- *the heritage values of the foreshore and adjoining land, coastal areas and public parks, in recognition of their links with the historic development of the area;*
- *the established exotic street tree planting and private gardens that frame views to building facades and reinforce the formality and historic appearance of the township.*

*To ensure the height, form, mass, siting, style and materials of new development is responsive to the heritage qualities of the town of Queenscliff.*

*To protect the townscape skyline upon the main approach into the Queenscliff township.*

*To protect the heritage values of buildings, sites or objects listed in the Heritage Overlay.*

*To ensure that an appropriate setting and context for buildings, sites or objects listed in the Heritage Overlay.*

*To require all new development to have regard to the urban character policies contained in the Municipal Strategic Statement and to the Building Siting and Design Guidelines contained in the Borough of Queenscliffe Urban Character Study.*

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The Design and Development Overlay also contains requirements that either must or should be met in the design of new development. These requirements include a height restriction of 8.5 metres and two storeys, setbacks from lot boundaries, landscaping, fencing and site coverage. Most of the requirements nominated in DDO1 are met by the proposed design, however, an assessment against the Building Height requirement is discussed in further detail below.

### *Building height*

DDO1 states that no building can exceed a height of two storeys and 8.5 metres above natural ground level.

The proposed second storey at 39 Stevens Street is nominated on the plans, submitted with the application, as a maximum of 7.8 metres. At first glance the nominated 7.8 metres complies with the height requirement, however, the requirement also states that despite the maximum building height of 8.5 metres a lesser building height may be necessary to:

- *reflect a 'bottom up' rather than 'top down' approach to building design;*
- *satisfy the objectives contained in Clause 21.04;*
- *satisfy the Building Siting and Design Guidelines contained in the Queenscliffe Urban Character Study;*
- *reflect the prevailing building height in the immediate area, especially in streets that are predominantly single storey in character; and*
- *take into consideration reasonable sharing of views.*

As discussed previously in this report, the proposed extension does not reflect the predominantly single storey character of the section of Stevens Street in which the subject site is located. In addition, the bulk and massing of the proposed extension is not reflective of a 'bottom up' approach nor does it reflect the style of dwelling located on lots abutting both the northern and southern boundaries of the subject site.

### Objections

A total of five (5) objections to the proposal have been received.

In summary, the objectors raised the following issues which are responded to below:

*Proposed changes to the existing fenceline to reflect the Title boundary along the eastern boundary of the subject site.*

Title boundary disputes are civil issues and not related to the current land use planning application being assessed for the development of 39 Stevens Street.

*Maximum height in the overlay is 7.6 metres. If a second storey is approved the height should be reduced to align with the neighbouring building.*

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Design and Development Overlay – Schedule 1 (DDO1) nominates a maximum building height of 8.5 metres. The maximum height nominated on the plans for 39 Stevens Street is 7.8 metres which is compliant with the DDO1 requirement.

Agree that the height should be reduced to better align with the heights of existing dwellings immediately surrounding the subject site.

*Overlooking, overshadowing and non-compliance with ResCode*

There is no trigger in the Queenscliffe Planning Scheme for a ResCode assessment of the proposed development. Issues of overlooking and overshadowing will be assessed by a Building Surveyor at the time a Building Permit is sought.

*Loss of amenity with the introduction of a pool and deck*

There is no planning permit requirement for a swimming pool as the pool will not be visible from a street or public park. As a result, issues raised by objectors about loss of amenity cannot be considered in this assessment.

*Potential damage to existing brick walls and windows as a result of removal of Ivy.*

The removal of exotic (non-indigenous) vegetation, unless specifically protected by the Queenscliffe Planning Scheme, does not require planning approval. As a result, consideration of damage to other dwellings as a result of removal cannot be considered in this assessment.

*The second storey will be visible from the street*

Noted. See assessment against the relevant provisions of the Queenscliffe Planning Scheme.

*The proposal has not been adequately addressed by the Heritage Advisor.*

Council's Heritage Advisor has made comment on the proposal and does not object to the double storey extension.

That being said, the Heritage Advisor has previously successfully objected to an application for a double storey extension to the dwelling abutting the northern boundary of the subject site. This represents a significant and undeniable inconsistency in heritage advice, particularly when the Heritage Advisor's comments at the time acknowledged that HO11 is predominantly single storey and the altering of an *existing low single storey dwelling to make it a high double storey one, could not I believe be said to be 'in keeping with the character and appearance of the place'*.

Council's Heritage Advisor provides opinion and comment for consideration, as part of the wider assessment against all the provisions affecting the subject site. Whilst it is unfortunate that the advice in this case has been inconsistent with advice offered previously, it is ultimately the responsibility of Council to make the decision regarding the proposal for 39 Stevens Street.

*The pool must be shown as the required distance from the boundary*

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This distance from the property boundary of the proposed pool is not a planning consideration as a planning permit is not required for the construction of a pool and DDO1 refers specifically to building setbacks.

*Roof should be designated on plans as corrugated galvanised iron*

Agreed. Council's Heritage Advisor requested that a condition requiring this change be placed on a planning permit should one be issued.

*There is a specific requirement that all dwellings on Stevens Street, between King Street and Stokes Street, must be single storey*

Heritage Overlay 11 acknowledges the predominant single storey nature of dwellings located within the boundaries of the *Central Queenscliff Urban Conservation Precinct* and the desire to protect same.

### **Council Plan**

This planning application has been assessed giving due consideration to the strategic direction identified in the 2017-2021 Council Plan, particularly Strategic Objective 4 – Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.

### **Financial**

There are no financial impacts for Council as a result of the proposal.

### **Social**

Consideration has been given to the impact of the proposal on the amenity of the surrounding area and the potential impact on the community of Queenscliff.

### **Environmental**

The environmental impact of the proposal has been considered as a component of assessment against the provisions of Design and Development Overlay – Schedule 1 of the Queenscliffe Planning Scheme.

### **Risk Management**

All relevant matters as required by the *Planning and Environment Act 1987* have been considered in the assessment of the application.

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**Community Engagement**

Council has a commitment to community engagement and effective consultation.

CATEGORY	One <input checked="" type="checkbox"/>	Two <input type="checkbox"/>	Three <input type="checkbox"/>	Four <input type="checkbox"/>	Five <input type="checkbox"/>	Six <input type="checkbox"/>
	One-off Issues	Changes to current practice	Area impacts	Service planning	Major plans	Major projects

At the meeting of 26 April 2018, Council removed officer delegation conferred under Section 98(1) of the Local Government Act 1989 in relation to Planning Application 2018/010: 39 Stevens Street, Queenscliff – part demolition, alterations and extensions (two storey) to an existing dwelling, demolition of outbuildings in a heritage overlay area, construction of an outbuilding and alterations to fences, on the grounds of response to the location and form of buildings on adjacent land and response to the heritage qualities of the town of Queenscliff.

A Planning Review meeting was held at 7.00pm on 7 June 2018 during which the applicant and objectors were given the opportunity to speak to Council on the proposal. A total of nine (9) persons attended the meeting.

**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.*

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

**Assessment**

As discussed in this report, the application has been assessed as non-compliant with the relevant State Planning Policy Framework and the Local Planning Policy Framework of the Queenscliffe Planning Scheme.

**Conclusion**

As noted above, assessment of the proposal has resulted in a number of non-compliances against the objectives and requirements of the Queenscliffe Planning Scheme.



**Councillors Pizzey / Francis:**

That Council, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to issue a Notice of Refusal to Grant a Planning Permit under the provisions of the Queenscliffe Planning Scheme in respect of the land known and described as 39 Stevens Street, Queenscliff for part demolition, alterations and extensions (two storey) to an existing dwelling, demolition of outbuildings in a Heritage Overlay area, construction of an outbuilding and alteration to fences, based on the following grounds:

1. The proposal is contrary to Clause 11.05-2 (Distinctive areas of state significance) as the development does not protect the key values and attributes of the township of Queenscliff as identified in the *Bellarine Peninsula Localised Planning Statement* (Victorian Government, 2015)
2. The proposal is contrary to Clause 15 (Built environment and heritage) as the proposal does not respect places with identified heritage values.
3. The proposal is contrary to Clause 21.02 (Settlement, Housing and residential development) as the proposal does not avoid adverse impacts of new development on heritage and urban character values.
4. The proposal is contrary to Clause 21.04 (Built environment and heritage) as the proposal is not respectful of the prevailing scale and height of surrounding dwellings.
5. The proposal is contrary to Clause 22.02 (Heritage policy) as the proposal does not protect the uniformity in scale and massing of the buildings.
6. The proposal is contrary to Clause 22.03 (Urban character policy) as the proposal does not retain the general uniformity in scale and massing of buildings and will be visually dominant when viewed from the street.
7. The application does not adequately respond to the objectives of Design and Development Overlay – Schedule 1 as the proposal is not respectful of the building height, building form and massing of surrounding development.
8. The proposal fails to provide an acceptable planning outcome in accordance with Clause 65 of the Queenscliffe Planning Scheme and as listed in Grounds 1 to 7.

Carried

Cr Merriman requested a division:

For: Councillors Ebbels, Francis, Pizzey and Salter

Abstained: Cr Merriman



8:27pm Cr Ross Ebbels declared a conflict of interest in that his private residence is in close proximity to the Council-owned land at Murray Road, and left the chamber.

### **15.3 Council Owned Land at Murray Road**

<b>File:</b>	<b>QG170-02-02</b>
<b>Report Author:</b>	<b>General Manager Planning &amp; Infrastructure</b>
<b>Strategic Objective:</b>	<b>Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.</b>
<b>Portfolio:</b>	<b>Planning and Heritage</b>
<b>Portfolio Holder:</b>	<b>Cr Boyce Pizzey</b>

#### **Purpose**

The purpose of this report is to advise Councillors on the final Development Plan for the Council owned land at Murray Road.

#### **Background**

The subject site is situated adjacent to the north-western edge of Queenscliff between Bellarine Highway and Murray Road with frontage to Fellows Road. The site is an irregularly shaped allotment with frontages of approximately 163 metres to Bellarine Highway, 219 metres to Fellows Road and 352 metres to Murray Road. The land has an area of approximately 6.96 hectares (17.21 acres).

The land is undeveloped and has been used in the past for a rubbish tip. The existing site levels range from 0.17m AHD to 1.74m AHD. The site topography comprises two high points in the south-eastern and north-eastern corners of site which are the result of previous filling of the site. The remainder of site is approximately a metre lower and characteristic of the marsh areas adjoining Swan Bay to the east of the site. An existing vehicle crossover is located on the south-eastern corner of the site, providing vehicle access from Murray Road to the site.

The site is currently vacant. Council records show the land has been zoned for residential purposes since at least 1981. A 2008 planning permit application for the site included a development plan (as required by the Queenscliffe Planning Scheme for any subdivision of the site) which provided for the subdivision of the eastern portion of the site into 18 residential lots. The application was referred to other relevant authorities and was opposed by the then Department of Sustainability and Environment due to the impact on significant native vegetation. It is believed that the Planning Permit Application was abandoned as a result.

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Council considered an updated Development Plan in April 2015. Council resolved unanimously at the April 2015 Ordinary Meeting as follows:

*That Council:*

1. *Notes the contents of this report and the Development Plan Report included in Appendix 3;*
2. *Approve Council officers to prepare and submit a Planning Permit Application to enable the subdivision of 61-75 Murray Road into two lots in general accordance with the Development Plan;*
3. *Requests Council officers to provide a further report to Council at the conclusion of the Planning Application process;*
4. *If Council determines that the land is to be sold in the future, that Council establishes a mechanism to maintain the value of the asset;*
5. *Notes that the Department of Environment, Land, Water & Planning will fully assess the impact of this development of the flora and fauna on the site.*

Since Council's resolution above, further investigations and assessments were required to be undertaken as a result of the assessment of the Development Plan. These additional works are summarised below.

- Additional Flora and Fauna Significance Impact Assessment
- Referral to Department of Water, Environment, Land and Planning (DWELP)
- Referral to Corangamite Catchment Management Authority (CCMA)

In addition, informal advertising of the Development Plan was undertaken resulting in 5 objections being received. The matters raised above are discussed in more detail in the Discussion section of this report.

### **Key Issues**

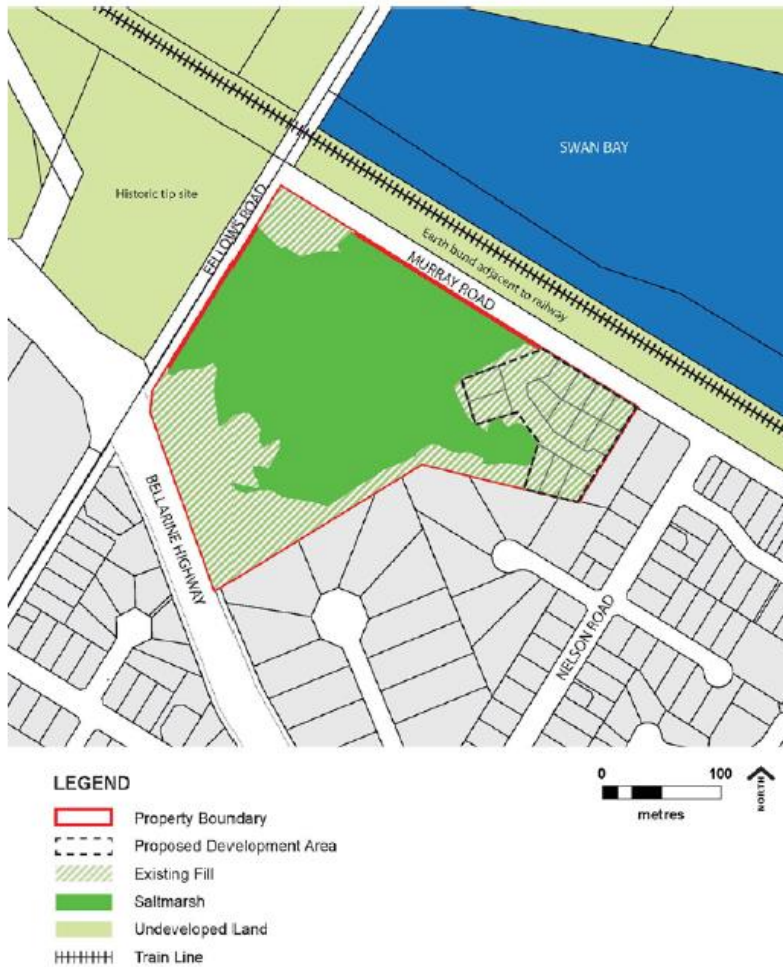
- Council note the approval of the Development Plan
- Council note the process for selling of Council owned land

### **Discussion**

As mentioned, a Development Plan was presented to Council previously. The Development Plan proposes 13 residential lots between approximately 440 and 650 square metres in area as shown in Figure 1 below (Context Plan) extracted from the Development Plan document.

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Figure 1 – Context Plan



#### CONTEXT PLAN

The Development Plan is limited to the eastern portion of the land shown in the above context plan as *Proposed Development Area*.

During the assessment process, further information was requested before finalising assessment of the Development Plan. The further information requested and now provided is detailed below.

#### *Flora and Fauna Significance Impact Assessment (SIA)*

The Murray Road site has been the subject of a number of ecological assessments dating back to 2004. Biodiversity values identified from within (or in close proximity to) the land include remnant vegetation (Coastal Saltmarsh, Brackish Sedgeland and Estuarine Flats Grassland Ecological Vegetation Communities), as well as potential foraging habitat for the critically endangered Orange Bellied Parrot (OBP). The land is also identified to be in close proximity to the Port Phillip Bay (western shoreline) and Bellarine Peninsula Ramsar site. Both the OBP and the Port Phillip Bay (western shoreline) and Bellarine Peninsula Ramsar site are considered Matters of National Environmental Significance (MNES). OBP is listed as critically endangered under the Environment Protection and Biodiversity Conservation Act, 1999.



The most recent ecological report prepared for the site (PKA, 2017) recommends that development of the lot be referred to the Commonwealth Department of Environment and Energy (DoEE) for potential impacts on the two MNES identified above. On review of the proposed subdivision plan however, it was considered that the likely impacts could be considered minor in nature, and a SIA should be undertaken to inform the need or otherwise for the development to be referred to DoEE for impacts to the aforementioned MNES.

The current plan has avoided any need for the removal of vegetation that has been highlighted as having the potential to support the OBP. This has been achieved by limiting the extent of the developable land to the eastern corner of the site, within vegetation that is dominated by exotic grassy and broad-leaf weed species.

A SIA was undertaken by a suitably qualified consultant, AECOM, who concluded:

*In consideration of the extent of the proposed development and the fact that native vegetation and OBP habitat will not be directly impacted, the proposed action unlikely to result in a significant impact to the MNES addressed. As such it is considered that referral of the matter to the Commonwealth Minister of Environment is not required. Appropriate controls to mitigate the risk of indirect impacts should be detailed in a Construction environment Management Plan (CEMP) or similar.*

#### *Referrals*

No formal referral requirements are detailed in the Queenscliffe Planning Scheme for a Development Plan. Informal external referrals were sought from DELWP and CCMA and are summarised below:

#### DELWP

- Requested notice of any multi lot subdivision occur to DELWP in future noting they are not a formal referral authority.
- Development Plan should make a salinity Management plan part of future subdivision permission.
- Development Plan should allow for management of risk associated with Coast Acid Sulfate Soils as part of future subdivision.
- Drainage for the land unclear and broader overview required.
- Impacts on Swan Bay should be further analysed.
- Supports Development Plan requiring a Construction Environmental Management Plan for future subdivision works.

#### CCMA

- No objection to the proposal with consideration of issues of future sea level rise as detailed in Clause 13.01-1 of the Queenscliffe Planning Scheme related to 0.2 metres over current 1 in 100 year flood levels by 2040 for urban infill development.
  - Outlined that a minimum floor level for development will need to be 1.56 metres AHD to cater for anticipated 2040 flood levels
  - Suggested consideration should be given to nominating higher levels to cater for 2100 period at 1.86 metres AHD.
  - Suggested access to east across adjacent land to Nelson Road would be positive to provide an alternative access that is less impacted by future folding.
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### *Public Notification*

No formal process exists for the public notice of Development Plan applications within the Planning & Environment Act 1987 or the Queenscliffe Planning Scheme.

Informal notification of the application has occurred to allow the opportunity for parties to provide input into Council's decision on the Development Plan however no formal rights are conferred to submitters. The application has been informally advertised by:

- Sending notices to the owners and occupiers of adjoining land;
- Placing a notice in the Municipal Offices

Five objections have been received as a result of the public notification.

The key issues raised in the objections are summarised and responded to below:

#### *Lack of stormwater management detail*

The 1.2 hectare area to be developed is above the 1 in 100 ARI flood level. The level of stormwater discharge from the proposed development is not considered to a level to detrimentally impact the surrounding area beyond that already occurring from urban development. Detailed stormwater management plans will need to be included as part of any future subdivision.

#### *Sea level rise impacts not considered*

The CCMA have previously (2014) noted that development on areas of the site below the 1 in 100 ARI flood event should not occur and will add to known flood risk. In the regard the level of development outlined in the Development Plan relates to an area of 1.2 hectares that is located above the 1 in 100 ARI flood extent. The Development Plan application has been referred to the CCMA for comment. The CCMA have not objected to the proposal with consideration of issues of future sea level rise as detailed in Clause 13.01-1 of the Queenscliffe Planning Scheme related to 0.2 metres over current 1 in 100 year flood levels by 2040 for urban infill development. The CCMA have outlined that a minimum floor level for development will need to be 1.56 metres AHD to cater for anticipated 2040 flood levels. The majority of the land area of the future subdivision can achieve this level apart from some lots to the eastern end where floor levels of future development may need to be elevated.

#### *Access from Murray Road across swale drain a concern – character and environmental impacts*

Environmental studies undertaken for the site and supporting the application have not indicated significant environmental features of the swale drain in Murray Road. Other sensitive environmental areas have been identified on the broader site to the west and south. The concept subdivision design in the Development Plan seeks to protect key environmental features from development and having some lots with access to Murray Road will ensure that identified environmental features on other parts of the site can be maintained.

#### *Small size of the proposed lots not in character with the area*

The lots proposed range from 440 square metres through to 760 square metres. Whilst there are larger lots in Noma Court to the south, the existing arrangements of lots in Nelson Road and Edgewater Close provide a reasonable expectation for lots with areas as proposed. The lot sizes

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proposed are also balanced against the remainder of the land not being identified for development as part of the current Development Plan.

*Traffic impacts to area*

Traffic assessment by Traffix Group indicates that any increased traffic would be minimal and not have undue impact on the surrounding road network including Murray Road.

*Development Plan should provide for a road connection to adjoining land at 81 Nelson Road*

The opportunity for a road connection to land at 81 Nelson Road is acknowledged. It is considered recognition of such opportunity should be provided for in the Development Plan and this can be referenced as a concept through appropriate notation on the Development Plan. Such access is also supported by the CCMA to provide an alternative access point to the land with less potential flood impact into the future.

*Details of built form and landscaping on each lot needed*

The current Development Plan is not intended nor required to cover the detail of the future development of the lots. Detailed design of the future subdivision and development of each lot is subject to detailed planning permit processes as part of future applications. Such detail cannot be processed until a Development Plan has been approved.

Detailed servicing arrangements for each lot will also be investigated through future processes.

*Issues of sale and process have been raised by some submitters*

The sale of the land is subject to separate Council processes under the Local Government Act and is not relevant to the assessment of the Development Plan application against provisions of the Queenscliffe Planning Scheme, however is discussed further in this report.

Overall the issues raised in the submissions are noted and whilst some change to the Development Plan was recommended, overall the issues raised in submissions were not considered reasons to not support the Development Plan.

It should be noted that the detailed assessment was carried out by an independent planning consultant. A delegates report was prepared and subsequently the Development Plan was approved under delegation subject to changes to the Development Plan. The changes identified are:

1. Amend the Development Plan to outline that prior to any permission for multi lot residential subdivision further testing related to contaminants consistent with the Hygienics report June 2005 and Earthtech report December 2005 must be undertaken and all asphalt removed and advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE as amended from time to time must be provided.
  2. Amend the Development Plan to outline that prior to any multi lot residential subdivision occurring a salinity management and coastal acid sulfate soil investigation must be undertaken to confirm any saline soil risk or acid soil risk and inform appropriate construction techniques to manage these impacts on future development if present.
-



3. Amend the Development Plan to note the advice from the CCMA that the floor levels for development will need to be 1.56 metres AHD to cater for anticipated 2040 flood levels per Clause 13.01-1 of the Queenscliffe Planning Scheme.
4. Amend the Development Plan to note the boundary to 81 Nelson Road with the text "Road reserve with opportunity to connect through to Nelson Road subject to land owner agreement" to allow for alternative access per advice from CCMA.
5. Amend the Development Plan to note a detailed stormwater management plan to support residential multi lot subdivision will be required with an aim of reducing stormwater impacts from the development to the balance of the site and to Swan Bay.
6. Amend the Development Plan to outline that a detailed Construction Environment Management Plan will be required for any multi lot residential subdivision that should include:
  - Removal of contaminants and landfill in a manner that prevents offsite impacts
  - Design construction
  - Stormwater management during construction and operation, and
  - Minimisation of disturbance to native vegetation and habitats

#### Subdivision of Land in Accordance with Development Plan

With the approval of the Development Plan, a planning permit has been issued for a two lot subdivision as the subdivision plan is in accordance with the Development Plan. The subdivision contains two lots, being Lot 1 of approximately 9,509 square metres identified as developable land in the Development Plan and Lot 2 of approximately 6.045ha in size.

It should be noted that public notice of the subdivision is not required and no third party appeal rights are available.

The plan of subdivision will be lodged with the titles office for registration. It is estimated that registration by titles office will take approximately 6 to 8 weeks.

#### Possible sale of land

The Development Plan has been prepared in a manner that would allow development of 13 lots on the smaller of the two lots (Lot 1) created by the subdivision. Council could consider the sale of this lot given its potential for residential development.

If Council determine to consider the sale of land, it must comply with Section 189 of the Local Government Act 189, which states:

#### **189 Restriction on power to sell land**

- (1) *Except where section 181 or 191 applies, if a Council sells or exchanges any land it must comply with this section.*
- (2) *Before selling or exchanging the land the Council must—*
  - (a) *ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and*



- (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the **Valuation of Land Act 1960** a valuation of the land which is made not more than 6 months prior to the sale or exchange.
- (3) A person has a right to make a submission under section 223 on the proposed sale or exchange.
- (4) Subsection (3) does not apply to the sale of land that formed part of a road that has been discontinued and which the Council has resolved to sell as the result of a Council exercising its powers under clause 3 of Schedule 10

## Council Plan

The Development Plan and subsequent subdivision of Council owned land in Murray Road is supported by the following Strategic Objectives and Strategies from the Council Plan 2017-2021:

### *Strategic Objective 4 – Planning and Heritage*

Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.

#### *Strategy*

- Engage the community in strategic land use planning.

### *Strategic Objective 5 - Governance and Performance*

Maintain a cohesive, well governed, financially sustainable and independent Borough.

#### *Strategy*

- Maximise the return on Council assets and leverage external funding opportunities.

## Financial

The estimated value of the developable land if sold as a single 1.22 Ha site to a developer is based on the realisation value of the 13 lots less development costs and profit margin for a developer. Development cost estimates include provision of and augmentation of utility services as well as possible replacement of fill across the developable area. Given these estimated costs for development are subject to change, they could impact the final market value of the land before sale to a developer. In accordance with Section 189 of the Act, a formal valuation of the land would need to be obtained in the event Council determines to sell the land.

## Social

If the 1.22 Ha of land identified in the Development Plan for residential development was to proceed, it would result in a further 13 properties available for purchase which would potentially lead to new residents in the Borough.

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The proposal will have a minor impact on some existing residences in Nelson Road and Noma Court (i.e. properties currently backing on to the developable area of Council owned land), however these impacts can be managed through the Planning Permit Application process and relevant building regulations.

### **Environmental**

The impact to the environment should the development proceed as outlined in the Development Plan is considered to be minimal. The developable area is limited to an area that does not include significant vegetation and therefore will not necessitate the removal of significant native vegetation. It is considered the additional 13 lots would have minimal impact to Swan Bay from a stormwater drainage point of view and can be managed appropriately through the detailed design process and the requirement for a stormwater management plan. The Development Plan also recommends that during the 13 lot subdivision approvals stage, a Construction Environmental Management Plan be prepared by the developer to ensure impacts to Swan Bay, native vegetation and habitats during construction are minimal and appropriately managed.

### **Risk Management**

There are no significant risks associated with this report at this time.

### **Officer Direct or Indirect Interest**

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

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

### **Assessment**

The updated Development Plan has been publically advertised and referred to external agencies. The Development Plan and submissions were assessed by an independent planning consultant against relevant provisions of the Queenscliffe Planning Scheme. The independent consultant recommended approval with conditions.

### **Conclusion**

The Development Plan application has been assessed and found to be consistent with the State and Local Planning Policy Framework and the Development Plan overlay provisions. The application was approved subject to the recommended conditions to update the Development Plan.

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**Recommendation:**

**That Council:**

- 1. Note the approval of the Development Plan related to Council owned land at 61-75 Murray Road;**
- 2. Note the formal subdivision of the land into two lots.**

**Councillors Merriman / Pizey:**

**That Council:**

- 1. Publish a notice of Council's intent to sell part of the land known as 61-75 Murray, Point Lonsdale (Lot 1 in approved plan of subdivision and subject of the approved detailed Development Plan) in accordance with Section 189 of the Local Government Act;**
- 2. Requests the CEO to ensure the notice is published on Council's web site, The Geelong Advertiser and the Echo newspapers;**
- 3. Request CEO include the following information in the notice:**
  - a. Sale will be by way of an Expression of Interest process;**
  - b. Pursuant to Section 223 of the Act, any person wishing to make a submission on the proposal must do so in writing to the CEO by the end of four weeks after the last notice is published;**
  - c. Persons making such submissions may request in writing to be heard in person or have a person appear on their behalf in support of their submission before a meeting of Council at a time and venue to be determined and advised in writing.**
- 4. Will consider all submissions in accordance with Section 223 of the Local Government Act. Following consideration of submissions, Council may resolve to sell or not to sell the land.**
- 5. Request the CEO to prepare a report to Council once all the legislative requirements outlined above have been fulfilled.**

**Carried**

*8:35pm Cr Ebbels returned to the chamber.*



**15.4 Borough of Queenscliffe Planning Scheme Amendment C28 – zoning of CA land to Public Park and Recreation Zone.**

**File:** QG290-02-02

**Report Author:** Senior Planner

**Strategic Objective:** Play our part in protecting the local, national and globally significant values within our natural environment for future generations; and,

Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.

**Portfolio:** Planning and Heritage

**Portfolio Holder:** Cr Boyce Pizzey

### **Purpose**

This report seeks to inform Council on the requirement to undertake an amendment to the Queenscliffe Planning Scheme to zone land parcel CA 2C SEC1 at the southernmost end of Hesse Street in Queenscliff. The subject site contains the Ocean View car park.

The subject land parcel is currently designated Commonwealth Land (CA) in the Queenscliffe Planning Scheme. It is intended that the land be zoned to Public Park and Recreation Zone (PPRZ).

A Council resolution is required prior to authorisation to prepare the amendment being sought from the Minister for Planning.

It is also the intent of this report that Council resolve to request that the Minister for Planning undertake the amendment in accordance with Section 20(4) of the *Planning and Environment Act 1987*.

### **Background**

The subject land is an irregularly shaped parcel approximately 8487 square metres in area located at the southern end of Hesse Street. The land is locally referred to as the Ocean View Car Park. It is believed that, much like other land in the immediate vicinity, the subject parcel was originally associated with the Queenscliff Fort.

The State of Victoria purchased the land from the Commonwealth Government in January 2000 and it was managed by the Queenscliff Lighthouse Reserve Committee of Management until 2012.

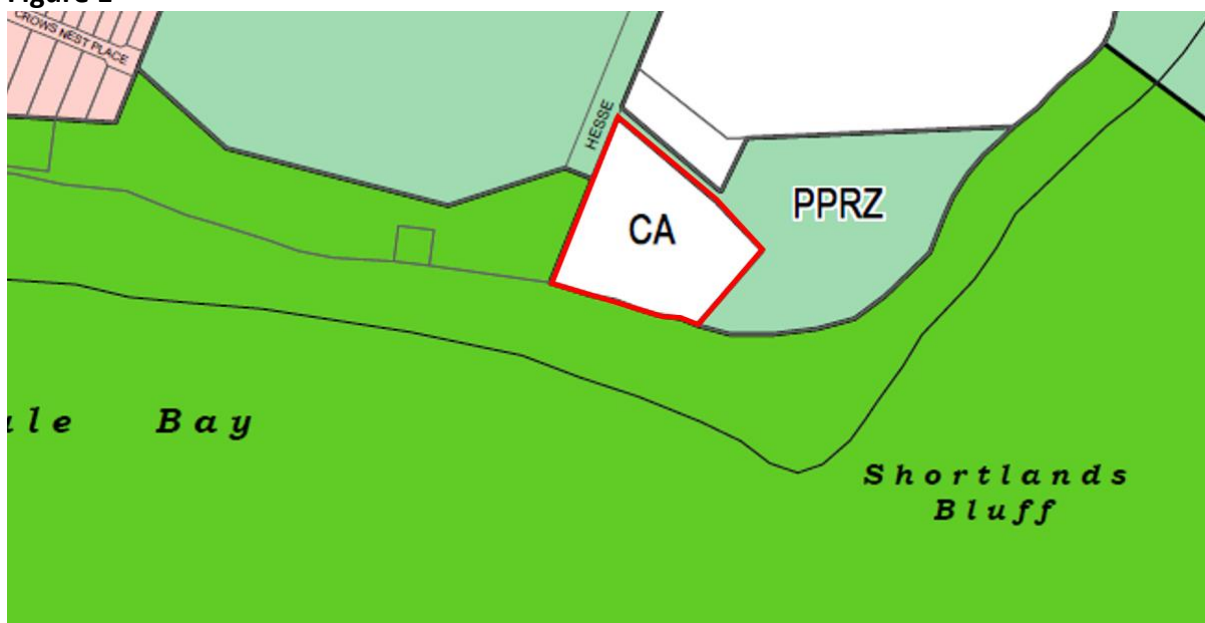
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In 2012 that the Borough of Queenscliffe was appointed the Committee of Management and all assets were transferred to the Borough for the purpose of their maintenance and upkeep.

Email correspondence from the Department of Environment, Land, Water and Planning (DELWP), dated 13 March 2018, indicates that the terms of purchase between the State Government and the Commonwealth automatically reserved the parcel for public recreation and tourism.

For reasons unknown to the author of this report, zoning of the land was not undertaken at the time the land was purchased by the State of Victoria and the land remains designated as Commonwealth Land (CA) within the Queenscliffe Planning Scheme. Figure 1 below shows the parcel of land proposed to be re-zoned (shown in white with red boundary and designated as CA).

**Figure 1**



### Key Issues

Planning Schemes are legal documents that control the use and development of land. The primary controls applicable to the regulation and approval of permissible uses and buildings and works are zones. It is the zone that determines what uses are permitted and any controls over buildings and works on any parcel of land in Victoria.

At its most basic, a zone identifies the purpose of land as residential, commercial, rural, public use, road or special use. The suite of zones is prepared and controlled by the Minister for Planning although there are locally modifiable schedules that may be introduced, through the planning scheme amendment process. The schedules provide an opportunity for the introduction of locally important variables to be considered when assessing an application for a planning permit.

Commonwealth Land is not controlled by the Planning Scheme and therefore no guidance is offered on the purpose or the use and development of the land. To facilitate and permit any development



of the subject CA land parcel, the land needs to be zoned appropriately, using the zones available within the Victorian Planning Provisions.

As the subject land parcel is identified as coastal crown land, is owned by the State Government, is managed by a public land manager (the Borough of Queenscliffe) and will not be used for predominantly business or commercial gain, the application of a public land zone is considered appropriate.

The zones available under the heading of Public Land Zones include:

- Clause 36.01 - Public Use Zone
- Clause 36.02 - Public Park and Recreation Zone
- Clause 36.03 - Public Conservation and Resource Zone
- Clause 36.04 - Road Zone

The subject land parcel is surrounded by land zoned Public Park and Recreation Zone (PPRZ).

The purpose of the PPRZ is to:

- *Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Recognise areas for public recreation and open space.*
- *Protect and conserve areas of significance where appropriate.*
- *Provide for commercial uses where appropriate.*

Given the surrounding land is zoned PPRZ it is considered reasonable that the PPRZ be applied to the subject land parcel.

### Amending the Planning Scheme

The process for amending a planning scheme is detailed in Part 3 of the *Planning and Environment Act 1987*. There are seven (7) steps to the amendment of a planning scheme: 1. Request an amendment, 2. Authorisation, 3. Preparation, 4. Exhibition, 5. Submissions, panels and advisory committees, 6. Adoption, and 7. Approval. For ease of discussion each of the steps, as they relate to the zoning of the subject land parcel, is detailed below:

#### *1. Request an amendment*

Council officers have engaged with the Department of Environment, Land, Water and Planning (DELWP) and discussed the proposed zoning of the subject land. It is considered that the dialogue with DELWP satisfies Step 1, as identified above.

#### *2. Authorisation*

This report seeks Council approval to seek authorisation from the Minister for Planning to prepare the amendment to the Queenscliffe Planning Scheme.

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### 3. *Preparation*

DELWP officers have requested that Council prepare the amendment documents. In accordance with the requirements of the *Planning and Environment Act 1987*, *Ministerial Direction No. 11 – Strategic Assessment of Amendments* (28 October 2013) and *Ministerial Direction No. 15 – The Planning Scheme Amendment Process* (18 October 2013) the following documents have been prepared, and are attached at Appendix 1.

- Authorisation application form
- Explanatory Report
- Amendment map sheet

### 4. *Exhibition*

It is intended to request that the Minister for Planning undertake the amendment in accordance with 20(4) of the *Planning and Environment Act 1987*. It is considered reasonable to request that the Minister for Planning undertake the amendment for the following reasons:

- The land is no longer owned by the Commonwealth of Australia which renders the designation of CA in the Queenscliffe Planning Scheme obsolete.
- The land is in public ownership, and used for public purposes, and there are no occupiers of the land that may be materially affected by the amendment.

The Minister for Planning can exempt himself from any, or all, of the public exhibition requirements of the *Planning and Environment Act 1987* thereby significantly reducing the timeframes usually associated with an amendment to the planning scheme.

Should the Minister for Planning choose not to exercise his rights under section 20(4) Council (as the planning authority) will need to exhibit the amendment in the manner prescribed in the *Planning and Environment Act 1987*.

### 5. *Submissions, panels and advisory committees*

Should the Minister for Planning undertake the planning scheme amendment, this step in the process will not be required.

### 6. *Adoption and approval*

Should the Minister for Planning undertake the planning scheme amendment he will be responsible for the adoption of the amendment. The Minister for Planning has always been responsible for the approval of planning scheme amendments.

## **Discussion**

An amendment to the Queenscliffe Planning Scheme to zone the Commonwealth land is necessary to enable the land to comply with the relevant Victorian Planning Provisions. The application of the

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Public Park and Recreation Zone (PPRZ) is consistent with the zoning surrounding the subject site and it is considered reasonable to apply the same zone to the subject site.

### **Council Plan**

The *Borough of Queenscliffe Council Plan – 2017-2021* speaks to three major industry sectors upon which the Borough's economy is dependent. One of the sectors is Tourism which, according to the plan, contributes approximately 41 million dollars annually to the economy of the Borough. To assist in the growth of tourism to Queenscliff and Point Lonsdale, the Borough of Queenscliffe has launched 'Destination Queenscliff'.

The Destination Queenscliff Vision is to:

*Create a world class destination on Shortlands Bluff, set within and celebrating the dramatic natural environment, rich culture and unique heritage, enhancing Queenscliff's local and year round visitor experience.*

Realising the Vision of Destination Queenscliff will rely on the application of an appropriate zone to the subject land parcel.

### **Financial**

Council will be responsible for the costs associated with the planning scheme amendment. A total of \$3,839.40 is payable upon submission of the Authorisation Application Form.

### **Social**

Whilst there are no obvious social impacts associated with the zoning of the subject land parcel, the uses and buildings and works that can be permitted once a zone is applied to the land will enhance public use of the land. The land will continue to provide recreational and social opportunities to residents and visitors to the Borough of Queenscliffe.

### **Environmental**

Preservation of coastal crown land for the benefit and use of existing and future generations relies on appropriate enhancement and management of the unique landscapes along our coast. The zoning of the subject land parcel will allow the Borough of Queenscliffe to continue our work as the committee of management whilst working toward providing larger, connected green spaces for residents and visitors to the Borough.

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## **Risk Management**

There are no increased risks to Council as a result of the proposed amendment to the Queenscliffe Planning Scheme.

## **Community Engagement**

There are no community engagement requirements associated with this report.

## **Officer Direct or Indirect Interest**

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

Officers involved in the development of this report, and the associated planning scheme amendment documentation, have no direct or indirect interests in the subject land parcel.

## **Assessment**

It is considered in Council's interest to pursue a planning scheme amendment under Section 20(4) of the *Planning and Environment Act 1987* by formally requesting that the Minister for Planning coordinate this amendment to zone the Commonwealth land identified as Parcels P367931 (Allotment 2D Sec 1) and P367930 (2Cof 1) as Public Park and Recreation Zone (PPRZ).

## **Conclusion**

The proposal to formally request that the Minister for Planning undertake an amendment to the Queenscliffe Planning Scheme is in accordance with the established principles of planning within the Victorian Planning Provisions.

## **Councillors Francis / Merriman:**

### **That Council:**

- 1. Request a Ministerial amendment pursuant to Section 20 part 4 of the *Planning and Environment Act 1987* to enable the preparation, adoption and approval of an amendment to the Queenscliffe Planning Scheme that applies the Public Park and Recreation Zone (PPRZ) to the land identified as Parcels P367931 (Allotment 2D Sec 1) and P367930 (2Cof 1).**
-



- 2. Request that the Minister exempts himself from public consultation as the proposed zone for the land parcels will reflect existing zones surrounding the subject sites and will not result in the introduction of any additional planning controls.**
- 3. Note that the amendment is known as Queenscliffe Planning Scheme Amendment C28.**

**Carried unanimously**





## 16. GOVERNANCE & PERFORMANCE

### 16.1 Point Lonsdale Bowls Club Proposed Lease

<b>File:</b>	<b>QG 172-02-20</b>
<b>Report Author:</b>	<b>General Manager Planning &amp; Infrastructure</b>
<b>Strategic Objective:</b>	<b>Maintain a cohesive, well governed, financially sustainable and independent Borough.</b>
<b>Portfolio:</b>	<b>Governance and Performance</b>
<b>Portfolio Holder:</b>	<b>Cr Bob Merriman</b>

#### **Purpose**

The purpose of this report is to advise Councillors on the proposed lease between Council and the Point Lonsdale Bowl Club and seek approval to publicly advertise the lease in accordance with Section 190 of the Local Government Act 1989. The lease has been prepared following extensive consultation between Council officers and Point Lonsdale Bowls Club representatives.

#### **Background**

The current lease with the Point Lonsdale Bowls Club expires on 24 September 2018. The current lease is for a period of 10 years. The 10 years was negotiated on the basis the cliff adjacent to the site was unstable and therefore a maximum 10 year lease was warranted. In recent years Council, with funding assistance from DWELP, has undertaken works to stabilise the base of the cliff. As a result, Council wrote to DWELP on 24 January 2018 requesting Ministerial Grant and Purpose to enter into a 21 year lease with the Point Lonsdale Bowls Club arguing that the remediation works warrant a 21 year lease (the maximum allowed under a Crown Land Lease).

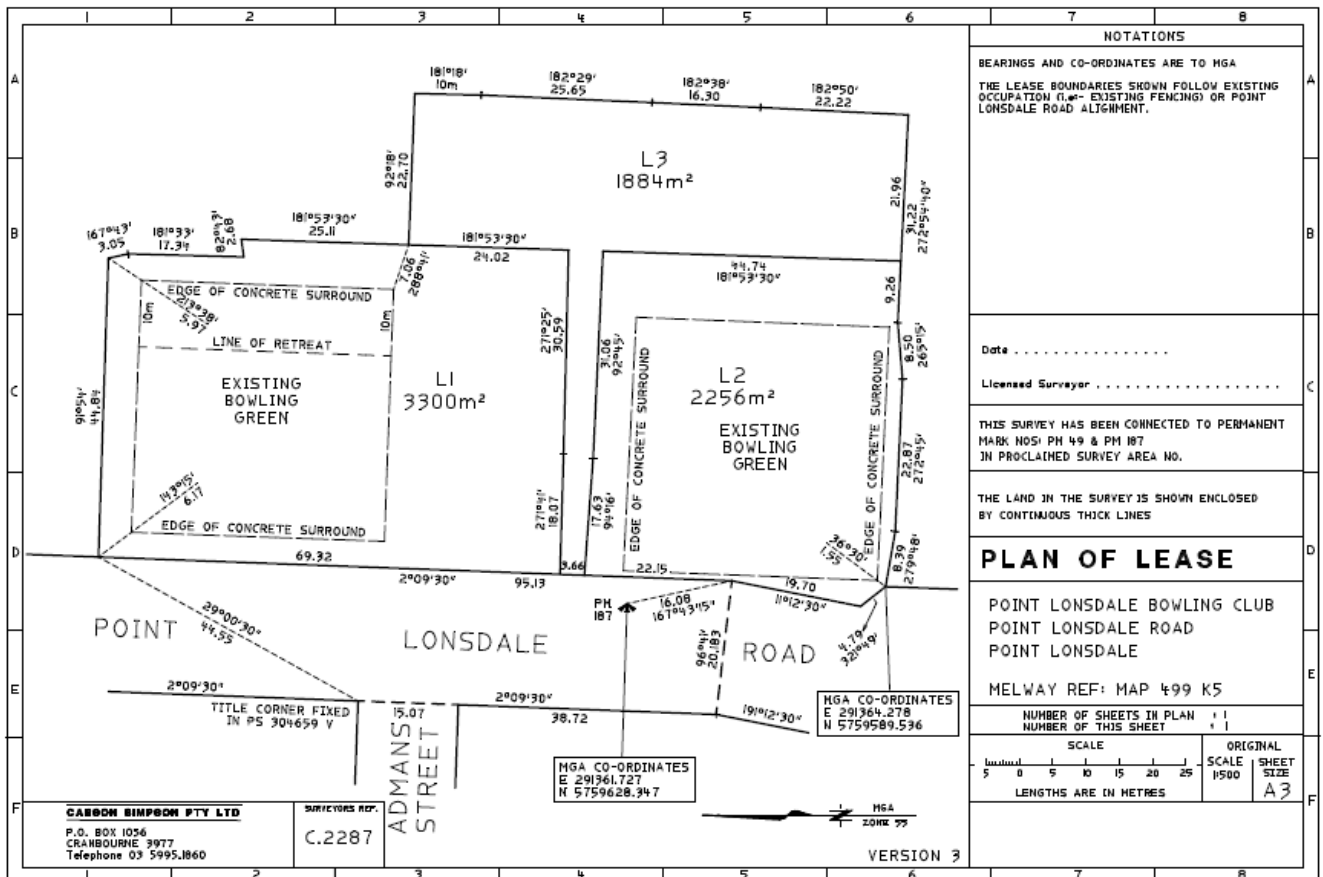
The Crown Land which is occupied by the Point Lonsdale Bowls Club also includes an area used for car parking. This area is proposed to be the subject of a license that complements the lease. The effect of the license is that the Club does not enjoy exclusive use of the area and Council can use it for overflow parking (or any other use deemed reasonable by Council) provided a minimum of 72 hours notice is provided to the Club.

A draft lease has been drafted by DWELP pursuant to Section 17D of the Crown Land (Reserves) Act 1978 as well as a draft license. Both these documents have been reviewed and amended by Council officers and Club representatives. A copy of the draft lease (**Appendix 5a**) and license (**Appendix 5b**) as amended is included. Figure 1 below shows the lease area and license area.

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Figure 1 – Lease / License Area



**Notes:**

- Lot 1 (L1) and Lot 2 (L2) form lease area
- Lot 3 (L3) forms license area

Given the term of the lease, it is recommended that details of the lease be advertised inviting public submissions.

**Key Issues**

Council endorse the proposed lease and publish a public notice of the proposed lease in accordance with Section 190 of the Local Government Act 1989.

**Discussion**

The key details of the lease are included in the table below:

<b>LAND:</b>	The land comprising approximately 5,556 square metres indicated as Lot 1 (L1) and Lot 2 (L2) on the plan shown in Figure 1 forming portion of Point Lonsdale Front Beach Foreshore Reserve.
<b>COMMENCEMENT DATE:</b>	24 September 2018
<b>TERM:</b>	<b>Twenty-one (21) years</b>



<b>RENT:</b>	\$104 per annum payable annually in advance with no annual CPI adjustment (in accordance with Council's Commercial, Community and Mixed-Use Leases Policy). The Rent may be reviewed on the Rent Review Dates in accordance with Schedule 2.
<b>PERMITTED USE:</b>	Bowls club and associated activities
<b>FURTHER TERM:</b>	Not applicable
<b>REVIEW DATE(S):</b>	On the third anniversary of the commencement date and then every three years thereafter throughout the term of the lease.
<b>INSURED SUM:</b>	\$10 Million
<b>RESERVATION:</b>	Portion of Allotment 2002, Parish of Queenscliff at Paywit, being Crown land permanently reserved for Public Purposes by Order in Council of 28 April 1873.
<b>LANDLORD'S IMPROVEMENTS:</b>	Nil
<b>TENANT'S IMPROVEMENTS:</b>	All improvements located on the land at the commencement of this lease.

The draft lease also includes a schedule of further obligations. This schedule was developed to ensure roles and responsibilities regarding maintenance and operations of the facility are clear. The agreed further obligations on both parties are included in the Draft Lease Agreement (**Appendix 5a**).

### Council Plan

Leasing the land to the Point Lonsdale Bowls Club is supported by the following Strategic Objectives and Strategies from the Council Plan 2017–2021:

#### *Strategic Objective*

Maintain a cohesive, well governed, financially sustainable and independent Borough.

#### *Strategy*

- Provide transparent and accountable governance and meet all legislative requirements.

#### *Strategic Objective*

Enhance community wellbeing by providing a safe environment where people are involved, healthy and active in recreation, arts and culture.



**Strategy**

- Support local clubs, community organisations and volunteers.

**Financial**

The execution of the lease will allow Council to collect rent in the amount of \$104 per annum consistent with a Community Lease as per Council’s Commercial, Community and Mixed-Use Leases Policy. The lease provides for a rent review every three years.

By way of comparison, the current lease had a commencing rent of \$2,000 per annum and was adjusted by CPI annually. The most recent payment (for 2017/18 year) was \$2257.58.

**Social**

The execution of the lease will allow the Point Lonsdale Bowls Club and its members to continue to operate from its current location for another 21 years, providing it with security of tenure.

**Environmental**

There are no environmental issues to consider as part of this report.

**Risk Management**

The execution of the lease will minimise risk to Council as the roles and responsibilities associated with the use of the land are clearly articulated in the lease. The absence of a lease exposes both the Point Lonsdale Bowls Club and Council to unnecessary risk.

**Community Engagement**

Council has a commitment to community engagement and effective consultation.

The lease is subject to public notice as required by Section 190 of the Local Government Act 1989 (refer to assessment section of this report for further detail). The issue is deemed as a one off issue.

CATEGORY	One <input checked="" type="checkbox"/>	Two <input type="checkbox"/>	Three <input type="checkbox"/>	Four <input type="checkbox"/>	Five <input type="checkbox"/>	Six <input type="checkbox"/>
	One-off Issues	Changes to current practice	Area impacts	Service planning	Major plans	Major projects



**Officer Direct or Indirect Interest**

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

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

**Assessment**

**ASSESSMENT AGAINST COUNCIL’S COMMERCIAL, COMMUNITY AND MIXED-USE LEASES POLICY (CP029)**

The lease is compliant with Council’s Commercial, Community and Mixed-Use Leases Policy and meets the eligibility criteria for a Community lease as indicated in the following assessment.

**Community Lease Eligibility Criteria**

Annual Rent	Eligibility	Officer Comments (compliance with eligibility criterion)
Peppercorn Rent \$104 per annum	<ul style="list-style-type: none"> <li>• Use approved by Council; <u>and</u></li> <li>• Is a not-for-profit organisation and incorporated as per the <i>Associations Incorporation Reform Act 2012</i>; <u>and</u></li> <li>• Provides significant community benefit; <u>and</u></li> <li>• Has limited revenue raising ability (net cost of service)</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes. While the club does raise revenue through hire of the facilities, this is considered ancillary to its primary purpose and the limited income derived is used for ongoing operational needs of the club.</p>

Council’s objective identified in the policy for ‘Community’ leases is *to minimise risk to Council and community organisation – provide clarity regarding roles and responsibilities.*

The following requirements apply for a Community Lease (including Officer Comments regarding whether the requirements are met by the proposed lease):



<b>COMMUNITY LEASE REQUIREMENTS</b>	<b>OFFICER COMMENT</b>
Lessee must be incorporated as per the <i>Associations Incorporation Reform Act 2012</i>	Meets requirement
Apply standard peppercorn lease value (currently \$104 per annum) as determined by Department of Water, Environment, Land and Planning (DWELP)	Meets requirement
Council to pay for independent Valuation (for insurance purposes)	Not required. All insurances required to be taken out by tenant.
Meet requirements of <i>Crown Land (Reserves) Act 1978</i> if on Crown Land	Meets requirement
If Crown Land, standard Crown Lease template to apply with changes as necessary and all key agreements in schedules, including lessee to provide annual report and financial report	Meets requirement
No CPI to apply	Meets requirement
Municipal rates apply – Culture & Recreation Differential	Meets requirement
Fire Services Property Levy applies	Meets requirement
All utility costs (service and usage) to be paid by Lessee	Meets requirement

### **Public Notification**

Section 190 of the Local Government Act 1989 details the restrictions on Councils to enter into leases:

#### **190 Restriction on power to lease land**

- (1) *A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.*
- (2) *Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.*
- (3) *If the lease is to be—*
  - (a) *for 1 year or more and—*
    - (i) *the rent for any period of the lease is \$50 000 or more a year; or*
    - (ii) *the current market rental value of the land is \$50 000 or more a year; or*
  - (b) *for 10 years or more; or*
  - (c) *a building or improving lease—*

*the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.*
- (4) *A person has a right to make a submission under section 223 on the proposed lease.*



As the proposed is for a period of 21 years, then Section 190 (3)(b) applies and *Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.*

The public notice must articulate that a person has a right to make a submission under Section 223 of the Act. Under Section 223, a person may request to appear in person or be represented by a person to speak to their submission at a meeting of the Council or a committee determined by Council. All submissions must be considered before a decision is made and submitters written to advising of the decision and the reasons for that decision.

## **Conclusion**

Based on the above assessment, the lease complies with Council's Commercial, Community and Mixed-Use Leases Policy as a Community Lease. The proposed lease is for the maximum term allowable under a Crown Land lease which is 21 years. The proposed lease also ensures that roles and responsibilities for ongoing maintenance and development of buildings on the site are clearly articulated.

Before the lease can be executed, a public notice pursuant to Section 190 of the Act must be published and any submissions considered by Council.

## **Councillors Francis / Ebbels:**

### **That Council**

- 1. Authorise the CEO to prepare and publish a public notice in accordance with Section 190 of the Local Government Act 1989 advising Council intends to enter into a lease with the Point Lonsdale Bowls Club as detailed in this report;**
- 2. Receive submissions and where requested, allow submitters to be heard by Council in support of those submissions on the proposed lease on at a date and time to be determined but no less the 4 weeks after the date of public notice;**
- 3. If no submissions are received, authorise the CEO to finalise and execute the lease.**

**Carried unanimously**



## **16.2 Strategic Directions Statement for the Barwon Integrated Water Management Forum**

<b>File:</b>	<b>QG 312-03-02</b>
<b>Report Author:</b>	<b>Roads and Infrastructure Engineer</b>
<b>Strategic Objective:</b>	<b>Strengthen and promote the Borough as a place to explore and implement innovative approaches to environmental, technological, social and economic initiatives.</b>
<b>Portfolio:</b>	<b>Governance and Performance</b>
<b>Portfolio Holder:</b>	<b>Cr Bob Merriman</b>

### **Purpose**

The purpose of this report is to authorise the Chief Executive as a Barwon Integrated Water Management Forum member to endorse the Strategic Directions Statement on behalf of Council.

### **Background**

The Barwon Integrated Water Management (IWM) Forum is a group of regional stakeholders who have responsibilities in managing the varying aspects of the water cycle across the region. The Borough of Queenscliffe Chief Executive is Council's representative on this forum. The Barwon IWM forum is one of 15 forums established across Victoria in 2017 by the Department of Environment, Land, Water and Planning (DELWP).

### **Key Issues**

The Barwon IWM Forum has developed a Strategic Directions Statement (SDS) that comprises of:

- The Vision and Objectives;
- The Strategic Enablers to address barriers to IWM; and
- A portfolio of IWM opportunities for the region

This SDS has to be presented to the Minister for Water in August 2018 and so requires Council endorsement prior to this.

A draft of the SDS is included as **Appendix 6**.

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## Discussion

The Barwon IWM Forum SDS has been developed by the group over several months and comprises a shared vision statement, strategic forum objectives and a number of IWM opportunities for the region. Specifically for the Borough there is:

1. A project to look at an underground storm water trial, which proposes to develop a streetscape scale storm water disposal process direct to groundwater.
2. Development of an IWM plan specific for the Borough with a localised flooding and storm water reuse focus.

The endorsement of the SDS means forum member organisations will commit their best endeavours to:

- Work collaboratively through the IWM forum process
- Support DELWP to progress strategic enablers for IWM in Victoria; and
- Ensure priority IWM opportunities are progressed in line with the shared vision and strategic objectives identified for the catchment

The SDS will be a living document which will be updated every two to three years to reflect current IWM forum priorities and opportunities.

## Council Plan

The report relates to **Strategic Objective 5 – Governance and Performance.**

**Maintain a cohesive, well governed, financially sustainable and independent Borough**

The relevant strategies include:

- Strengthen and promote the Borough as a place to explore and implement innovative approaches to environmental, technological, social and economic initiatives.

## Financial

Endorsement of the SDS does not commit organisations to funding identified IWM opportunities.

## Social

The SDS is an agreement between stakeholders to delve into the challenges facing the Barwon Region, issues requiring action and opportunities that require a collaborative response for long term regional prosperity, resilience and liveability in the Barwon Region.

## Environmental

The Principles of the Barwon IWM forum include the following:

- Sustainable management of water will enable economic prosperity.
-



- Water management includes ensuring healthy communities and healthy environments exist across the Region, enabling communities to experience, enjoy and actively participate in outdoor recreation and cultural practices

## **Risk Management**

One of the six outcome areas for the Barwon IWM is avoided or minimised existing and future flood risks. This is very pertinent for local government as there is an increased pressure on local government stormwater systems and overland flooding provisions due to a range of factors including ageing infrastructure, increasing urbanisation, urban consolidation and increasing frequency of intense rainfall events

## **Officer Direct or Indirect Interest**

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

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

## **Assessment**

The adoption of the Barwon IWM Forum SDS is an important opportunity for working together across the region to optimise and integrate our outcomes for effective and efficient and meaningful investment in water management.

## **Conclusion**

The adoption of the Barwon IWM Forum SDS provides many opportunities for the Borough to improve its network and management of stormwater issues and should be supported.

## **Recommendation:**

**That Council authorise the Chief Executive Officer as a Barwon IWM Forum member to endorse the Strategic Directions Statement.**



**Councillors Merriman / Pizzey:**

**That Council authorise the Chief Executive Officer as a Barwon IWM Forum member to endorse the Strategic Directions Statement subject to the following minor amendments as provided in writing to the Acting CEO by Cr Merriman on 24 July 2018:**

- 1. Delete the reference to the Borough of Queenscliffe being at the most risk of sea level rise (Page 19) in recognition of the significant work undertaken on the Our Coast project which identifies adaptation pathways to address the risk of inundation;**
- 2. Request that the Geelong-Queenscliff Adaptation Program undertaken by the Borough of Queenscliffe in partnership with the State Government, City of Greater Geelong and coastal committees of management be included in the “Success Stories” of the statement (page 40);**
- 3. Update the population figures relevant to the Borough of Queenscliffe in the statement to reflect the most current Census data as well as updating economic information where relevant (page 40).**

**Carried unanimously**

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### 16.3 Reappointment of Chief Executive Officer

<b>File:</b>	<b>QPersonnel</b>
<b>Report Author:</b>	<b>Acting CEO</b>
<b>Strategic Objective:</b>	<b>Maintain a cohesive, well governed, financially sustainable and independent Borough.</b>
<b>Portfolio:</b>	<b>Governance and Performance</b>
<b>Portfolio Holder:</b>	<b>Cr Bob Merriman</b>

#### Purpose

The purpose of this report is to facilitate Council's consideration of the re-appointment of Mr Lenny Jenner as CEO.

#### Background

The current contract for the Chief Executive Officer expires on 19 October 2018. In accordance with the Local Government Act 1989, Council is required to consider the appointment or re-appointment of the CEO in the six-month period preceding that date.

At the Ordinary Meeting of Council on Thursday 24 May 2018 Council unanimously carried the following resolutions:

*That Council:*

- 1. Give public notice of its intention to re-appoint Mr. Leonard Jenner as the Council's Chief Executive Officer, without advertising the position, and in accordance with Section 94(4) of the Local Government Act 1989;*
- 2. Request the General Manager Organisational Performance and Community Services to include this matter on a Council Meeting Agenda after the expiration of fourteen days from the giving of such public notice.*

#### Discussion

Public notice of the intention to re-appoint was given in multiple newspapers servicing the Borough of Queenscliffe and the region in the period 26 to 31 May 2018.

This item allows consideration of that matter as requested in 2, above.

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Council received three items of correspondence related to this matter:

1. Letter from PLCA dated 10 March 2018 (**Appendix 7a**). This letter posed questions regarding the process to be followed by Council
2. Letter from QCA dated 16 March 2018 (**Appendix 7b**). This letter was on similar lines to the above, but advocated going to market for the appointment.
3. Letter from a resident. This letter commented unfavourably on Council's resolution of intent to appoint Mr Jenner, and contained other information unrelated to the reappointment of the CEO.

### **Conclusion**

This matter is referred to Council. It is not considered appropriate for officers to provide any recommendation on the reappointment of the CEO.

### **Recommendation:**

**That Council consider the re-appointment of the CEO.**

### **Councillors Francis / Salter:**

#### **That Council:**

1. **Re-appoint Mr Leonard Jenner as Chief Executive Officer of the Borough of Queenscliffe for a period of five years from 20 October 2018, in accordance with S94 of the Local Government Act 1989, and**
2. **That the Mayor and Councillor Ebbels be authorised to sign a contract with Mr Jenner for this employment.**

**Carried unanimously**



## **17. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS**

### **17.1 Use of Council Seal - Contract 2018/06 – Netball Game Day Facility Construction**

**File:** QG052.03.2018/06

**Report Author:** General Manager Planning & Infrastructure

**Strategic Objective:** Enhance community wellbeing by providing a safe environment where people are involved, healthy and active in recreation, arts and culture.

**Portfolio:** Community Wellbeing

**Portfolio Holder:** Cr Susan Salter

#### **Purpose**

The purpose of this report is to advise Council of the use of the Council seal to execute Contract 2018/06 – Netball Game Day Facility Construction.

#### **Background**

At the last State election, the then Labor Opposition (now the State Government) made an election commitment to fund the upgrade of the Queenscliff Sport and Recreation Precinct. Council was invited to formally apply for the \$3.15 Million funding commitment through the State Government's Community Sports Infrastructure Fund. Council signed the funding agreement in June 2016 and received its initial payment of \$1 Million in July 2016.

Council engaged with key stakeholders and the community to develop the Sport and Recreation Precinct Concept Plan which was endorsed by Council at its Ordinary Meeting held on 14 December 2016. The endorsed plan detailed the provision of a dedicated sport and recreation precinct zone that incorporated improved sporting facilities for netball, cricket and football.

Following Council's endorsement of the concept plan, detailed designs for the construction of the sport precinct civil works were commissioned in December 2016. The sport precinct civil work includes:

- Construction of netball courts including lighting,
  - Construction of a new 4 pitch cricket net,
  - Construction of car parking dedicated to servicing the sport precinct,
  - Construction of a new playground,
  - Construction of a storage facility for the shared use of sporting clubs,
  - Construction of all underground utilities and all associated landscaping.
-



A contract to complete the civil works component of the Sport and Recreation Precinct was awarded in November 2017.

The civil works contract currently being completed will deliver new netball courts. In addition to the civil works a game day facility will also be necessary to enable the staging of games. The original scope of the Queenscliff Sport and Recreation Precinct project and associated funding submission included a netball shelter at minimal cost (that is no change rooms or umpires rooms etc). The assumption at the time was that women's change facilities incorporated into the first stage development of the Monahan Centre would effectively meet the needs of the netballers. As a result of community consultation and the significant increase in demand for female change room facilities related to women's football, it is clear that a netball facility with change rooms is now both expected and required. This represents a significant change in scope for this project element since the funding agreement was signed.

A concept design for the netball game day facility was completed in consultation with the netball club and Netball Victoria representatives and this formed the basis for the detailed construction plans advertised for tender. Tenders received were considered by Council as a confidential item at a Special Meeting of Council held on 6 June 2018.

Given the change in scope of works related to the Netball Game Day Facility, Council discussed the budget shortfall with Sport and Recreation Victoria. As a result, The Honourable Lisa Neville, MP, Member for Bellarine, Minister for Police, Minister for Water announced a further \$200,000 funding towards the Netball Game Day Facility on 29 June 2018.

This report discusses the tenders received, evaluation process, costs, the appointed contractor that provides the best value offer for Council, key stakeholders and the community and the use of the Council Seal to execute the contract.

The Council Seal was applied on 29 June 2018.

### **Key Issues**

- Compliance with Council's Procurement Policy and Section 186 of the Local Government Act
- Achieving best value in the provision of the sport precinct civil works
- Awarding of Contract 2018/06 – 'Netball Game day Facility Construction' to the preferred tenderer, BDH Constructions Pty for up to \$575,718 (ex GST).

### **Discussion**

#### **Public Notification**

Tenders were called for Contract 2018/06 Netball Game day Facility Construction on 5 May 2018 through the Tenderlink network, The Age, and on Council's webpage. Tenders Closed on 31 May 2018.

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The tender documents were requested by 20 interested parties.

### **Scope of the tendered works**

The scope of the tendered works includes the construction of a netball game day facility. The facility as designed includes change rooms, first aid room, toilets, administration room, kitchenette and storage. The tendered works also includes a decked viewing area for spectators.

The building is to be constructed alongside the new netball courts currently being constructed under the civil works contract. As the site is currently under the possession of the civil works contractor, tenderers were encouraged to explore a transportable building construction. This was done with the intent of enabling construction of the game day facility to commence prior to the completion of the civil work contract. Tenderers provided feedback that the construction of a transportable building and subsequent installation at site would not provide an earlier completion date than a traditional on site construction. No tenders were received for a transportable building construction.

The scope of the netball game day facility construction contract includes the connection of services to the structure only. The provision of all the services to the building site have been completed under the civil work contract.

### **Tenders Received**

At the close of the tender period three tenders were received. Details of the tenders received were provided to Council as a confidential item at the Special Meeting of Council held on 6 June 2018.

### **Evaluation Panel**

The evaluation panel members included:

- Mr Stuart Hansen – Special Projects Officer
- Mr Peter McLean – Roads and Infrastructure Engineer
- Mr Daniel Alexander – Graduate Civil Engineer

Following a rigorous evaluation of tenders received, Council resolved to award the contract to BDH Constructions Pty Ltd. The evaluation process is described below.

### **Evaluation Process**

The basis of the evaluation process was to assess all submitted tenders for the Contract with a view to identifying the offer which represents the most advantageous and best value for money overall for the community and Council.

The specified 'weighted' attribute scoring method was used for the evaluation of all tenders in accordance with the following criteria:

- Technical Capacity (Non-financial attributes listed below) (60%);
- Financial Benefit (Price) (40%); and
- Financial Capacity Pass/Fail.

Tenderers' Technical Capacity was assessed against the following criteria and weightings:

- Tenderer's and any nominated sub-contractors' service delivery capabilities including their standing, experience and skill within the industry, experience on similar projects, technical
-





& financial capabilities to successfully complete the contract, and capacity to complete the works within the required timeframe - (35%).

- Tenderer's and any nominated sub-contractors' systems and procedures including quality management, environmental management, occupational health and safety systems - (20%).
- Local Content Statement- (5%)

### **Evaluation**

#### **Technical Capacity (Non Price attributes) Outcomes (60%)**

Taking into consideration the written tender submissions and responses to requests for further information and reference checks where required, the Panel rated each tenderer against the Technical Capacity evaluation criteria.

BDH Constructions scored strongly across all non – financial criteria.

#### **Financial Benefit Outcomes (40%)**

The financial benefit, or value to Council, was based on the lump sum contract value that was submitted by each tenderer.

The detailed evaluation scoring for each tender is presented in Confidential Appendix 3 – Tender Evaluation Scores.

Following the tender panel's scoring of each tender and the application of the pre-determined criteria weightings, BDH Constructions achieved the highest overall score. The BDH Constructions Pty Ltd tender is also the most financially beneficial to Council.

### **Council Plan**

This report regarding the award of the Netball Game Day Facility Construction tender relates to the following 2017-2021 Council Plan strategies:

Strategic Objective 1: Enhance community wellbeing by providing a safe environment where people are involved, healthy and active in recreation, arts and culture.

- *Increase participation in sport, recreation and life-long learning opportunities.*
- *Support local clubs, community organisations and volunteers.*

Strategic Objective 3: Foster a diverse and vibrant local economy.

- *Encourage procurement practices that increase employment opportunities for local residents*

Strategic Objective 4: Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage

- *Enhance access to and the amenity and use of the Borough's parks and foreshore reserves.*
  - *Ensure high quality design and construction standards in new and upgraded community infrastructure*
-



In addition, Council's **Implementation Plan 2017/18** includes the following:

*2017/18 Initiative* - Support local organisations plan and implement community recreation, sport, and civic activities and events;

*2017/18 Capital Works Programme* - Continue construction of the Queenscliff Sports and Recreation Precinct project

## **Financial**

The Queenscliff Sport and Recreation Precinct Project is funded through a State Government Grant of \$3.15 Million. At a special meeting of Council on 12 October 2017, Council allocated a further \$405,000 to the project as part of awarding the Civil Works Contract.

The initial project scope of works included a minor netball facility at an estimated cost of \$40,000 assuming change facilities for netballers would be provided within the Monahan Centre. As a result of community consultation and changing priorities including the growth of women's football, a game day facility in line with Netball Victoria Guidelines is required.

In response to the above, Council completed a concept design on the netball game day facility in consultation with key stakeholders. The concept plan was then forwarded to a Quantity Surveyor who provided a cost estimate of \$728,000 (ex GST). Council officers and club representatives then undertook a detailed review of the cost plan with a view of identifying possible savings. This review resulted in a cost estimate of \$585,000 (ex GST). Detailed design was commissioned on the basis of the reviewed cost estimate.

The preferred tender amount of \$575,718 (ex GST) for a netball game day facility will result in a total project shortfall of approximately \$650,000.

Given the above significant change in scope of netball game day facility works, Council has had fruitful and positive discussions with Sport and Recreation Victoria and a further State Government allocation of \$200,000 was announced by The Honourable Lisa Neville, MP, Member for Bellarine on Friday 29 June 2018.

It is proposed that funding be re-allocated to the project budget to ensure the full scope of works be delivered by:

1. \$200,000 further funding from the State Government;
2. Re-allocation of identified Council Budget savings as at 30 June 2018.

## **Social**

The Queenscliff Recreation Reserve Sport Precinct project supports local sporting clubs to provide access to organised sport. Participation and involvement in sporting clubs provides many social benefits including stronger and more connected communities.

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The Netball Game Day Facility supports and encourages the participation and growth in female sports. This extends further than the direct benefit to netball participation. The Netball Game Day Facility also indirectly supports the participation and growth in women's football (AFL). Completion of the new netball facility enables the existing women's facilities within the Monahan Centre Sports Complex to be made available for female footballers.

### **Risk Management**

The award of this tender results in a budget shortfall of approximately \$650,000, however as discussed in the financial section it is anticipated that the shortfall can be covered by further State Government funding and 2017/18 Council budget savings.

### **Community Engagement**

There are no community engagement requirements associated with this report.

### **Officer Direct or Indirect Interest**

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

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

### **Conclusion**

Following a rigorous evaluation process, Council resolved to award Contract 2018/06 Netball Game Day Facility Construction to BDH Constructions Pty Ltd by Council at a Special Meeting of Council held on 6 June 2018 for the lump sum of \$575,718 (excluding GST).

Funding for the construction of the netball game day facility be provided reallocating 2017/18 accumulated cash surplus and the additional \$200,000 State Government funding.

### **Councillors Merriman / Francis:**

**That Council note the use of the Council Seal.**

**Carried unanimously**

*Cr Merriman thanked the Hon Lisa Neville MP, Member for Bellarine, and the State Government for this allocation of funding.*



## 18. QUESTIONS WITHOUT NOTICE

### 18.1 Questions Without Notice Status Update

**Councillors Ebbels / Merriman:**

**That the Questions Without Notice Status Update, as presented in Adjunct to Item 18.1, be noted.**

**Carried unanimously**

### 18.2 Questions Without Notice

#### **Question 1 from Cr Ebbels**

Cr Ebbels noted the Mayor's attendance at a Conference at the Office of the Surveyor General regarding Aboriginal Place Naming and asked the Mayor if it was appropriate to obtain aboriginal place names for locations in the Borough.

**Councillors Ebbels / Pizzey:**

**That officers write to Wathaurung Aboriginal Corporation (trading as Wadawurrung) requesting a report into aboriginal place names applicable to locations in the Borough.**

**Carried unanimously**

#### **Question 2 from Cr Ebbels**

Cr Ebbels requested advice from the CEO on the current state of the lease with the Point Lonsdale Board Riders Club.

#### **Response by the Acting CEO**

The Acting CEO advised that officers are currently negotiating a long term lease for a period of nine years and eleven months with the Board Riders.

## 19. LIST OF COUNCIL MEETINGS

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

PLANNING REVIEW MEETING  
Thursday 9 August 2018 at 7:00pm (if required)

COUNCIL MEETING  
Thursday 23 August 2018 at 7:00pm



## 20. CONFIDENTIAL ITEMS

Time: 9:05pm

Councillors Merriman / Pizey:

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

- 20.1 2018/19 Community Grants  
(in accordance with Section 89(2)(i) of the Local Government Act 1989)
- 20.2 State Government Rural Councils Transformation Program  
(in accordance with Section 89(2)(i) of the Local Government Act 1989)

Carried unanimously

Time: 9:07pm

Councillors Merriman / Francis:

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

Carried unanimously

## 21. RATIFICATION OF CONFIDENTIAL ITEMS

Councillors Pizey / Ebbels:

That the decisions made in camera be ratified by Council.

Carried unanimously

## 22. CLOSE OF MEETING

The meeting closed at 9:08pm



## **ADJUNCT TO 7 - RECORD OF ASSEMBLY OF COUNCILLORS**

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

### **7.1 Councillor Assembly – Tuesday 19 June 2018**

**Assembly Commenced: 5:02pm                      Assembly Closed: 5:42pm**

**Assembly Location:                      Queenscliff Town Hall**

#### **Attendees:**

Cr Tony Francis

Cr Bob Merriman

Mr Stuart Hansen, Special Projects Engineer

Ms Erika Gee-Kot, Sports and Recreation Victoria

Mr Damian Waight, Queenscliff Community Sports Club (5:05pm – 5:42pm)

Mr Andrew Conlan, Queenscliff Community Sports Club

Mr Peter Callahan, Queenscliff Community Sports Club

Mr Brendan Monahan, Queenscliff Community Sports Club

Mr Glen Potter, Queenscliff Community Sports Club (5:10pm – 5:42pm)

#### **Apologies:**

Mr Lenny Jenner, CEO

Mr Phil Josipovic, General Manager Planning & Infrastructure

Mr Keith Cohen, Queenscliff Community Sports Club

Mr Josh Beshara, Queenscliff Community Sports Club

Mr Toby Smith, Queenscliff Community Sports Club

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

Councillors: Nil

Officers: Nil

#### **Agenda Items:**

1. Queenscliff Sport Precinct Project Update
-



## 7.2 Councillor Assembly – Thursday 21 June 2018

**Assembly Commenced:** 5:00pm                      **Assembly Closed:** 6:25pm

**Assembly Location:** Queenscliff Town Hall

### **Attendees:**

Cr Ross Ebbels

Cr Tony Francis

Cr Bob Merriman

Cr Boyce Pizzey

Cr Susan Salter

Mr Lenny Jenner, CEO (5:50pm – 6:25pm)

Mr Phil Josipovic, General Manager Planning & Infrastructure (5:50pm – 6:25pm)

Mr Phillip Carruthers, General Manager Organisational Performance & Community Services

### **Apologies:**

Ms Jessica Chappell, Executive Officer Community Engagement & Customer Services

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

Councillors: Nil

Officers: Nil

### **Agenda Items:**

2. CONFIDENTIAL Item
  3. Government Funding update
  4. Council Workshop
  5. Ordinary Meeting Agenda
-



### 7.3 Councillor Assembly – Tuesday 26 June 2018

**Assembly Commenced:** 9:05am                      **Assembly Closed:** 11:43am

**Assembly Location:** Queenscliff Town Hall

**Attendees:**

Cr Ross Ebbels

Cr Tony Francis

Cr Bob Merriman (9:05am - 9:50am)

Cr Boyce Pizzey

Cr Susan Salter

Mr Lenny Jenner, CEO

Mr Phil Josipovic, General Manager Planning & Infrastructure

Mr Phillip Carruthers, General Manager Organisational Performance & Community Services

Ms Jessica Chappell, Executive Officer Community Engagement & Customer Services

Mr Dennis Hateley, Project Manager

Mr Mark Haycox, Hassell Ltd

Ms Suzie Quinton, Hassell Ltd

Ms Alix Smith, Hassell Ltd

**Apologies:**

Nil

**Conflict of Interest Disclosures:**

Councillors: Nil

Officers: Nil

**Agenda Items:**

1. Destination Queenscliff
  2. Barwon Region Partnership
-





#### **7.4 Councillor Assembly – Friday 29 June 2018**

**Assembly Commenced: 1:53pm                      Assembly Closed: 2:07pm**

**Assembly Location:                      Queenscliff Town Hall**

**Attendees:**

Cr Tony Francis

Cr Bob Merriman

Cr Boyce Pizey

Cr Susan Salter

Mr Phillip Carruthers, General Manager Organisational Performance & Community Services

**Apologies:**

Cr Ross Ebbels

**Conflict of Interest Disclosures:**

Councillors:                      Nil

Officers:                          Nil

**Agenda Items:**

1.            CONFIDENTIAL Item
-



## 7.5 Councillor Assembly – Friday 29 June 2018

**Assembly Commenced:** 2:40pm                      **Assembly Closed:** 5:10pm

**Assembly Location:** Queenscliff Town Hall

### **Attendees:**

Cr Ross Ebbels

Cr Tony Francis

Cr Bob Merriman

Cr Boyce Pizzey

Cr Susan Salter

Mr Lenny Jenner, CEO

Mr Phillip Carruthers, General Manager Organisational Performance & Community Services

Mr Terry Bramham, Macquarie Local Government Lawyers

### **Apologies:**

Nil

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

Councillors: Nil

Officers: Nil

### **Agenda Items:**

1. Council Professional Development Workshop
-



## 7.6 Councillor Assembly – Thursday 5 July 2018

**Assembly Commenced:** 10.34am                      **Assembly Closed:** 1:40pm

**Assembly Location:** Queenscliff Town Hall

### **Attendees:**

Cr Ross Ebbels

Cr Bob Merriman

Cr Boyce Pizzey

Cr Susan Salter

Mr Lenny Jenner, CEO

Mr Phil Josipovic, General Manager Planning & Infrastructure

Mr Phillip Carruthers, General Manager Organisational Performance & Community Services

Ms Jessica Chappell, Executive Officer Community Engagement & Customer Services

Ms Shannon Di Lisio, Economic and Community Development Program Leader (10:34am – 11:24am)

### **Guests:**

Mr Geoff Mutton, Queenscliff Music Festival (10:34am – 11:24am)

Ms Jane Wager, Queenscliff Music Festival (10:34am – 11:24am)

Mr Peter Callahan, Queenscliff Music Festival (10:34am – 11:24am)

Mr John Barrett, Queenscliffe Maritime Museum (11:05am – 11:24am)

Mr Neville Barwick, Queenscliffe Maritime Museum (11:05am – 11:24am)

### **Apologies:**

Cr Tony Francis

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

Councillors: Nil

Officers: Nil

### **Agenda Items:**

6. 2017 Queenscliff Music Festival
  7. QMM/QMF Proposal for Future Shared Facilities
  8. Project Updates
-



### Agenda Items:

9. CONFIDENTIAL Items
  10. Lease Agreements
  11. Foreshore Plan – Queenscliff Front Beach
  12. Point Lonsdale Tennis Club
  13. Information to note:
    - Community consultation re: Point Lonsdale Groyne Design Options Study
    - Regional Development Australia Committee- advertising for membership
    - G21 Stakeholder Forum
    - 2018/19 Budget
    - Open Space Strategy
    - Rezoning of Commonwealth Land
    - Building Better Regions Community Investment Fund Round 2
-



**7.7 Councillor Assembly – Point Lonsdale Lighthouse Reserve Reference Group Meeting – Thursday 5 July 2018**

**Assembly Commenced: 2:00pm Assembly Closed: 3:55pm**

**Assembly Location: Point Lonsdale Board Riders clubhouse**

**Attendees:**

Cr Bob Merriman  
Cr Boyce Pizzey  
Mr Lenny Jenner, CEO  
Mr Phil Josipovic, General Manager Planning & Infrastructure  
Mr Garry Purton, Foreshore Coordinator  
Mr David Cameron, TRACT consultants  
Ms Michelle Jepson  
Mr Andrew Sutherland  
Mr Lester Hunt  
Mr Neville Barwick  
Mr Merv Jaensch  
Mr David Kenwood  
Ms Sue Wasterval  
Mr Ross Bird  
Mr Michael Dowling

**Apologies:**

Mr Matt Davis

**Conflict of Interest Disclosures:**

Councillors: Nil

Officers: Nil

**Agenda Items:**

1. Welcome / Introductions
  2. Review progress to date of draft concept plans
  3. Update from TRACT Consultants on feedback received of the draft concept plans
  4. Discussion on recommended options
  5. Next Steps and schedule next meeting
-



**7.8 Councillor Assembly – Avenue of Honour Reference Group Meeting – Friday 6 July 2018**

**Assembly Commenced: 9.02am Assembly Closed: 10.39am**

**Assembly Location: Queenscliff Town Hall**

**Attendees:**

Cr Boyce Pizzey

Cr Susan Salter

Mr Phil Josipovic, General Manager Planning & Infrastructure

Mr Graham Christie, Vice President/Secretary Queenscliff Point Lonsdale RSL Sub-branch

Ms Sarah Meehan

Mrs Barbara Clydesdale

Mrs Joan Kenwood

Ms Michelle Jepson, Representative Queenscliffe Historical Museum Inc.

Col. Rowan Martin

Mr Peter Russell

Ms Jessica Chappell, Executive Officer Community Engagement & Customer Service

Ms Fay Agterhuis, Principal Point Lonsdale Primary School

**Apologies:**

Mr David Connoley, President Queenscliff Community Association

Ms Fiona Dawson, Principal St Aloysius Primary School

Ms Jenni Walker, Executive and HR Assistant (secretariat)

**Conflict of Interest Disclosures:**

Councillors: Nil

Officers: Nil

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### Agenda Items:

1. Welcome
  2. Chair's review
  3. Actions from previous meeting's minutes, including funding opportunities
  4. Council Meeting 21 June 2018 (refer attached Council Report)
  5. Community Update 3 (draft attached)
  6. AOH Centenary Event
  7. Update on maintenance and works in progress as per recommendations of arborist's report
  8. General Business
  9. Next meeting date
-



## 7.9 Councillor Assembly – Tuesday 17 July 2018

**Assembly Commenced:** 4.30pm                      **Assembly Closed:** 5.30pm

**Assembly Location:** Queenscliff Town Hall

### **Attendees:**

Cr Ross Ebbels

Cr Tony Francis

Cr Bob Merriman

Cr Boyce Pizzey

Cr Susan Salter

Mr Phillip Carruthers, Acting CEO

Mr Phil Josipovic, General Manager Planning & Infrastructure

Ms Jessica Chappell, Executive Officer Community Engagement & Customer Services

### **Apologies:**

Nil

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

Councillors: Nil

Officers: Nil

### **Agenda Items:**

1. Council Briefings
-





## 7.10 Councillor Assembly – Thursday 19 July 2018

**Assembly Commenced:** 9.33am                      **Assembly Closed:** 1.06pm

**Assembly Location:** Queenscliff Town Hall

### **Attendees:**

Cr Ross Ebbels

Cr Tony Francis

Cr Bob Merriman

Cr Boyce Pizzey

Cr Susan Salter

Mr Phillip Carruthers, Acting CEO

Mr Phil Josipovic, General Manager Planning & Infrastructure (9.33am – 1.01pm)

Mr Steven Sagona, Acting General Manager Organisational Performance & Community Services  
(9.33am – 1.01pm)

Ms Jessica Chappell, Executive Officer Community Engagement & Customer Services

Mr Peter McLean, Roads & Infrastructure Engineer (10.20am – 11.10am)

### **Guests:**

Adam Lorensene, VicRoads (10.20am – 11.10am)

Marylou Gilbert, Queenscliff Literary Festival (9.35am – 10.19am)

Alice Barker, Queenscliff Literary Festival (9.35am – 10.19am)

Matthew Ponsford, Point Lonsdale Surf Life Saving Club (11.22am – 11.54am)

Chris Harper, Point Lonsdale Surf Life Saving Club (11.22am – 11.54am)

Kirsten MacLeod, Point Lonsdale Surf Life Saving Club (11.22am – 11.54am)

### **Apologies:**

Mr Lenny Jenner, CEO

Ms Jacqueline Wilson, Sustainability Officer

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

Councillors: Nil

Officers: Nil

### **Agenda Items:**

1. Queenscliff Literary Festival
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**Agenda Items:**

2. Hesse Street Revitalisation
  3. Listening Post Review
  4. Point Lonsdale Surf Life Saving Club
  5. Rezoning of Commonwealth Land
  6. Review of Council Policies
  7. Zaccaria Events
  8. CONFIDENTIAL Item
  9. Assembly of Councillors – Monday 23 July, 4.30pm
  10. Destination Queenscliff
  11. Planning Briefing
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**ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UPDATE (COMMENCING 23 MARCH 2016)**

No Public Questions outstanding.





**ADJUNCT TO 8.1 – MOTION ON NOTICE STATUS UPDATE**

Date	Motion Number	Action	Status
24 May 2018	Number 2018/578: CEO Contract of Employment	That Council: 1. Give public notice of its intention to re-appoint Mr. Leonard Jenner as the Council's Chief Executive Officer, without advertising the position, and in accordance with Section 94(4) of the Local Government Act 1989; 2. Request the General Manager Organisational Performance and Community Services to include this matter on a Council Meeting Agenda after the expiration of fourteen days from the giving of such public notice.	Public Notice has been advertised consistent with the requirements of the Local Government Act.  This matter is included in this agenda at item 16.3



**ADJUNCT TO 18.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE**

Date	Question Title	Action	Status
21 June 2018	<b>Question 2 – Cr Bob Merriman</b> Given that the Budget we have passed tonight provides for \$ 30,000 be included for consideration for a project at the Port Lonsdale Tennis Club, is it true that Councillors and Officers have participated in a significant number of discussions with The President, the Management Committee, a sub Committee and a working group in an endeavour to assist in their future project and that written proposals have been produced and withdrawn, some comments made and withdrawn and that progress is stalled. Will the CEO provide a briefing so that Council can consider whether it should continue with this project or not?	A briefing regarding the way forward with the project and Council's working relationships with the Point Lonsdale Tennis Club will be the subject of a Council briefing.	A briefing is yet to be provided
24 May 2018	Cr Ebbels Question I would like to publicly state that in response to a request from Councillors, the officers provided Council with a briefing at this morning's Council Assembly Meeting that detailed the status of Council's planning and asset improvements related to Public Toilet facilities in the Borough. In the light of this briefing I would like to move the following motion.	Councillors Ebbels / Francis: That Council request officers provide a further briefing on public toilet facilities to a future Council Assembly and a formal report to a Council Meeting early next financial year.	This matter is included in this agenda at item 12.1



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Date	Question Title	Action	Status
24 May 2018	<p>Cr Ebbels Question</p> <p>Given the level of community interest and discussion related to the Point Lonsdale Lighthouse Reserve, I believe there is a need for a progress report on the Point Lonsdale Lighthouse Reserve project. In this light, I would like to move the following motion.</p>	<p>Councillors Ebbels / Francis:</p> <p>That Council request the CEO provide a report on the progress and timelines related to the Point Lonsdale Lighthouse Reserve at the June 2018 Ordinary Meeting.</p>	<p>A Briefing was presented to Council in June. The Council Assembly record of the PLLR Reference Group for 14 June 2018 is included in this agenda. The Reference Group is currently providing feedback on the draft Master Plan for the PLLR.</p> <p>A report will be presented to Council at the 23 August 2018 Ordinary Meeting.</p>

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