



# Minutes

## Ordinary Meeting of Council

Thursday 24 January 2019 at 7:00pm

Queenscliff Town Hall  
50 Learmonth Street, Queenscliff

### **Distribution**

#### **Councillors**

Cr Bob Merriman

Cr Boyce Pizzey

Cr Ross Ebbels

Cr Tony Francis

Cr Susan Salter

#### **Officers**

Lenny Jenner - Chief Executive Officer

Phillip Carruthers - General Manager Organisational Performance & Community Services

Dinah O'Brien – Acting General Manager Planning & Infrastructure



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## Appendices

<b>Appendix</b>	<b>Title</b>	<b>Agenda Item</b>	<b>Distribution</b>
Appendix 1	Borough of Queenscliffe Neighbourhood Safer Places Plan	12.1 Municipal Emergency Management Plan and Neighbourhood Safer Places Plan	Under separate cover
Appendix 2	Draft landscape improvement Master Plan (Option C)	15.2 Point Lonsdale Lighthouse Reserve Master Plan	Under separate cover
Appendix 3a	CP019 Conservation Covenant Incentive – Revised	16.1 Review of Council Policies	Under separate cover
Appendix 3b	CP044 Sale, Exchange or Transfer of Land – New	16.1 Review of Council Policies	Under separate cover
Appendix 3c	CP004 Community Grants – Revised	16.1 Review of Council Policies	Under separate cover
Appendix 4	Queenscliffe Community Association written submission	16.2 Council Owned land at Murray Road	CONFIDENTIAL - for distribution to Councillors only



**1. OPENING OF MEETING**

The Meeting opened at 7.01pm

**2. PRESENT & APOLOGIES**

*Present:*

Cr Bob Merriman

Cr Boyce Pizzey

Cr Ross Ebbels

Cr Tony Francis

Cr Susan Salter

Lenny Jenner - Chief Executive Officer

Phillip Carruthers - General Manager Organisational Performance & Community Services

*Apologies:*

Dinah O'Brien – Acting General Manager Planning & Infrastructure

**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 Ross Ebbels declared a conflict of interest in relation to 4 public questions and agenda item 16.2 in that his personal place of residence is in close proximity to the Council-owned land at Murray Road and stated his intention to leave the chamber while these items were considered.

Officers: Nil

**4. LEAVE OF ABSENCE OF COUNCILLOR**

Nil

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## 5. PUBLIC QUESTION TIME

### 5.1 Public Questions Status Update

No Public Questions outstanding.

### 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 CEO advised Council that 5 public questions had been received by Council within the prescribed timelines. 4 of the 5 questions (questions 1, 2, 4 and 5) deal with agenda item 16.2 on this evening's Council meeting agenda.

**Councillors Salter / Francis:**

**That Council consider public questions 1, 2, 4 and 5 at the conclusion of item 16.2 of this agenda.**

**Carried unanimously**

#### **Public Question 3:**

Per Capita, the Borough of Queenscliffe has more liquor licensed venues than any other Victorian municipality. Could the Music Festival Committee be advised by Council to again get out their carpentry tools and return the iconic shelter shed on Symonds Street, exactly to its original design-take out the door, return the wall and seating and in future use one of the local liquor licensed venues for their celebrations.

#### **Mayor**

I will ask Phillip Carruthers, the General Manager, Organisational Performance and Community Services to answer this question.

#### **Response by Phillip Carruthers, General Manager, Organisational Performance and Community Services**

Thank you Mayor.

The Queenscliff Music Festival has been a key component of the Queenscliff events calendar since 1996. During that time the festival has contributed significant social and economic benefits to the community.

The shelter shed is not individually listed in the Queenscliffe Planning Scheme and is not nominated by the 2009 Queenscliffe Heritage Review as either significant or contributory to the heritage fabric of the Borough. Council's Heritage Adviser also supported this application.

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The QMF's request to modify the shed to facilitate safer access and egress of both goods and festival personnel was supported. In light of the above, Council does not intend to request the reinstatement of the building.

Turning to the question of the liquor licence granted to the QMF, this is not specific to the shelter shed, therefore, the requested reinstatement of the shed would have no impact on the number of licenced venues per capita within the Borough.

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

### **6.1 Ordinary Meeting of Council – 13 December 2018**

A copy of the previous Minutes of the Ordinary Meeting of Council held on 13 December 2018 was distributed to Councillors under separate cover.

**Councillors Ebbels / Francis:**

**That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 13 December 2018, as distributed, be confirmed as an accurate record.**

**Carried unanimously**

## **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 Francis / Salter:**

**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**

No Motions on Notice outstanding.

### **8.2 Motion on Notice**

No Motions on Notice were received.

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## 9. CORRESPONDENCE

### 9.1 Petitions and Joint Letters

Nil

### 9.2 Inwards Correspondence

Date	Correspondence
14 December 2018	Correspondence from PLCA regarding Coastal Management Plan update
17 December 2018	Correspondence from Queenscliff Rural Australians for Refugees regarding support for expanding community sponsorship for refugees
18 December 2018	Correspondence from a resident regarding cypress trees on Shortlands Bluff
18 December 2018	Correspondence from a resident regarding the Marconi Memorial & Rotary Club Gym Project
3 January 2019	Correspondence from a resident regarding traffic on Gellibrand Street
4 January 2019	Correspondence from QCA regarding Council-owned land at Murray Road
7 January 2019	Correspondence from QCA regarding tree lopping in Victoria Park

**Councillors Francis / Salter:**

**That the Correspondence be noted.**

**Carried unanimously**



## 10. MAYOR'S REPORT

### 10.1 Functions Attended

Date	Function Attended
9 December 2018	The Mayor attended the Queenscliff Neighbourhood House stall at the Point Lonsdale Markets for a media opportunity regarding the 'Boomerang Bags'
10 December 2018	The Mayor, Councillors Pizzey & Ebbels met with Lisa Neville MP, Member for Bellarine, to discuss Council priorities
10 December 2018	The Mayor and Deputy Mayor met with the Editor of The Rip
13 December 2018	The Mayor, Councillors Salter, Pizzey and Ebbels hosted a Council Listening Post at the Queenscliff Uniting Church
19 December 2018	Cr Salter attended the Bellarine Secondary College awards evening to present the Borough of Queenscliffe Award
21 December 2018	The Mayor and CEO met with Sarah Henderson MP, Member for Corangamite, to discuss Council priorities
21 December 2018	The Mayor attended the Point Lonsdale Primary School final assembly to present the Borough of Queenscliffe Award
30 December 2018	The Mayor & Cr Salter were guests at the VIP tent at the Rip View Swim Classic
3 January 2019	Councillors Ebbels, Francis & Salter attended the Queenscliff Neighbourhood House Sand Sculpture competition
11 January 2019	Cr Salter attended the Queenscliffe Literary Festival event where author Chloe Hooper discussed her latest book "The Arsonist"
11 January 2019	The Mayor, Cr Salter and the CEO attended the Point Lonsdale Civic Association Annual General Meeting where the Mayor and CEO were guest speakers

**Councillors Ebbels / Salter:**

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

**Carried unanimously**



**11. COUNCILLOR PORTFOLIO REPORTS**

No reports to consider.

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## 12. COMMUNITY WELLBEING

### 12.1 Municipal Emergency Management Plan and Neighbourhood Safer Places Plan

**File:** QG076-05-01

**Report Author:** General Manager Organisational Performance & Community Services

**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 inform Council of progress in completion of a revised Municipal Emergency Management Plan and to seek adoption of the revised Municipal Neighbourhood Safer Places Plan (**Appendix 1**).

#### **Background**

Part 4, s21(3) of the *Emergency Management Act 1986* (the Act), requires a municipal council to appoint a Municipal Emergency Management Planning Committee (MEMPC) constituted by persons appointed by the municipal council being members and employees of the municipal council, response and recovery agencies and local community groups involved in emergency management issues. Council has a MEMPC in place which includes representation from the Borough of Queenscliffe, all the emergency services organisations, City of Greater Geelong, Victorian Council of Churches Emergency Ministry, Australian Red Cross, Bellarine Community Health, Parks Barwon Water, DHHS, DELWP, DJPR, Parks Victoria, Point Lonsdale Surf Life Saving Club, Regional Roads Victoria (formerly VicRoads), Queenscliff Coastguard, Queenscliff Harbour and Searoad Ferries.

Part 4, s21(4) of the Act states that the function of a MEMPC is to prepare a draft Municipal Emergency Management Plan (MEMPC) for consideration by the municipal council. The last substantial update of the Plan occurred in February 2014.

Section 50F of the *Country Fire Authority Act 1958* details the requirements for Councils to establish a Municipal Council Neighbourhood Safer Places Plan (places of last resort during a bushfire), and sections 50G to 50K detail Councils' responsibilities with regard to identification, designation, signage, maintenance, annual assessment and notification of Neighbourhood Safer Places.

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Historically the Borough of Queenscliffe has complied with the requirements of the Act and identified that there no suitable Neighbourhood Safer Places in the Borough.

Council's complementary Fire Management Plan and MEMP contain planning and strategies to support the community's capacity to deal with bushfires.

### **Key Issue**

1. Updating the Municipal Emergency Management Plan
2. Establishment of the Neighbourhood Safer Places Plan
3. Lack of suitable sites for designation as Safer Places

### **Discussion**

1. Updating the Municipal Emergency Management Plan

Action to update the MEMP began in late November 2018 with a team comprising:

- CEO – Municipal Emergency Manager
- Acting GM Planning and Infrastructure – Municipal Emergency Resource Officer
- GM Organisational Performance and Community Service – Municipal Recovery Manager
- Executive and HR Assistant – MEMPC Executive Officer
- City of Greater Geelong, acting Municipal Emergency Resource Officer
- Other specialist staff as required (Fire prevention officer, public health officer, SES, local laws etc)

The project schedule will see the review complete by Friday 18 January, with an audit scheduled for Tuesday 22 January 2019.

Major tasks have included updating the MEMP, developing a workbook, evaluating the MOU with City of Greater Geelong, and updating the Municipal Neighbourhood Safer Places Plan.

2. Establishment of the Neighbourhood Safer Places Plan

While the establishment of a Municipal Neighbourhood Safer Places Plan is not mandatory, the process of establishing the Plan provides a process and assessment methodology which underpins Council consideration of whether or not to designate a site within the Borough as a Neighbourhood Safer Place. Accordingly, a Municipal Neighbourhood Safer Places Plan has been prepared for Council consideration and adoption.

3. Lack of suitable sites for designation as Safer Places

In consultation with specialist emergency planning staff, officers determined that a Neighbourhood Safer Place would not be required in the Borough of Queenscliffe due to:

- roadside vegetation levels,
-



- the fire risk across the community,
- the egress routes from the Borough and their relationship with the current Municipal Fire Prevention Plan strategic fire breaks, and
- the travel times for residents seeking to leave the area in case of fire.

Council should note that the City of Greater Geelong was also unable to identify suitable Safer Places sites for similar reasons.

### **Council Plan**

The review of the MEMP and adoption of the Neighbourhood Safer Places Plan align to the 2017–2021 Council Plan and 2018–2019 Implementation Plan and initiatives 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:

- Maintain the Borough’s standing as a safe place for residents and visitors.
- Protect, enhance and promote public health.

### **Financial**

Update and review of the MEMP and Neighbourhood Safer Places Plan was achieved utilising existing staff with significant assistance from the City of Greater Geelong Municipal Emergency Response Officer (MERO). Funding from the State Government provides for the Geelong MERO to support the Borough in this regard.

### **Social**

Emergency Management has been an operational area of high importance for all Victorian Councils since Black Saturday and the report of the 2009 Victorian Bushfire Royal Commission. The economic and social effects of emergencies including loss of life, destruction of property and the dislocation of communities can be significant.

### **Environmental**

The environmental impact of a bushfire can be extensive.

### **Risk Management**

The MEMP is designed to identify hazards and address prevention, resourcing and recovery as a result of emergencies.

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

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

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

### **Conclusion**

Sound progress has been made in revising the MEMP and officers are ready to complete the audit process on 22 January 2019. The Neighbourhood Safer Places Plan provides a framework for Council to consider the requirement for establishment of Neighbourhood Safer Places and concludes that there is no requirement for these in the Borough of Queenscliffe.

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

#### **That Council:**

- 1. Note the progress made in revising the Municipal Emergency Management Plan.**
- 2. Adopt the Borough of Queenscliffe Neighbourhood Safer Places plan.**
- 3. Note that there is no Neighbourhood Safer Place (Place of last resort) nominated for CFA assessment in the Borough of Queenscliffe for the 2018/19 fire season.**
- 4. Note that planning and strategies in Council's Fire Management Plan, Municipal Emergency Management Plan and Neighbourhood Safer Places Plan support the community's capacity to deal with bushfires.**

**Carried unanimously**



**13. LOCAL ECONOMY**

No reports to consider.

**14. ENVIRONMENTAL SUSTAINABILITY**

No reports to consider.

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## 15. PLANNING & HERITAGE

### 15.1 Planning Permit Activity Report

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

App. No	Date Received	Address	Proposal	Status
**2017/035	09/05/2017 (Amended 3/08/2017 & 13/12/2017)	26 Simpson Street Point Lonsdale	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	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 VCAT determination yet to be issued
2017/059	24/07/2017	Queenscliff Harbour carpark, Wharf Street East, Queenscliff	Construct and display signage	Waiting on information from applicant
**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	Notice of decision to grant a permit issued VCAT application for review lodged by objector VCAT compulsory conference 23 January 2019 & hearing 14 March 2019
**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	Notice of decision to grant a permit issued
**2018/010	13/02/2018	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 alteration to fences	Notice of decision to refuse to grant a permit issued VCAT application for review lodged by applicant VCAT hearing 22 <sup>nd</sup> February 2019
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



App. No	Date Received	Address	Proposal	Status
2018/032	23/04/2018	5 Tobin Drive Queenscliff	Removal of vegetation	Referral to DELWP
<b>**2018/039</b>	<b>9/05/2018</b>	<b>34-38 King Street Queenscliff</b>	<b>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</b>	<b>VCAT application for review lodged by applicant (failure to determine) VCAT hearing 5 March 2019</b>
<b>**2018/045</b>	<b>5/06/2018 (Amended 26/10/2018)</b>	<b>45 Learmonth Street Queenscliff</b>	<b>Demolition of a dwelling and outbuilding in a Heritage Overlay area and construction of a two storey dwelling</b>	<b>Refer agenda</b>
<b>**2018/062</b>	<b>23/07/2018 (Amended 12/12/2018)</b>	<b>1/3 Edgewater Close Queenscliff</b>	<b>Alterations and extensions (two storey) to an existing dwelling and variation to the site coverage requirements of Design and Development Overlay – Schedule 3</b>	<b>Under consideration (Note: proposed site coverage 51.3%)</b>
2018/076	17/08/2018	2 Gellibrand Street Queenscliff	Alterations to a building (solar panels and flag pole) and external painting of a building individually listed in a Heritage Overlay	Waiting on information from applicant
2018/079	23/08/2018	81 Nelson Road Queenscliff	Subdivision of land into seven (7) lots, removal of vegetation and works associated with the subdivision	Under review
2018/082	28/08/2018	71 Flinders Street Queenscliff	Construction of an outbuilding (storage shed)	Public notification Referrals to DELWP & CFA
2018/083	28/08/2018	71 Flinders Street Queenscliff	Construction of an outbuilding (alfresco area) and alterations to an existing building	Referral to CFA
2018/085	7/09/2018	44 Mercer Street Queenscliff	Part demolition, alterations and extensions (verandah) to an existing dwelling in a Heritage Overlay	Under consideration
<b>**2018/091</b>	<b>1/10/2018</b>	<b>14 Nicholas Court Point Lonsdale</b>	<b>Alterations and extensions to an existing dwelling and construction of an outbuilding and front fence</b>	<b>Under consideration</b>
2018/093	4/10/2018	1 Mercer Street Queenscliff	Part demolition, alterations and extensions to an existing two storey dwelling in a Heritage Overlay area	Public notification
<b>**2018/096</b>	<b>15/10/2018</b>	<b>Lawrence Road (road reserve near Point Lonsdale Road intersection) Point Lonsdale</b>	<b>Removal and lopping of native vegetation in the road reserve</b>	<b>Referral to DELWP</b>



App. No	Date Received	Address	Proposal	Status
2018/097	15/10/2018	29 Mercer Street Queenscliff	Alterations and extensions to an existing dwelling in a Heritage Overlay area, part demolition of an outbuilding and variation to the site coverage requirements of Design and Development Overlay – Schedule 1	Public notification (Note: existing site coverage 40.9%, proposed site coverage 44.5%)
2018/098	22/10/2018	61 Flinders Street Queenscliff	Construction of a second dwelling, variation to the side setback requirements of Design and Development Overlay – Schedule 3 and subdivision of the land into two (2) lots	Under consideration
2018/099	26/10/2018	8 Werry Road Point Lonsdale	Construction of a dwelling	Referral to CCMA
2018/100	29/10/2018	10 Queen Street & 89 King Street Queenscliff	Subdivision of land (boundary re-alignment) on a site individually listed in a Heritage Overlay	Under consideration
2018/101	30/10/2018	1 Girvan Grove Point Lonsdale	Alterations and extensions to an outbuilding, variation to the front setback requirements of Design and Development Overlay - Schedule 4 and alterations to a dwelling	Public notification
**2018/102	2/11/2018	10 Hobson Street Queenscliff	Alterations and additions to an existing retail premises comprising a single dwelling at first floor level within a Commercial 1 Zone and Heritage Overlay area, variation to the site coverage and setback requirements of the Design and Development Overlay – Schedule 1, removal of easement E1 and waiver of the car parking requirements of Clause 52.06 of the Queenscliffe Planning Scheme	Under consideration
2018/103	2/11/2018	29 Flinders Street Queenscliff	Alterations and extensions to an existing building	Public notification Referral to CFA
**2018/104	5/11/2018	31 Cheshunt Street Point Lonsdale	Construction of a two storey dwelling and front fence	Under consideration
2018/106	4/12/2018	64-68 Hesse Street Queenscliff	Alterations and extensions to an existing building in a Heritage overlay area	Under consideration
V 2018/107	5/12/2018	20-26 Hesse Street Queenscliff	Display artwork on an existing fence in a Heritage Overlay area	Under consideration
2018/108	6/12/2018	2 Point Lonsdale Road Point Lonsdale	Removal of vegetation in the Point Lonsdale Lighthouse reserve	Referral to DELWP



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

NO APPLICATIONS TO REPORT

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

App. No	Date Received	Address	Proposal	Status
**2017/104	11/12/2017 (Amended 5/09/2018)	Fellows Road (road reserve btw Murray & McDonald Roads adjacent to Lakers Cutting) Queenscliff	Removal of native vegetation and works associated with a minor utility installation (construction of culverts)	Permit issued
**2018/064	1/08/2018	5 Springhill Court Queenscliff	Construction of a two storey dwelling	Permit issued
**2018/070	7/08/2018	22 Flinders Street Queenscliff	Construction of a two storey outbuilding	Permit issued
**2018/077	20/08/2018	1/33 Baillieu Street Point Lonsdale	Alterations and extensions (in common property) to an existing dwelling on a site less than 300m <sup>2</sup> and variation to the site coverage and setback requirements of Design and Development Overlay, Schedule 4	Permit issued
2018/084	5/09/2018	11 Albert Street Point Lonsdale	Alterations and extensions to an existing dwelling	Permit issued
2018/086	12/09/2018	6 Lonsdale Street Point Lonsdale	Alterations and additions to an existing two storey dwelling	Permit issued
V 2018/105	29/11/2018	36 Learmonth Street Queenscliff	Demolition of an outbuilding, construction of an outbuilding and variation to the site coverage requirements of Design and Development Overlay – Schedule 1	Permit issued



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

App. No	Date Received	Address	Proposal	Status
2018/109	12/12/2018	3 Pelham Court Point Lonsdale	Alterations to an existing dwelling, construction of outbuildings and variation to the setback and wall length on boundary requirements of Design and Development Overlay – Schedule 4	Public notification
2018/110	18/12/2018	69 Learmonth Street Queenscliff	Construction of a two storey dwelling in a Heritage Overlay area	Further information requested 14 January 2019
2018/111	19/12/2018	1 Hobson Street Queenscliff	Construction of a two storey dwelling in a Heritage Overlay area	Initial assessment
2019/001	11/01/2019	4 Wharf Street Queenscliff	Alterations to an existing building in a Heritage Overlay area	Initial assessment
2019/002	16/01/2019	2 Nelson Road Point Lonsdale	Construct and display signage	Initial assessment
2019/003	16/01/2019	6 Richards Street Queenscliff	Removal of easements (E1, E2 & E3)	Initial assessment

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### 15.1(e) Development Plan Summary Report

NO APPLICATIONS TO REPORT

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

**That the report be received.**

**Carried unanimously**

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## **15.2 45 Learmonth Street, Queenscliff: 2018/045**

<b>File:</b>	<b>QP920-200</b>
<b>Report Author:</b>	<b>Senior Planner</b>
<b>Strategic Objective:</b>	<b>Planning and 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 45 Learmonth Street in Queenscliff.

The application proposes the demolition of the existing dwelling and associated outbuilding and the construction of a two storey dwelling.

One (1) objection to the proposal has been received as a result of public advertising.

### **Background**

Draft plans of the replacement dwelling were informally submitted to Council on 22 August 2017 with the aim of seeking comment from Council's heritage advisor.

Council's Heritage Advisor supported the proposal to demolish the existing dwelling, however, he did not support the design of the proposed replacement dwelling and recommended a redesign which included a lower, single storey presentation to the street (with any double storey section set well back from the frontage), a hipped roof and a single garage set well behind the proposed dwelling.

The application was advertised between 9 July 2018 and 25 July 2018. Eleven (11) 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 was placed in the Echo newspaper.

One (1) objection was received to the proposal.

### **Key Issues**

The proposed development of 45 Learmonth Street includes the demolition of the existing single storey dwelling and associated outbuilding and construction of a two storey dwelling.

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The materials and finishes nominated for the dwelling include weatherboard painted light grey, colorbond roofing in dark grey and timber windows painted white.

The finished height of the proposed dwelling (to the peak of the roof) is nominated on the plans submitted with the application at 8.010 metres from natural ground level.

The first floor of the proposed dwelling, as shown on the plans submitted with the application offers a lounge room, guest bedroom with associated ensuite, separate toilet/powder room, single car garage, laundry, pantry and combined kitchen/family/living and dining room.

The plan of the second floor nominates a master bedroom with walk-in robe, ensuite and balcony, two additional bedrooms, bathroom and a separate toilet/powder room.

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

## Discussion

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

Clause 11.03            PLANNING FOR PLACES  
Clause 11.03-5S       Distinctive areas and landscapes

The objective of Clause 11.03-5S is to:

*Protect and enhance the valued attributes of identified distinctive areas and landscapes.*

The strategies nominated to meet the objective are as follows:

- *Recognise the significant geographic and physical features of these areas.*
- *Recognise the important role these areas play in the state as tourist destinations.*
- *Protect the identified key values and activities of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *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.*
- *Develop Localised Planning Statements for the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges.*

Applications 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

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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.

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 BPLS 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 BPLS 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 45 Learmonth Street, against the provisions of Clause 11.02-2 and the BPLS, a determination on whether the proposal effectively responds to the established identity and character of the surrounding area is critical.

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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

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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 15.03           HERITAGE  
Clause 15.03-1S       Heritage Conservation

The objective of Clause 15.03-1S is to:

*Ensure the conservation of places of heritage significance.*

The strategies nominated to meet the 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.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings where their use has become redundant.*
- *Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.*

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.

Whilst the subject site at 45 Learmonth Street is not acknowledged in the Queenscliffe Planning Scheme as contributory to the heritage values of the township, the dwellings on either side of the subject site are. Of note are the dwellings at 41-43 Learmonth Street, which abut the northern boundary of the subject site, and are individually listed in the Queenscliffe Planning Scheme with the designation HO44.

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

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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:

- *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 proposed dwelling at 45 Learmonth 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 dwellings on either side of the subject site are both single storey heritage dwellings. The proposed double storey dwelling is considered an inappropriate response to either the scale or built form of the immediate area.

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

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

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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.

As noted in the response to Clause 21.02-1 of the Queenscliffe Planning Scheme, the prevailing height and scale of the section of Learmonth Street containing the subject site is single storey.

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.

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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 dwelling at 45 Learmonth 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.

### 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:*

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- *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.*

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. All of the requirements nominated in DDO1 are met by the proposed design, however, as discussed previously in this report, the proposed extension does not reflect the predominantly single storey character of the section of Learmonth Street in which the subject site is located.

### Objections

One (1) objection to the proposal has been received.

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

*The proposed double storey residence is an inappropriate response to area covered by a heritage overlay.*

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Agreed. Heritage Overlay 11 acknowledges the predominance of single storey dwellings within the *Central Queenscliff Urban Conservation Precinct* whereas the proposed development is for a double storey residence. As a result there is an inconsistency between the design response and the planning scheme.

*Overshadowing of objectors rear courtyard.*

As noted previously in this report, there is no trigger in the Queenscliffe Planning Scheme for a ResCode assessment of the proposed development. The issue of overshadowing will be assessed by a Building Surveyor at the time a Building Permit is sought.

### **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 22 November 2018, Council removed officer delegation conferred under Section 98(1) of the Local Government Act 1989 in relation to Planning Application 2018/045: 45 Learmonth Street, Queenscliff – demolition of a dwelling and outbuilding in a heritage overlay area and construction of a two storey dwelling, 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 6 December 2018 during which the applicant and objectors were given the opportunity to speak to Council on the proposal. Only the applicant attended the meeting and presented to Council.

### 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 / Salter:**

**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 45 Learmonth Street, Queenscliff for demolition of a dwelling and outbuilding in a heritage overlay area and construction of a two storey dwelling, based on the following grounds:**

- 1. The proposal is contrary to Clause 11.03-5S (Distinctive areas and landscapes) 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 15.03 (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.**
- 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 unanimously**



### **15.3 Point Lonsdale Lighthouse Reserve Master Plan**

<b>File:</b>	<b>QG052 03 2018/02</b>
<b>Report Author:</b>	<b>Acting General Manager Planning and 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**

This report advises Council of the outcome of the recent community consultation process in relation to the draft Point Lonsdale Lighthouse Reserve Master Plan so that, along with the design consultant (Tract) and Project Reference Group's recommendations, Council can consider adoption of a final landscape improvement Master Plan.

#### **Background**

In 2012, Council received delegation from the State Government to be the Crown land manager of the Point Lonsdale Lighthouse Reserve. This delegation gave responsibility to Council for all structures and buildings, but not the lighthouse and the newer fog horn shed.

Shortly after, consultants Planisphere were engaged to identify options for the future use of the Reserve. Four options were presented to Council and following a community consultation process including the establishment of a Community Reference Group, overwhelming community support was shown for an option that limited any changes to landscape and public realm improvements. Council endorsed this option at its Ordinary Meeting held on 29 April 2015.

After an extended period of advocacy, Council obtained State and Federal government funding for the Point Lonsdale Lighthouse Reserve project in early 2018. The level of funding provided was based on a staged approach to works with stage 1 of the project estimated at \$800,000. Of this amount, \$200,000 was a notional value of the Federal Government contribution by way of a Green Army project that focussed on weed removal and low impact environmental works at the Reserve. The balance of \$600,000 (\$500k from State Government and \$100k from Council) funds stage 1 landscape improvements.

In March 2017, following an advertised Expression of Interest process, members of the current Point Lonsdale Lighthouse Reserve Reference Group were appointed by Council to provide advice on community based priorities in the ensuing project planning processes.

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In August 2017, a community application for inclusion of the Point Lonsdale Lighthouse Reserve (and surrounds) to be added to the National Heritage Register was placed on the National Heritage Priority List for assessment and Council has supported this nomination.

In April 2018, consulting firm Tract was appointed to prepare a detailed design for stage 1 landscape and public realm improvements including Paths and trails, Interpretative signage, Ship viewing areas, BBQ and associated facilities, Improvements to lighthouse surrounds, and Vegetation.

In relation to the four former Toc H buildings on the site, the brief for Tract was to assume removal of the buildings, but noting that the Reference Group in its deliberations had identified six possible scenarios, with its preferred scenario being:

- Remove asbestos from four buildings, new cladding using material similar to original P1 huts, fit out of largest building as an exhibit (known as McDonald's Hall), three remaining buildings securely sealed with no access to inside of building.

Note: All six options and associated estimated costs are presented in the Discussion section of this report.

Having worked with the Reference Group during several meetings over a number of months, Tract produced a draft landscape improvement Master Plan (Option C) for community consultation. (Refer **Appendix 2**). It is important to note that Tract's proposal was provided on the basis of landscape design, not heritage, expertise.

At its Ordinary Meeting on 23 August 2018, Council resolved as follows:

*That Council:*

- 1. Note that the Landscape Master Plan Report Option C Stage 1 by Tract Consultants Pty Ltd, as presented in Appendix 4b is the preferred option of the Point Lonsdale Lighthouse Reserve Project Reference Group. The Group's recommendation in relation to the Toc H buildings is to remove asbestos from four buildings, install new cladding using material similar to original P1 huts, fit out of largest building as an exhibit, three remaining buildings securely sealed with no access to inside of building, and that these works are undertaken as early stage works within the project.*
  - 2. Note that the Project Reference Group did not reach a final recommendation on the following items and that these items also be a part of the wider community consultation on the Option C, Stage 1 draft Master Plan Report:*
    - a. Extent of car parking on the site;*
    - b. the use of buildings on the reserve;*
    - c. the village green and amphitheatre;*
    - d. the path connection to the pier.*
  - 3. Request officers to progress community consultation with the wider community by:*
    - a. Preparing a project bulletin and mail to all rate payers. The project bulletin include an update of considerations and the work completed to date and request feedback using a pre-paid return envelope on the following broad project elements of the Masterplan as presented in Appendix 4b*
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- b. *Support for the car parking provision (Yes/No)*
  - c. *Support for a kiosk and/or interpretive centre as part of a redeveloped McDonald's Hut (Yes/No)*
  - d. *Preferred option for the treatment of the Toc H Buildings selected from:*
    - i. *Demolish all four existing buildings and install interpretative signs on site.*
    - ii. *Remove asbestos from four buildings, new cladding using material similar to original P1 huts, fit out of largest building as an exhibit (known as McDonald's Hall), three remaining buildings securely sealed with no access to inside of building.*
    - iii. *Invitation to respondents to identify other options such as:*
      - *New cladding using material similar to original P1 huts and fit out of largest building as an exhibit (known as McDonald's Hall), removal of three remaining buildings.*
      - *New cladding using material similar to original P1 huts and fit out of largest building as an exhibit (known as McDonald's Hall), conversion of one other building into a shelter, remove remaining two buildings and provide interpretative representation of them.*
  - e. *Support for the all abilities path up to the lighthouse.*
4. *Support the above consultation process by holding 2 Open House sessions, one of which to be at the Engine Shed located at the Point Lonsdale Lighthouse Reserve.*
5. *Request officers to:*
- a. *Reconvene a meeting of the Point Lonsdale Lighthouse Reserve Project Reference Group at the conclusion of community consultation, and;*
  - b. *Provide a further report to a future Ordinary Council Meeting at the conclusion of the community consultation process and discussion with the Point Lonsdale Lighthouse Reserve Project Reference Group about the consultation results.*

In accordance with the above resolution, a consultation period commenced on Monday 12 November with a project update and surveys distributed to all Borough ratepayers by mail and email, and letterbox dropped to households in Point Lonsdale within the City of Greater Geelong. Council held two community open house sessions at the Engine Shed on Tuesday 20 November 2018 and at the Point Lonsdale Primary School on Saturday 24 November 2018, where members of the public were able to view and discuss aspects of the draft Master Plan with Councillors, Council staff and representatives of the Tract design consultant team.

As a result of the consultation process, Council received 540 completed surveys, 19 written submissions and one petition signed by representatives of 20 Point Lonsdale based businesses.

### Survey Results

Ninety-five percent of survey respondents identified as a Borough resident and / or ratepayer.

The survey asked a set of questions about the draft landscape Master Plan. The results for each question were:

1. Do you support the car parking proposals as described in the draft Point Lonsdale Lighthouse Reserve Landscape Masterplan?
  - Yes: **85.85%**



- No: **14.15%**
2. Do you support the location and the form of the Village Green as proposed in the draft Point Lonsdale Lighthouse Reserve Landscape Masterplan?
- Yes: **89.43%**
  - No: **10.57%**
3. Do you support the construction of an all-abilities standard path to the Pier as proposed in the draft Point Lonsdale Lighthouse Reserve Landscape Masterplan?
- Yes: **96.45%**
  - No: **3.55%**
4. Do you support a permanent or temporary kiosk at the Lighthouse Reserve? (Respondents were asked to select one option only).
- No kiosk: **47.14%**
  - Temporary kiosk: **23.85%**
  - Permanent kiosk: **29.01%**
5. What is your preferred option for treatment of the Toc H buildings? (Respondents were asked to select one option only).
- Demolish all four existing buildings and install interpretative signs on site: **45.16%**
  - Remove asbestos from all four buildings, install new cladding using material similar to original P1 huts, fit out largest building (McDonald's Hall) as an exhibit, seal and secure the three remaining buildings to prevent access to the inside of the buildings: **28.10%**
  - Another option, such as install new cladding using material similar to original P1 huts, fit out largest building (McDonald's Hall) as an exhibit, convert one other building into a shelter, remove remaining two buildings and install interpretative representation of them: **26.74%**

The survey also invited respondents to provide comments in relation to each question and the draft Master Plan overall. Many hundreds of individual comments were received in response and, overall, generally reflected and supported the results contained with the statistical response to each question. It is noted that whilst more than 85% of respondents supported the car parking proposals as described in the draft Master Plan, a general theme which emerged in the associated comments was that future car parking provision needs to be considered.

#### Written Submissions

Similar to the written comments contained within the survey responses, the nineteen separate written submissions generally reflected the statistical results of the survey questions. The main issues raised in the submissions included:

- More attention needs to be given to traffic management issues;
  - Car parking should be provided closer to the lighthouse;
  - Trees and vegetation cover should take preference over overflow car parking;
  - There should be more open park area, picnic tables and walking tracks;
-



- Power lines should be underground;
- Network of military and installations within and beyond the reserve should be improved;
- The project cost estimates are under-estimated;
- Kiosk - submissions both for and against a kiosk on the site;
- Toc H buildings – submissions both for and against removal of the buildings on the site;
- Any proposed changes should support / be consistent with the application for inclusion of the Point Lonsdale Lighthouse Reserve on the National Heritage Register;
- The site should be rezoned to Public Conservation and Resources Zone;
- The community engagement process was inadequate.

### Petition

The petition from 20 Point Lonsdale businesses requests that *“No decisions, planning or development of a kiosk or café at the Point Lonsdale Lighthouse Reserve proceed without further extensive and meaningful consultation with local traders”*.

As per Council’s August 2018 resolution, a meeting was held on 13 December 2018 to brief the Project Reference Group on the outcomes of the community consultation process.

### **Key Issues**

The key issues for consideration by Council are:

- Tract draft Master Plan Option C
- Project Reference Group’s recommendations
- Community consultation outcomes

The above should inform Council’s decision-making about adoption of the final Master Plan, along with consideration of the potential implications for the National Heritage application.

### **Discussion**

Most of the design elements contained in Tract’s draft Master Plan Option C have been well supported by the Project Reference Group and the wider community. This section focusses on issues that warrant particular consideration.

### Car Parking

Although the car parking proposals have been strongly supported, comments and submissions received during the consultation process suggest that some further consideration is warranted, particularly in relation to any possible future expansion of the car park. It is suggested that this matter can be considered as part of the detailed design process after adoption of the final Master Plan. Note, the car parking proposals are not funded within stage 1 of the project.

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## Kiosk

A temporary or permanent kiosk is not part of the project's stage 1 funding. Accordingly, there is no urgency to have this matter resolved in the short term. As per the petition received from the Point Lonsdale traders, further consultation should occur before any future consideration about any proposed kiosk on the site.

## Toc H Buildings

Tract's draft Master Plan Option C recommends the retention of the four Toc H buildings. Specifically, McDonald Hall is proposed as "an exhibit/community space/interpretative centre/café", with the other three buildings to be "managed as sculptural elements ie. No Access".

The Project Reference Group identified six scenarios for consideration, and determined option No. 5 as its recommended and preferred scenario. The six options and indicative costs are:

<b>Toc H building options</b>	<b>Cost Estimate*</b>
1. Demolish all four existing buildings and install interpretative signs on site.	\$120,000 (\$80k for demolition and \$40k for interpretative signage)
2. Demolish all four existing buildings and build a new interpretative centre that includes amenities, air conditioning and displays. Approximate area of the new building 160 square meters.	\$760,690
3. Remove asbestos from four buildings, new cladding material similar to original P1 huts, (corrugated galvanised iron sheets) and buildings sealed with no access to inside of building.	\$164,000
4. Remove asbestos from four buildings, new cladding using material similar to original P1 huts, minimal fit out to allow for community use.	\$554,000
5. Remove asbestos from four buildings, new cladding using material similar to original P1 huts, fit out of largest building as an exhibit (known as McDonald's Hall), three remaining buildings securely sealed with no access to inside of building.	\$206,600
6. Demolish largest building, all asbestos removed from three remaining buildings, new cladding using material similar to original P1 huts, fit out of three remaining buildings for community use. In addition a new interpretative centre built that includes amenities, air conditioning and displays. Approximate area of building 160 square metres.	\$1,010,400

\* Cost estimates are based on quotes received by Council officers and the 2018 Rawlinsons Construction Handbook.

The wider community's most popular single option, as expressed across the 540 returned surveys was to:



- Demolish all four existing buildings and install interpretative signs on site. This was favoured by **45.16%** of respondents.

The results for the other two options presented in the survey were as follows:

- Remove asbestos from all four buildings, install new cladding using material similar to original P1 huts, fit out largest building (McDonald's Hall) as an exhibit, seal and secure the three remaining buildings to prevent access to the inside of the buildings: **28.10%**
- Another option, such as install new cladding using material similar to original P1 huts, fit out largest building (McDonald's Hall) as an exhibit, convert one other building into a shelter, remove remaining two buildings and install interpretative representation of them: **26.74%**

From within the Project Reference Group and the wider community, strong cases have been made both for retaining and removing the Toc H buildings.

Those in favour of retention point to heritage values. To this extent, the Point Lonsdale Lighthouse reserve is included in the Victorian Heritage Register. The VHR citation notes that the *"The Point Lonsdale Lighthouse precinct is of architectural, historical and archaeological significance to the State of Victoria."* Also, *"...The defence group is of historical significance for the range of fixed defence structures within the site, reflecting the importance of the defence of Port Phillip Bay and the major cities of Melbourne and Geelong during the duration of both the First and Second World Wars. The P1-type huts are of interest for their association with the 7 Australian CRE [Works] division, the Australian Women's Army Service [AWAS], and the Toc H organization"*

Those in favour of removing the buildings suggest that they have been altered to such an extent that they provide little or no heritage value, and that any remaining heritage value would be further eroded by additional alterations that would be required to retain and restore the buildings. It is also suggested by some who dispute the heritage significance of the buildings that the large number of similar buildings in better condition throughout Victoria and Australia means those at Point Lonsdale are of little importance to the telling of the Toc H story. Other arguments in favour of removing the buildings focus on the financial costs of retention and restoration, the ongoing risks and costs of vandalism, and the opportunity to replace the buildings with vegetation.

It is noted that the current funding agreement with the State Government includes \$80,000 for demolition of the former Toc H buildings and \$40,000 for Interpretation of Toc H huts.

#### Staging and Funding of the Project

As per the stage 1 funding agreement, the schedule of proposed works is limited to:

- Paths and trails
  - Removal of Toc H buildings
  - Interpretative signage
  - Ship viewing areas
  - BBQ and associated facilities
-



- Improvements to lighthouse surrounds
- Vegetation

Works currently envisaged for stage 2 or other works would require a Council budget allocation and/or new government funding support. This includes any proposed retention and/or restoration works relating to the Toc H buildings, which would require a variation to the current funding agreement and future additional funding.

Also relevant to this issue is the timeframe commitment Council has under the conditions of funding agreement with the State Government whereby stage 1 works, as funded, are required to be completed by the end of July 2019.

### Heritage and Statutory Approvals

It should be noted that a permit from Heritage Victoria is required for any works or alterations in relation to a registered place or object including:

- *Building extensions, constructions, interior works, demolition or relocation of buildings and structures, changes of colour schemes and signage.*
- *Construction of new buildings and garden structures such as fences or decks, pathways and driveways, and changes of materials.*
- *Works to registered trees and gardens which are not regular maintenance works.*
- *Excavations at registered sites or damage or alteration to an archaeological artefact.*
- *Relocation, repair and conservation treatment of objects.*

While there are not any formal requirements for referral to the Commonwealth until a final decision is made on the National Heritage Listing application, Council has previously committed to informally referring any proposal to the appropriate Federal body to ensure the application is not compromised in any way.

### Project Reference Group

The Project Preference Group has been instrumental in informing and supporting the design process to date. Having reached an important project milestone with the (anticipated) adoption of the final Master Plan, it is suggested that the Reference Group Terms of Reference be reviewed and updated, as required, to ensure that the work of the Group remains most effective and relevant to the future requirements of the project.

### **Council Plan**

The Point Lonsdale Lighthouse Reserve project relates to the following Strategic Objectives of Council, as per the 2017 – 2021 Council Plan:

- Community Wellbeing - Enhance community wellbeing by providing a safe environment where people are involved, healthy and active in recreation, arts and culture.
  - Environmental Sustainability – Play our part in protecting the local, national and globally significant values within our natural environment for future generations.
-



- 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.

### **Financial**

The budget for stage 1 of the proposed landscape improvements is \$600,000, which includes design and consultation costs. As indicated in the Discussion section of this report, works currently envisaged for stage 2 or other works would require an additional Council budget allocation and/or new government funding support. This includes any proposed retention and/or restoration works relating to the Toc H buildings. It is intended that procurement of stage 1 works will be subject to a tender process and a fixed price contract.

### **Social**

The process to date has engaged hundreds of community members to varying degrees of involvement and serves as a good model of a collaborative and inclusive community process that has brought people together in pursuit of a common goal. Adoption of a Master Plan and subsequent landscape improvements will enhance a site that is of significance to the social and cultural fabric of the nation.

### **Environmental**

Improvement of the Point Lonsdale Lighthouse Reserve in accordance with the draft Master Plan will improve the local environment. Planning for protection of key species, fire risk, and clearance of weed and other infestations will protect and enhance the ecological significance of the site.

### **Risk Management**

Any project of this scale carries risks, most of which are manageable risks given appropriate project management processes and practice. The specific risk that will require particular consideration and careful navigation concerns obtaining multiple statutory approvals for the project in a reasonable timeframe, given the complex range of planning, heritage and environmental controls that apply to the site.

### **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.

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## Assessment

Having regard to all of the above – including the draft Tract Master Plan Option C report, Project Reference Group recommendations and outcomes of the community consultation process – it is recommended that Council should adopt draft Master Plan Option C generally as presented to the community, and that it determine its position in relation to the future of the Toc H buildings.

## Conclusion

A process to undertake a moderate level of landscape development at the Point Lonsdale Lighthouse Reserve commenced some years ago and the considerable efforts of Council and the community to progress the project to this stage should be acknowledged. Adoption of a final landscape improvement Master Plan would be a significant milestone in delivering a project of high interest and importance to the community.

### Recommendation:

#### That Council:

1. **Note the outcomes of the community engagement process, including the receipt of 540 completed surveys, 19 written submissions and one petition from 20 Point Lonsdale traders.**
2. **Noting and notwithstanding Council's endorsement in April 2015 of the initial Concept Plan for landscape improvements, adopt Landscape Master Plan Option C (Tract, 27/07/18), including the agreed detailed design elements, as presented during the community consultation process, subject to the following:**
  - a. **Inclusion of a note on the plan indicating possible future car park expansion area;**
  - b. **If required, amendments to the plan to reflect Council's decision in relation to the future of the four existing Toc H buildings, as per item 3 of this resolution.**
3. **Determine its formal position in relation to the Toc H buildings having regard to the draft Master Plan Option C prepared by Tract, the advice of the Point Lonsdale Lighthouse Reserve Reference Group, and the outcomes of the community consultation process.**
4. **Notwithstanding items 2 and 3 above, seek the relevant advice and approvals to ensure that none of the proposed Master Plan works would compromise the chances of a successful outcome to the current application for National Heritage Listing of the Point Lonsdale Lighthouse Reserve.**
5. **Do not proceed at this time with any kiosk and only consider a temporary or permanent kiosk for a future stage after further consultation with local traders.**
6. **Maintain a Point Lonsdale Lighthouse Reserve Reference Group and undertake a review of the Terms of Reference to ensure they remain relevant and most effective given the progress of the project to date and the contents of this resolution.**



- 7. Request the CEO to issue a Media Release to update the community on this matter and to thank community members who served on the Reference Group and who engaged in the consultation process.**

**Councillors Pizzey / Francis:**

**That Council:**

- 1. Note the outcomes of the community engagement process, including the receipt of 540 completed surveys, 19 written submissions and one petition from 20 Point Lonsdale traders.**
- 2. Noting and notwithstanding Council's endorsement in April 2015 of the initial Concept Plan for landscape improvements, adopt Landscape Master Plan Option C (Tract, 27/07/18), including the agreed detailed design elements, as presented during the community consultation process, subject to the following:**
  - a. Inclusion of a note on the plan indicating possible future car park expansion area;**
  - b. If required, amendments to the plan to reflect Council's decision in relation to the future of the four existing Toc H buildings, as per item 3 of this resolution.**
- 3. In acknowledging the history of the site, that Council prepare a heritage impact statement that supports an application for a heritage permit and/or other relevant statutory approvals that responds to the Toc H buildings as follows:**
  - a. Reinstatement of the eastern building (known as P1 McDonald) for the purpose of an interpretative exhibit;**
  - b. Replacement of the northern building with, or redevelopment as, a shelter as part of a picnic / BBQ area, utilising or replicating elements of the existing building;**
  - c. Demolition of the western building and installation of signage or other minor, low scale interpretative element in this location;**
  - d. Demolition of the southern building and installation of a sculptural or other creative interpretative element in this location;**
  - e. Request officers to prepare and present a report to Council on the design and costs of the proposed works in order to enable Council to make application to Heritage Victoria;**
  - f. Advise the Australian Heritage Council of Council's recommendation.**
- 4. Notwithstanding items 2 and 3 above, seek the relevant advice and approvals to ensure that none of the proposed Master Plan works would compromise the chances of a successful outcome to the current application for National Heritage Listing of the Point Lonsdale Lighthouse Reserve.**
- 5. Do not proceed at this time with any kiosk and only consider a temporary or permanent kiosk for a future stage after further consultation with local traders.**
- 6. Maintain a Point Lonsdale Lighthouse Reserve Reference Group and undertake a review of the Terms of Reference to ensure they remain relevant and most effective given the progress of the project to date and the contents of this resolution.**



- 7. Request the CEO to issue a Media Release to update the community on this matter and to thank community members who served on the Reference Group and who engaged in the consultation process.**

**Carried unanimously**

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## 16. GOVERNANCE & PERFORMANCE

### 16.1 Review of Council Policies

<b>File:</b>	<b>QG055-01-12</b>
<b>Report Author:</b>	<b>General Manager Organisational Performance and Community Services</b>
<b>Strategic Objective:</b>	<b>Maintain a cohesive, well governed, financially sustainable and independent Borough</b>
<b>Portfolio:</b>	<b>Governance and Finance</b>
<b>Portfolio Holder:</b>	<b>Cr Bob Merriman</b>

#### **Purpose**

The purpose of this report is for Council to consider three Council policies, including two revised policies and one new policy recommended to be adopted.

The draft Council policies presented for consideration include:

1. CP019 Conservation Covenant Incentive – Revised (**Appendix 3a**)
2. CP044 Sale, Exchange or Transfer of Land – New (**Appendix 3b**)
3. CP004 Community Grants – Revised (**Appendix 3c**)

#### **Background**

Good governance is a core role of Council and the timely and regular review of Council policies is essential to ensuring that current and relevant direction and guidance is available to Council and its officers in relation to the core corporate governance functions of Council.

The establishment of Council policies, typically reviewed on a cyclical basis, is influenced by a range of considerations, such as:

- Ensuring compliance with legislative requirements;
  - Alignment with best practice guidelines applicable to the local government sector and/or business;
  - Implementing internal and external audit recommendations; and
  - Conveying Council's strategic intent to the organisation and/or the community in relation to a Council function or responsibility.
-





## Key Issues

A regular review of policies ensures relevance to today's environment, such as consideration of Council's strategic intent outlined in the Council Plan 2017-2021, as well as compliance with legislative requirements.

**CP019 Conservation Covenant Incentive** was adopted in August 2006 to determine circumstances when Council will offer a rate incentive via a Conservation and Land Management Rebate, which provides a contribution to the costs of managing and protecting the conservation values of land. This policy was last revised by Council in September 2015.

Council officers recommend a number of amendments to this policy. Additional context is provided to summarise the impact on Council's budget, provisions are now included for a written report to be provided by land owners before eligibility for the rebate to continue is confirmed by Council, and the frequency of policy review is at least once in each Council term.

In addition to the above policy review, Council officers have also prepared a new draft policy as outlined below.

**CP044 Sale, Exchange or Transfer of Land:** This draft policy will assist Council and officers in determining the procedures to be followed in the sale, transfer or exchange of Council Land, in compliance with legislation and in line with sound management practice. The policy makes reference to legislative requirements, criteria for deciding if land should be made available for sale, preliminary reporting with respect to proposed land sales, the disposal of land and use of sale proceeds, and the disclosure of such transactions in Council's annual report.

**CP004 Community Grants:** The community grants program provides an important funding opportunity for not-for-profit groups within the Borough of Queenscliffe to access financial support enable community groups to provide projects and services to the wider community.

## Discussion

Council policies are updated by Council officers in accordance with a regular program of review by management. The proposed revision to the Conservation Covenant Incentive policy (CP019), Community Grants policy (CP004) and the creation of a new draft policy for Sale, Exchange or Transfer of Land (CP044) will ensure that the policy framework remains current and relevant.

The following is a summary of key issues and changes as they relate to the draft policies:

### 1. CP019 Conservation Covenant Incentive – Revised

This policy was last reviewed in September 2015, with a recommended review by Council in three years. Officers have now reviewed this policy, and a briefing was provided to Councillors at its 20 December 2018 budget workshop with respect to proposed revisions to this policy, for Council to consider at its 24 January 2019 Ordinary Council Meeting.

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This policy demonstrates Council's commitment to protecting and preserving remnant flora and fauna and promotes use of sustainable land management practices within the Borough of Queenscliffe through the provision of a conservation and land management rate rebate. Along with a range of minor edits, noteworthy policy revisions are summarised below:

Section	Proposed amendment(s)
Context	Inclusion of a new paragraph which summarises the impact on Council's budget.
Policy	(2) Rebate is 100% of general rates if land > 1 hectare, otherwise case by case. (3) Landholders to provide a written report to Council on the works carried out. (4) Council to arrange a visit to the property, and confirm eligibility for rebate.

Officers recommend this policy be reviewed as a minimum in the first year of each new Council term, and as required.

## 2. CP044 Sale, Exchange or Transfer of Land – New

Council officers recommend Council establish a new Sale, Exchange or Transfer of Land policy (CP044). Officers provided a briefing to Councillors at its 20 December 2018 budget workshop with respect to this proposed new policy, for Council to consider at its 24 January 2019 Ordinary Council Meeting.

Council is obliged to manage its real estate so that municipal requirements are met. These requirements may change and properties need to be re-evaluated to establish their status. The purpose of this policy is to assist Council and officers in determining the procedures to be followed in the sale, transfer or exchange of Council Land, in compliance with legislation and in line with sound management practice.

This policy applies to sale, exchange or transfer of Council land, except where sections 181 or 191 of the Local Government Act 1989 (the Act) apply. Council's annual budget does not provide for the sale or exchange of Council land, unless a formal Council resolution is passed.

It is important to note that any potential proceeds from the sale of land will not be used to 'prop up' existing operational expenditure. Instead, Council would only apply these funds to projects which generate additional revenue streams (invest-to-save projects and matching government grants) and/or reduce operating expenditure (again, this could result from invest-to-save projects, as well as the retiring of debt which would reduce interest expense).

The draft Sale, Exchange or Transfer of Land policy (CP044) presented provides:

- The context in terms of legislative requirements and presentation in Council's budget;
- Purpose of the policy and key principles to be applied when considering land sales;
- Legislative framework and best practice guidelines;
- Criteria for assessing and determining when land should be made available for sale;
- Disposal of land by public, private or other sale and public notice/submission process;
- Use of sale proceeds to retire debt, invest-to-save or attract matching government grants;
- Disclosure in Council's financial reports and its Annual Report.



Officers recommend this policy be reviewed as a minimum in the first year of each new Council term, and as required. This policy is subject to immediate review should any relevant changes in legislation occur.

### 3. CP004 Community Grants – Revised

This policy was first adopted in December 1998 and last reviewed in February 2014. The purpose of this policy is to provide a Community Grants Program that aims to enable community groups to further meet the needs of the wider community in a partnership relationship with Council.

Council officers have now reviewed this policy and recommend the following amendments:

Section	Proposed amendment(s)
Context	Move 'purpose' from context to provide separate heading, consistent with Council Policy template.
Purpose	Add 'Purpose' to provide consistency with Council Policy template.
Definitions	Add definition of 'Community Grants'
Policy	
4. How Projects are assessed	Add that "Projects will be assessed according to the criteria set out in the Community Grants Program Guidelines".
5. Community Grants Reference Group	Add new heading. Add new sentence that states "Expressions of interested will be invited from the community to participate on the Community Grants Reference Group. Membership to the Reference Group will be considered confidentially and appointed by Council."

### Council Plan

Each draft Council policy presented aligns with the following Council Plan 2017-2021 strategic objective and strategies:

Strategic Objective 5: Maintain a cohesive, well governed, financially sustainable and independent Borough:

- Provide transparent and accountable governance and meet all legislative requirements;
- Ensure the continuing financial sustainability and independence of the Borough; and
- Maximise the return on Council assets and leverage external funding opportunities.

### Financial

Key policy reviews provide the opportunity for constant assessment of the financial risks to the organisation, which assist in limiting unnecessary exposure to risk.



**CP019 Conservation Covenant Incentive:** Continuation of this rebate, which is equivalent to 100% of the general rate for eligible properties, results in a reduction in the total rates and charges collected by Council. For the 2018/19 year, Council's income is reduced by \$4,366.

**CP044 Sale, Exchange or Transfer of Land:** No land sales are budgeted in the current 2018/19 financial year. Should land sales be proposed in the future, this has the potential for a material impact to the total income reported by Council.

**CP004 Community Grants:** Council determines the amount of financial support for the community grants program through its annual Budget planning process.

## Social

Key policy reviews also provide the opportunity for constant assessment of social risks to the organisation, which assist in limiting unnecessary exposure to risk.

**CP019 Conservation Covenant Incentive:** Council's rebate of 100% on general rates to eligible landholders provides some relief in the cost of managing and protecting conservation values.

**CP044 Sale, Exchange or Transfer of Land:** Proposals for sale and subsequent development of land may bring new residents to the Borough, which would assist in strengthening the local community and the sustainability of local organisations.

**CP004 Community Grants:** The community grants program is designed to assist not-for-profit organisations to deliver on projects, provide services and facilities that have a positive social benefit to the community.

## Environmental

Key policy reviews also provide the opportunity for constant assessment of environmental risks to the organisation, which assist in limiting unnecessary exposure to risk.

**CP019 Conservation Covenant Incentive:** This policy provides a contribution to offset the costs of sustainable land management, complement land use provisions and manage land for conservation. It encourages and empowers local communities and landholders to manage land for conservation, and reduces unsuitable land practices that would otherwise result in severe degradation and permanent loss of biodiversity.

**CP044 Sale, Exchange or Transfer of Land:** Any proposals for sale of land must consider the impact on environment, ensuring native vegetation and habitats are appropriately managed.

**CP004 Community Grants:** Not applicable

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## **Risk Management**

The absence of clear policies, relating to good governance practices, increases the risk that relevant legislative provisions may not be complied with and current practices may not be transparent. Financial and non-financial (social and environmental) risks were considered in this review of an existing Council policy and the creation of a new policy for Council adoption.

## **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**

Adopting the draft policies, as presented in this report, will ensure that the Council policy framework remains current and relevant.

## **Councillors Salter / Ebbels:**

**That Council adopt the following Council policies, as presented:**

- 1. CP019 Conservation Covenant Incentive**
- 2. CP044 Sale, Exchange or Transfer of Land**
- 3. CP004 Community Grants**

**Carried unanimously**

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7.49pm Cr Ross Ebbels declared a conflict of interest in that his personal place of residence is in close proximity to the Council-owned land at Murray Road and left the chamber.

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

<b>File:</b>	<b>QG170-02-02</b>
<b>Report Author:</b>	<b>Chief Executive Officer</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 seek a decision from Council about whether or not to sell Council owned land at 61 – 75 Murray Road, Queenscliff. The report recommends that Council should sell the land.

### **Background**

At its 26 July 2018 Ordinary Meeting Council formally considered a report on ‘Council Owned Land at Murray Road’ that covered the following topics related to the Council owned land at 61 – 75 Murray Road, Queenscliff:

1. Contextual features
2. Land use planning
3. Previous Council plans related to this property
4. Additional Flora and Fauna Significance Impact Assessment
5. Referral to Department of Water, Environment, Land and Planning (DWELP)
6. Referral to Corangamite Catchment Management Authority (CCMA)
7. Referral outcomes
8. Results of, and response to, public notification and public submissions
9. Statutory processes for the intention to sell Council land

In giving due regard to these matters, Council resolved at this 26 July 2018 Ordinary meeting to give public notice of its intention to sell land at Murray Road, and to invite and consider submissions under Section 223 of the Local Government Act 1989. A public notice was published in the Geelong Advertiser on Saturday 3 November 2018, with a closing date for submissions of 3 December 2018. Ten submissions were received before the closing date. Five submitters spoke in respect of six of the submissions at a Special Council Meeting on 13 December 2018. Matters pertaining to the

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public submissions and other relevant considerations are addressed in the 'Discussion' section of this report.

## Key Issues

- The draft Council policy on 'Sale, Exchange or Transfer of Council Land', to be considered at the January Ordinary Meeting
- Approved Development Plan for residential subdivision of the site
- Public submissions received in response to public notice of intent to sell the land

## Discussion

### Council Policy

Council's draft policy on the 'Sale, Exchange or Transfer of Council Land' sets out twelve matters to be addressed in a report to Council with respect to a proposed sale of land. These matters are:

- *Reason for recommended sale;*
- *Description of property;*
- *Current Council valuation and date of valuation;*
- *Council's book value of land;*
- *Locality map;*
- *Current use;*
- *History of Council ownership;*
- *Recommended method of sale;*
- *Recommended sale price range and justification if range is less than valuation;*
- *Any encumbrances;*
- *Timelines for sale; and*
- *Proposed purchaser, if applicable, or transferee where no sale price is involved*

In accordance with the policy, these twelve matters are addressed below.

- ***Reason for recommended sale***

Section 2 of Council's draft policy on the 'Sale, Exchange or Transfer of Council Land' sets the following criteria for assessing and determining whether land should be made available for sale:

*"All properties will be reviewed periodically for its municipal usefulness and particular attention paid to land not adequately used for municipal purposes. Properties that are designated as surplus may be sold, exchanged or reserved for exchange for other land that the municipality requires, after having assessed strategic planning implications and future needs.*

*In conducting an assessment of Council property, to determine whether a parcel(s) of land should be made available for sale, the following criteria will be used:*

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- (a) *Identification of current and potential future usage;*
- (b) *Ability to contribute to positive social outcomes;*
- (c) *Facilitating investment and positive economic development outcomes;*
- (d) *Positive environmental outcomes; and*
- (e) *Favourable financial outcomes.”*

The Murray Road site is vacant and not used for municipal purposes. It is not being used nor is required for public open space. Council has no plans for the future municipal use of this resource. The land is surplus to Council’s needs. Sale of the land would facilitate future subdivision and use in accordance with its residential zoning (Neighbourhood Residential Zone 1 and General Residential Zone 1), thus contributing positive social, investment and economic development outcomes through construction and new residents to the Borough. High environmental conservation values that exist on the balance of the Council owned land will not be impacted by subsequent development resulting from the sale of the smaller lot.

In relation to financial outcomes, section 5 of the draft policy states that “... *any future proceeds from asset sales are directed to either:*

- (a) *Retiring debt; or*
- (b) *Investing in projects that will generate additional revenue streams; or*
- (c) *Attracting matching grant funds from other levels of government.”*

Whilst the Borough of Queenscliffe has almost no debt, its ability to match grant funding from other levels of government is increasingly becoming limited by financial constraints associated with its small size, minimal ability to generate additional revenue and the implications of rate capping.

It is therefore recommended that as the land at Murray Road is surplus to Council’s needs, that it be sold to enable Council to invest in projects that will generate additional revenue streams, and/or achieve efficiencies that result in a reduction in future operating expenditure, and/ or to attract matching grant funds from other levels of government.

- ***Description of property***

The land proposed for sale is contained in one lot of approximately 9,509 square metres. Lot 1 was created pursuant to Planning Permit No. 2016/015. Council also owns the neighbouring Lot A, to the east, of approximately 6.045 hectares. Lot A is not proposed for sale. The land is located on the south-western side of Murray Road. Lot 1 has frontage to Murray Road of approximately 95 metres and is abutted to the south-east by privately-owned land at 81 Nelson Road. The land is cleared and sits approximately one metre higher than much of the balance of the Council owned land to the west. An existing vehicle crossover is located on the north-eastern corner of the site, providing vehicle access from Murray Road.

- ***Current Council valuation and date of valuation***

The most recent Council valuation for the land (Lot 1), dated 16 January 2019, values the site at \$2,075,000.

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- **Council's book value of land**

Council's book value of the land is \$2,075,000.

- **Locality map**

The general locality of the site is indicated by the black star on the map below.



Image: Google Maps, January 2019.

- **Current use**

The site is cleared, vacant land. It is not being used for municipal purposes. Council has no plans for the future municipal use of this resource. The land is surplus to Council's needs.

- **History of Council ownership**

Council has owned the land since August 1982. It has been used in the past for a rubbish tip. Council records show the land has been zoned for residential purposes since at least 1981.

- **Recommended method of sale**

It is recommended that the land be sold by a public process (eg. Expression of Interest / Tender / Auction) on commercial terms at market value.

Section 4 of Council's policy on the 'Sale, Exchange or Transfer of Council Land' includes the following:



*After completing the relevant advertising process as required under the Act, once Council has resolved to sell land, the following procedures will apply:*

- 4.1.1 *At least two quotations to be obtained from licensed agents to act for Council.*
- 4.1.2 *Selection of an appropriate real estate agent to dispose of the property may be based on, but not limited by, the following criteria:*
  - (a) *type of property to be marketed;*
  - (b) *relevant experience;*
  - (c) *proposed commission;*
  - (d) *necessary licences.*
- 4.1.3 *The Chief Executive Officer, after consulting with Council, will determine whether sale is to be by auction, direct negotiation or expression of interest and whether any terms and conditions apply.*
- 4.1.4 *The Chief Executive Officer, after consulting with Council, will determine the reserve value, if sale is by auction or direct negotiation.*
- 4.1.5 *Where Council decides that land is to be sold by public auction, the sale of this land before auction must not be permitted. The date of the auction should be set, allowing four to six weeks for an effective advertising campaign, noting this period may need to be varied depending on the type of land. The advertising campaign should be conducted in a manner that adequately exposes the land to the market and the agent should be required to submit a summary to Council of the marketing campaign, enquiry rate and anticipated result, approximately two weeks before the auction.*
- 4.1.6 *Provided the reserve is met, the sale will proceed.*
- 4.1.7 *If the reserve is not met, then any offer or proposal to amend the reserve will be referred to the Chief Executive Officer for consideration and consultation with Council.*

- ***Recommended sale price range and justification if range is less than valuation***

*Section 189 of the Local Government Act 1989 requires that before selling land, Council must “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.”*

If Council resolves to sell the land, an independent valuation as required by Section 189 of the Act will be obtained. Thereafter, in accordance with section 4 of the Council policy, the Chief Executive Officer, after consulting with Council, will determine the reserve value. Provided the reserve is met, the sale will proceed. If the reserve is not met, the Chief Executive Officer will consult Council about any offer or proposal to amend the reserve.

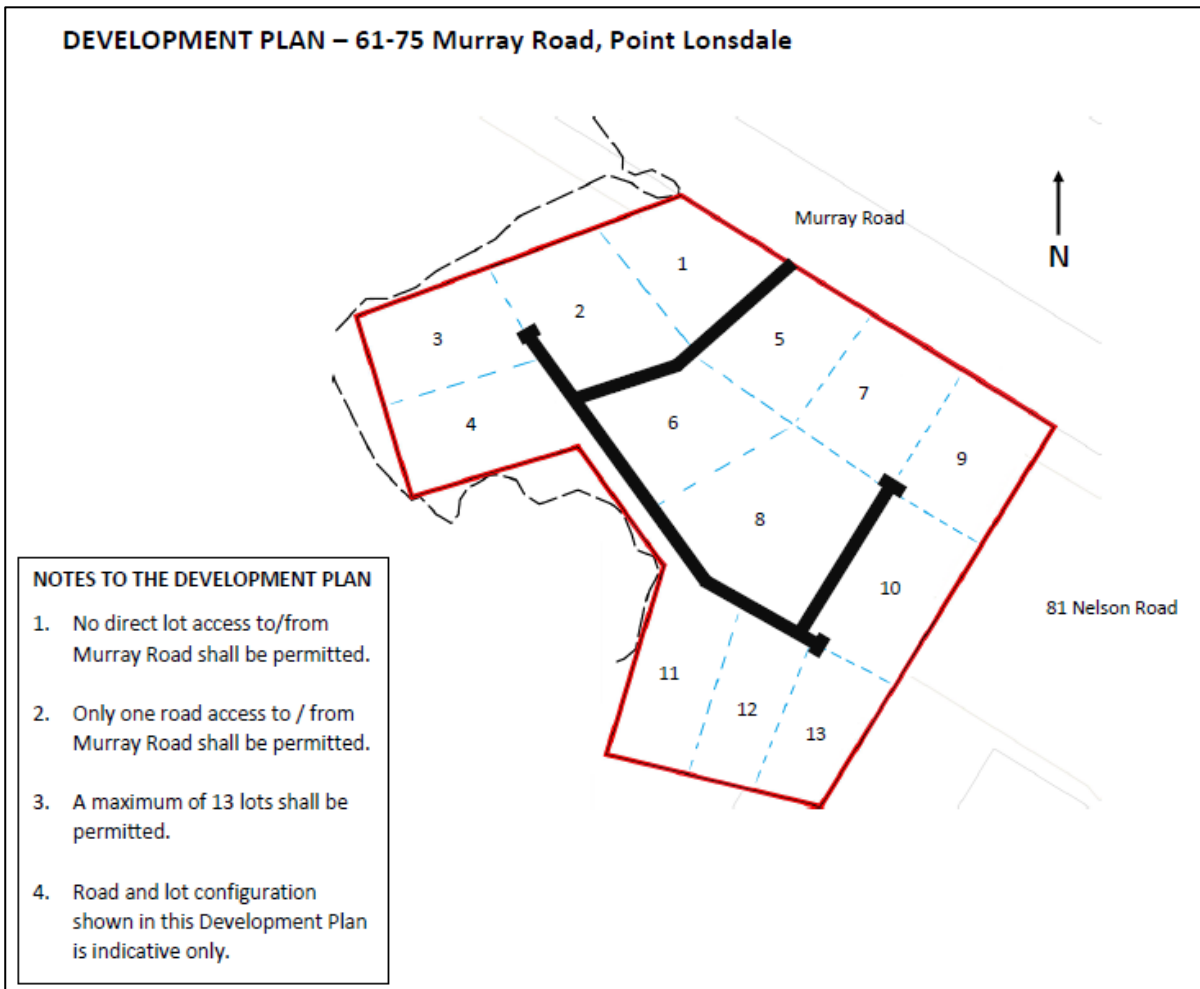
- ***Any encumbrances***

The land is zoned Neighbourhood Residential Zone 1 and General Residential Zone 1. The Design and Development Overlay, Development Plan Overlay, Significant Landscape Overlay and Vegetation Protection Overlay apply to the land.

Further to the Development Plan Overlay, a Development Plan to allow subdivision of Lot 1 into 13 residential lots has been approved. The report to Council’s Ordinary Meeting in July 2018 provided

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detailed information about the Development Plan and its assessment. Following further consultation with Council late in 2018, the Development Plan was amended under officer delegation on 10 January 2019 to ensure that no proposed residential lots could be directly accessed from Murray Road, and to provide for only one road access from Murray Road. The current approved Development Plan map appears below.



- ***Timelines for sale***

If Council resolves to sell the land at its January 2019 Ordinary Meeting, it is proposed that the processes outlined in section 4 of the Council policy (refer above in this report) will commence soon after. This includes seeking the appropriate valuation and at least two quotations from licensed agents to act for Council. Thereafter, it is expected that marketing of the land for sale could commence around April 2019.

- ***Proposed purchaser, if applicable, or transferee where no sale price is involved***

It is recommended that the land be sold via a public competitive process on commercial terms at market value. The land is not being recommended for sale with any particular proposed purchaser in mind.



## Public Submissions

Council received ten submissions in response to the public notice in the Geelong Advertiser on Saturday 3 November 2018 advising of its intention to sell the land before the closing date of 3 December 2018. The ten submissions were circulated to Councillors within a confidential attachment to the agenda for – and form part of the Minutes of - the Special Council Meeting held on 13 December 2018. In accordance with section 223 of the Local Government Act, five submitters spoke in respect of six of the submissions at the Special Council Meeting. A late submission was received on 4 January 2019.

The general issues raised by each submitter are summarised below:

### ➤ Submitter 1

- Inadequate community consultation.
- Environmental concerns mainly relating to the roadside swale and the need to protect this from driveways and roads.
- The area should be rehabilitated for parkland for passive recreation.
- The beauty and safety of the Bellarine Rail Trail should be enhanced.

### ➤ Submitter 2

- Lack of financial justification for the proposed sale.
- Financially irresponsible to sell this appreciating asset.
- Questions how Council intends to use the sale proceeds.

### ➤ Submitter 3

- Council has not indicated where sale proceeds would be directed.
- Past decisions and discussions have already pre-determined council resolve to sell.
- Lack of information provided to the community.
- It would be financially irresponsible for Council to consider sale given the comparative rates of return.
- Lack of financial justification for the proposed sale.
- Environmental values and proximity to wetlands limits development potential.

### ➤ Geelong Environmental Council

- Environmental concerns mainly relating to interruption to the continuous roadside swale.
- The land should be restored to its original values and maintained for ecological values.
- Environmental values will be lost if the sale proceeds.

### ➤ Submitter 5

- The site should be revegetated to its natural state rather than sold for housing.
  - The unique Murray Road vista is admired by walkers and cyclist – the swale must be protected.
-



- Road safety measures should be introduced to make the road safer for cyclists and pedestrians.
- Additional road and driveway access off Murray Road would make it more dangerous.

➤ Submitter 6

- Lack of financial justification for the proposed sale.
- Future generations of ratepayers would benefit by a decision to retain the land.

➤ Submitter 7

- Prior to any subdivision or sale, a Development Plan, including community consultation, should be prepared for the whole of the Council owned land, not just the small area at the eastern end of the site.
- Sale will create an unwelcome precedent for sale of other Council land.
- Community does not know why Council intends to sell the land.
- Lack of financial justification for the proposed sale.
- If sale and subdivision does occur, there should only be one access point to Murray Road rather than multiple vehicle crossings.

➤ Submitter 8

- Any additional driveways entering Murray Road will impact public amenity and have detrimental impact upon the swales.

➤ Point Lonsdale Civic Association

- Lack of financial justification for the proposed sale.
- Inadequate community consultation.
- The land is low lying and therefore subject to climate change variances.
- Questions the impact of development on the roadside swale and other natural features including the nearby Ramsar listed wetlands.
- A Development Plan, including community consultation, should be prepared for the whole of the Council owned land, not just the small area at the eastern end of the site.
- Environmental values and proximity to wetlands limits development potential.

➤ Queenscliffe Community Association (2 submissions)

Note: one of the Queenscliffe Community Association's two written submissions was received on 4 January 2019 (i.e., after the submission closing date and after Council's Special Meeting to hear submissions on 13 December 2018) and thus was not circulated to Councillors with the agenda or minutes of the Special Meeting. Therefore, the second of the QCA's written submissions is attached at **CONFIDENTIAL Appendix 4**. The issues below are taken from both submissions.

- Lack of financial justification for the proposed sale.
  - Inadequate community consultation.
-



- The land will be subject to the flooding effects of climate change in future.
- Vehicle crossovers along Murray Road are undesirable.
- The land has high environmental values.
- The land continues to be used as public open space for passive recreation purposes by residents.
- Financially irresponsible to divest this potential growth asset.
- Development would result in the loss of open space.
- The land should be retained in public ownership for future coastal management purposes.
- Questions Council's planning processes and challenges confidentiality of Council reports.

The issues raised across all submissions generally focus on four main topic areas. These are addressed below.

- **Lack of financial justification and information**

This point is addressed earlier in this report. In summary, whilst Council has almost no debt, its ability to match grant funding from other levels of government is increasingly becoming limited by other financial constraints associated with its small size, minimal ability to generate additional revenue and the implications of rate capping.

The proceeds of this proposed sale would enable Council to invest in projects that will generate additional revenue streams, and/or achieve efficiencies that result in a reduction in future operating expenditure, and/ or to attract matching grant funds from other levels of government.

- **Inadequate community consultation**

Section 189 of the Local Government Act sets out the consultation process that must be undertaken when Council is considering selling land. The process is essentially as follows:

- **Step 1:** Council formally resolves to give notice of its intention to sell land. It is worth clarifying that by formally giving notice of its '*intention*' to sell land, the Council has not formally determined whether or not to sell the land in question. Rather, this step facilitates a formal community consultation process which is set out under Section 223 of the Act. Note; the terminology which Councils are required to use - i.e., "intention" (or "intent") – is set out in Section 189 (2)(a) of the Act.
- **Step 2:** Community input is invited by way of formal written submissions and an opportunity for submitters to be heard at a meeting. (In this case, the meeting occurred at 4:00pm on Thursday 13 December 2018 and five submitters were heard in respect of six submissions.)
- **Step 3:** Having formally considered the submissions and oral presentations, Council then makes a formal decision by resolution about whether or not to sell the land.

Council has fully complied with all legislative requirements relating to public notice and community consultation associated with proposed sale of land.

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- **Impacts of future subdivision on the roadside swale**

As noted by some submitters, a previous version of the approved Development Plan included direct lot access to/from Murray Road. Following further consideration, the Development Plan was amended under officer delegation on 10 January 2019 to ensure that no proposed residential lots could be directly accessed from Murray Road, and to provide for only one road access from Murray Road. A new, single road access into the new subdivision would replace the one existing crossover that currently crosses the swale to provide access to the site.

- **Loss of open space and environmental and amenity concerns**

The land has been zoned for residential purposes since at least 1981 and, as such, sale of the land for subsequent development would be consistent with its long-established purpose. The Borough contains a significant amount of open space including high value coastal land. In this context, the availability of this site for current or future open space provision is not considered necessary.

The report to the July 2018 Ordinary Council meeting addressed in detail a number of environmental and amenity issues associated with future residential subdivision and development of the land. The information provided was used to inform assessment and approval of the Development Plan for up to 13 residential lots. It included:

- *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 Development Plan for the land avoids 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.

The subsequent SIA prepared by consulting firm AECOM, concluded that proposed development is unlikely to result in a significant impact to the MNES addressed. It considered that referral of the matter to the DoEE is not required, but that appropriate controls to mitigate the risk of

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indirect impacts should be detailed in a Construction Environment Management Plan (CEMP) or similar. This has been incorporated as a requirement of the Development Plan.

- *DELWP and CCMA*

Advice was sought from DELWP and CCMA during assessment of the Development Plan application. Neither DELWP or CCMA objected to the approval of the Development Plan.

- *Sea level rise impacts*

The CCMA has 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. 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 was referred to the CCMA for comment. The CCMA has not objected to the proposal.

- *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.

Overall, the issues raised in the submissions are noted but, on balance, are not considered to be sufficient reasons to not proceed with selling the land.

## **Council Plan**

The proposed sale of Council owned land in Murray Road is supported by the following Strategic Objective and Strategy from the Council Plan 2017-2021:

*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**

Realisation of this asset via sale of the land would assist Council to invest in projects that will generate additional revenue streams, and/or achieve efficiencies that result in a reduction in future operating expenditure, and/or to attract matching grant funds from other levels of government.

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## **Social**

Sale of the land and the subsequent development of up to 13 residential lots would bring new residents to the Borough and assist in strengthening the local community and the sustainability of local organisations.

## **Environmental**

Sale of the land and the subsequent development of up to 13 residential lots generally in accordance with the approved Development Plan is expected to result in minimal impact on the environment for the reasons outlined in the 'Discussion' section of this report. 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.

## **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 land at Murray Road is surplus to Council's needs. Having regard to Council's financial position and strategy, the 2017-21 Council Plan, Council's draft policy on the 'Sale, Exchange or Transfer of Council Land', the requirements of the approved Development Plan for 13 lot subdivision, and the public submissions received, it is considered that sale of the land by Council would be well-justified. In allowing for investment in income producing and/or expense reducing and/or grant funded projects, proceeds from the sale would benefit current and future generations of Borough residents and ratepayers.

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## Conclusion

It is recommended that the public submissions and the recent amendments to the Development Plan be noted, and that the land be offered for sale via a public process (eg. Expression of Interest / Tender / Auction) on commercial terms at market value.

### Councillors Pizzey / Francis:

#### That Council:

1. Note the submissions received in response to the proposed sale of the land at Murray Road;
2. Write to the submitters to thank them for their submissions and to advise of Council's decision;
3. Note the recent amendment to the approved Development Plan for the site, which prohibits direct lot access to / from Murray Road and provides for only one road connection to the proposed subdivision area from Murray Road;
4. Resolve to sell Lot 1 on PS 746285U (part of the land known as 61-75 Murray Road, Queenscliff, comprising 9,509 square metres) by a public process (eg. Expression of Interest / Tender / Auction) on commercial terms at market value.
5. Authorise the Chief Executive Officer to take the action necessary to achieve sale of the land in accordance with the Local Government Act 1989 and Council's policy on the 'Sale, Exchange or Transfer of Council Land'.

Carried unanimously

Consistent with the resolution at item 5 on the Council Meeting agenda, Council considered Public Questions 1, 2, 4 and 5:

#### Public Question 1 from QCA:

In April 2015 Lot 1 subdivision of Murray road was publicly touted to bring in possibly \$4.9 million of income (potentially \$8 million circa 2008).

Costs of development have apparently smashed the market value to less than \$2.1 million in 2019. Ratepayers have already paid significant costs for Development /Subdivision Plans, consultants and staff time.

We ask why ratepayers and councillors were not provided a more accurate or realistic depressed market value and based on this fact whether it be more financially responsible to

1. reduce council operational costs or
2. borrow this amount assuming the funds are being directed into an income producing asset or for leveraging grants and retaining a valuable land asset for future generations?



**Response by Mayor**

I will ask Phillip Carruthers, the General Manager, Organisational Performance and Community Services to answer this question.

**Response by Phillip Carruthers, General Manager, Organisational Performance and Community Services**

Thank you Mayor

The 2015 valuation of 61-75 Murray Road was requested asking the valuer to assume a possible subdivision of this property. The 2018 rating valuation for 61-75 Murray Road was assessed without the knowledge of the current proposed development plan in place as it has only recently been proposed and at the relevant date of the 2018 revaluation had not been formally signed off. The 2019 valuation was based on the 2018 Council property valuation.

The valuers who completed the 2019 valuation have advised that with the approval of the development plan in place it is their opinion that the value of the land would have a substantial uplift due to the surety to a developer of the subdivision of that land. If Council was to decide to sell the land it would seek to achieve the highest possible return for the community.

**Public Question 2:**

Council has agended a belated land sale policy after a recent officer report/advice advising it was sound management practice. Planning, sale and policy development have not been matters addressed with its own expert Governance and Finance Reference group.

Would it be correct with a policy vacuum and no best practice guide that underpinned council decisions since 2012 on various proposals to develop and sell Murray Rd land it created potential risks, provided little council regulation and direction, was a further example of a blatant disregard for engaging and consulting established community governance bodies and potentially further evidence of unsound management practice?

**Response by Mayor**

I will ask Phillip Carruthers, the General Manager, Organisational Performance and Community Services to answer this question.

**Response by Phillip Carruthers, General Manager, Organisational Performance and Community Services**

Thank you Mayor

The comments related to Council's decision making in the public question are not correct. All Council decisions regarding financial matters are subject to rigorous statutory requirements as well as comprehensive Council policies and practice. In terms of sale of assets, Council must meet a stringent range of state and local policy requirements. Council's policy position states that any future proceeds from asset sales are directed to either retiring debt, investing in projects that will generate additional revenue streams, or to attract matching grant funds from other levels of government. These have been applied in all Council resolutions related to Murray Road including

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determining to seek community feedback on its intention to sell Council owned land known as 61-75 Murray Road, Queenscliff.

The purpose of the Sale, Exchange or Transfer of Land Policy is to reinforce the application of state and local government policy and further assist Council and Officers in determining the procedures to be followed in the sale, transfer or exchange of Council Land in compliance with legislation and in line with sound management practice. This in no way means that before the policy existed that Council failed to act in compliance with legislation or in line with sound management practice.

**Public Question 4:**

Council provides an array of reasons for wishing to sell Murray Road land.

Rate capping wasn't an issue in 2008 or 2012 or possibly 2015 yet this Council uses this as a key reason for selling Murray Road land. Using Council funds to obtain government grants has rarely been raised as an issue to have a cash pool available, yet this is also used as a reason to sell Murray Road despite being the recipient of many major grants. Council also raises financial viability as a reason despite low debt and indicating how financially strong it is. There are no housing pressures as 51% are absent landowners yet Council cites encouraging more residents as another reason to sell.

Can the real answer why Council wants to sell this land be revealed tonight?

**Response by Mayor**

I will ask Phillip Carruthers, the General Manager, Organisational Performance and Community Services to answer this question.

**Response by Phillip Carruthers, General Manager, Organisational Performance and Community Services**

Thank you Mayor

The person asking the question is correct – rate capping was not an issue in the period 2008 through to 2015 as rate capping did not exist at that time. Since introduction in 2016/17 the long term implications of rate capping have become clearer.

An analysis of Victoria's 19 smallest Councils has been conducted by KPMG, who have concluded that all those Council's, which includes the Borough of Queenscliffe, have significant long term financial issues. The Victorian Auditor General's office has reached a similar conclusion.

Council's policy position states that any future proceeds from asset sales are directed to either retiring debt, investing in projects that will generate additional revenue streams, or to attract matching grant funds from other levels of government.

The reasons why Council would consider selling the Murray Road land are detailed in the Council Meeting agenda. The reasons detailed there are genuine.

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**Public Question 5 from PLCA:**

Given recent public comments by the CEO and the Mayor that 'Serious Challenges' have been presented by community groups regarding the level of community engagement, and given new Policy on Land Sale only presented tonight - will the Borough give the community more time to read and look at this important policy - given the impending Murray Rd sale?

**Response by Mayor**

I will ask the CEO, Lenny Jenner, to answer this question.

**Response by Lenny Jenner, CEO**

Thank you Mayor

The statement in the public question regarding serious challenges has been taken a little out of context. In presenting a paper to the PLCA I acknowledged that the PLCA had presented serious challenges to Council regarding the level of community engagement.

That said, the State Government Local Government Act details the specific statutory requirements for Councils to follow when considering the sale of Council land. Council has diligently followed and implemented these statutory requirements including the community consultation requirements.

Council has also flagged its intention to review its Community Engagement policy and this priority will be progressed following the recruitment of the lead officer to fill this vacancy.

*8.23pm Cr Ebbels returned to the chamber*

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### **16.3 Appointment of Portfolio Leaders, Committees and Council Delegates**

<b>File:</b>	<b>QG045-01-01</b>
<b>Report Author:</b>	<b>Chief Executive Officer</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**

This report provides information to enable Council to allocate the outstanding responsibilities and delegates to various Committees, representative bodies and Reference Groups that were not considered at its 22 November 2018 Ordinary Meeting.

#### **Statutory Requirements**

While there is no legislative or formal requirement to review Council Committees and delegates each year, it is regarded as good practice for Council to consider representation on an annual basis to allow opportunities to affirm Council involvement and individual Councillor's participation on various Committees and representative bodies for the forthcoming 12 month period of office.

Council is represented on a number of state, regional and local organisations.

At its 22 November 2018 Ordinary Meeting, Council resolved to appoint delegates to external organisations and committees.

It is now prudent for Council to allocate the outstanding responsibilities to additional committees and external organisations.

#### **Recommendation:**

##### **That Council:**

- 1. Determine its deputy delegate to the Municipal Association of Victoria; and**
  - 2. Appoint the Council's Senior Planner as the Municipal Emergency Recovery Officer.**
-



**Councillors Francis / Salter:**

**That Council:**

- 3. Appoint the Deputy Mayor as its deputy delegate to the Municipal Association of Victoria; and**
- 4. Appoint the Council's Senior Planner as the Municipal Emergency Recovery Officer.**

**Carried unanimously**

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

No reports to consider.

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## 18. QUESTIONS WITHOUT NOTICE

### 18.1 Questions Without Notice Status Update

No Questions Without Notice outstanding.

### 18.2 Questions Without Notice

#### **Cr Ebbels question**

I have a question for the General Manager, Organisational Performance and Community Services.

Phillip, given the high temperatures that we are experiencing this week, can you please update me on what the Borough does to help community members to cope with extreme temperatures, and what changes have taken place in the Borough's policies in this regard in the last year?

#### **Response by General Manager Organisational Performance and Community Services, Mr Phillip Carruthers.**

Thank you Cr Ebbels

At the end of last summer you asked a number of questions regarding our then heatwave policy, particularly as a result of poor co-ordination between government bodies in identifying heatwaves which involved a temperature based average of 30 for multiple days and nights formula and then a complex notification procedure. What became apparent was that there was potential for the system to break down at the times it was most needed.

After discussions with other local government bodies we decided that we needed to be more proactive than merely responding to heatwave notifications. From the point of view of vulnerable people in the community, whether the temperature is averaging 29.9 or 30.1, it's still hot!

So what we do now, through our community care workers who are out in the community with our vulnerable citizens, is work with these people leading into the hotter weather to identify what can be done to limit the effects of heat. Simple things like reminding them to close the blinds early in the day, making sure they understand the need to stay hydrated, having neighbours or family look in on them when the weather is bad are all covered. You may have seen some of our notices that give similar advice about the heat in the local press.

We have also provided these vulnerable people with battery powered misting fans and evaporative neck coolers, and are sourcing simple radios that don't require mains power so that they can be made aware of any safety alerts.

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## **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 14 February 2019 at 7:00pm (if required)

### **COUNCIL MEETING**

Thursday 28 February 2019 at 7:00pm

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## 20. CONFIDENTIAL ITEMS

**Time: 8.27pm**

**Councillors Francis / Pizzey:**

**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 Confirmation of 13 December 2018 Confidential Minutes  
(in accordance with Section 89(2)(i) of the Local Government Act 1989)**
- 20.2 Contract 2018/13 – Gymnasium Fit-out, Monahan Centre  
(in accordance with Section 89(2)(d) of the Local Government Act 1989)**

**Carried unanimously**

**Time: 8.33pm**

**Councillors Salter / Francis:**

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

**Carried unanimously**

## 21. RATIFICATION OF CONFIDENTIAL ITEMS

**Councillors Salter / Francis:**

**That the decisions made in camera be ratified by Council.**

**Carried unanimously**

## 22. CLOSE OF MEETING

The Meeting closed at 8.34pm

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## **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 – Point Lonsdale Lighthouse Reserve Reference Group Meeting – Thursday 13 December 2018**

**Assembly Commenced:** 9:15am                      **Assembly Closed:** 9:51pm

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

#### **Attendees:**

Cr Bob Merriman  
Cr Boyce Pizzey  
Mr Lenny Jenner, CEO  
Mr Steven Sagona, Acting General Manager Planning & Infrastructure  
Mr Garry Purton, Foreshore Coordinator  
Ms Michelle Jepson  
Mr Lester Hunt  
Mr Neville Barwick  
Mr Merv Jaensch  
Mr David Kenwood  
Ms Sue Wasterval  
Mr Ross Bird  
Mr Matt Davis

#### **Apologies:**

Mr Michael Dowling  
Mr Andrew Sutherland

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

Councillors: Nil  
Officers: Nil

#### **Agenda Items:**

1. Welcome / Introductions
  2. Briefing from officers on community consultation outcomes
  3. Next steps
  4. Meeting close
-



## 7.2 Councillor Assembly – Thursday 13 December 2018

**Assembly Commenced:** 4.04pm                      **Assembly Closed:** 4.26pm

**Assembly Location:** Queenscliff Town Hall

### **Attendees:**

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  
(4.08pm – 4.26pm)

Mr Steven Sagona, Acting General Manager Planning & Infrastructure

### **Apologies:**

Cr Ross Ebbels

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

**Councillors:** Cr Ross Ebbels declared a conflict of interest in advance of the meeting in that his personal place of residence is in close proximity to the Council-owned land at Murray Road

**Officers:** Nil

### **Agenda Items:**

1. Hearing of Submissions: Intention to sell Council-owned land at Murray Road
-



### 7.3 Councillor Assembly – Thursday 13 December 2018

**Assembly Commenced:** 4.45pm                      **Assembly Closed:** 6.37pm

**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  
(4.45pm – 6.15pm)

Ms Steven Sagona, Acting General Manager Planning & Infrastructure (4.45pm – 6.15pm)

**Apologies:**

Nil

**Conflict of Interest Disclosures:**

Councillors: Nil

Officers: Nil

**Agenda Items:**

1. Outcome of State Election
  2. Municipal Emergency Management Plan update
  3. Council Meeting Agenda
  4. Queenscliff Hub
  5. Queenscliff Recreation Reserve Tender Assessment Timelines
  6. Councillor Code of Conduct
-



#### **7.4 Councillor Assembly – Thursday 20 December 2018**

**Assembly Commenced: 12.13pm                      Assembly Closed: 5:03pm**

**Assembly Location:                      Queenscliff Town Hall**

**Attendees:**

Cr Ross Ebbels  
Cr Tony Francis (12.50pm – 5.03pm)  
Cr Bob Merriman  
Cr Boyce Pizzey  
Cr Susan Salter  
Mr Lenny Jenner, CEO  
Mr Phillip Carruthers, General Manager Organisational Performance & Community Services  
Mr Andrew Hermes, Financial & Systems Accountant (1.05pm – 5.03pm)  
Ms Alex Tonkin, Graduate Accountant (1.05pm – 5.03pm)  
Ms Shannon Di Lisio, Economic and Community Development Program Leader (12.13pm – 12.40pm)  
Ms Carly Douglas, Economic and Community Development Officer (12.13pm – 12.40pm)

**Apologies:**

Ms Dinah O’Brien, Senior Planner  
Ms Allison Chaloner, Manager – Financial Services  
Mr Steven Sagona, Acting General Manager Planning & Infrastructure

**Conflict of Interest Disclosures:**

Councillors:                      Nil  
Officers:                              Nil

**Agenda Items:**

1.        Queenscliffe Weddings
  2.        Fixing Local Roads funding
  3.        Governance Matters
  4.        Essential Services Commission
  5.        1.00pm: 2019/20 Budget and Implementation Plan Workshop
  6.        Information update
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## 7.5 Councillor Assembly – Thursday 10 January 2019

**Assembly Commenced: 2.30pm                      Assembly Closed: 5:51pm**

**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 Steven Sagona, Acting General Manager Planning & Infrastructure (3.40pm – 4.10pm)

Ms Dinah O'Brien, Senior Planner (2.30pm – 3.40pm)

Mr Stuart Hansen, Special Projects Officer (5.00pm – 5.30pm)

Ms Allison Chaloner, Manager Financial Services (4.10pm – 5.00pm)

Mr Andrew Hermes, Financial & Systems Accountant (4.10pm – 5.00pm)

Ms Alex Tonkin, Graduate Accountant (4.10pm – 5.00pm)

### **Apologies:**

Nil

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

Councillors:                      Cr Ross Ebbels declared a conflict of interest in relation to item 4 in that his personal place of residence is in close proximity to Murray Road, and left the chamber between 3.17pm and 3.23pm while the item was discussed.

Officers:                      Nil

### **Agenda Items:**

1.        Planning Briefing
2.        Municipal Emergency Management
3.        Point Lonsdale Lighthouse Reserve
4.        Murray Road
5.        CONFIDENTIAL item
6.        2019/20 Budget update
7.        Victorian Auditor General





**Agenda Items:**

8. Delegations
9. Roads to Recovery update
10. Other Business



## 7.6 Councillor Assembly – Thursday 17 January 2019

**Assembly Commenced:** 12.05pm                      **Assembly Closed:** 3:35pm

**Assembly Location:** Queenscliff Town Hall

### **Attendees:**

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 Steven Sagona, Acting General Manager Planning & Infrastructure (12.05pm – 12.40pm)

Ms Allison Chaloner, Manager Financial Services (1.00pm – 3.25pm)

Mr Andrew Hermes, Financial & Systems Accountant (1.00pm – 3.25pm)

Ms Alex Tonkin, Graduate Accountant (1.00pm – 3.25pm)

### **Apologies:**

Cr Ross Ebbels

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

Councillors: Nil

Officers: Nil

### **Agenda Items:**

1. Point Lonsdale Lighthouse Reserve update
  2. CONFIDENTIAL Item
  3. Council Meetings
  4. 2019/20 Budget Workshop
  5. Council Policies for Review
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**ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UPDATE (COMMENCING 23 MARCH 2016)**

Date	Question	Action	Status
13 December 2018	<p>Referring to the public Q&amp;A last meeting on the costs relating to Destination Queenscliff that wished clarification on the Cash paid relating to Destination Queenscliff at that point (according to the Quarterly Financial Report) to be \$617,000. In response the General Manager Organisational Performance &amp; Community Services stated the assumptions of the question were wrong and the year-to-date actuals or 'physical cash paid' at 30 September 2018 was \$186,000 for Destination Queenscliff.</p> <p>Given Council uses an accrual system of accounting would it be correct that the Victorian taxpayer picked up the tab for over approximately \$400,000 for the DQ concept design works in addition to ratepayer funds and such a costly exercise could have been avoided or lessened had Council-</p> <ul style="list-style-type: none"><li>• adhered to its original budgeted figure for project design (as stated in the grant application) or</li><li>• before tender had sought comprehensive engagement with the community before embarking on high end cabins and cafe that have now been discredited by the community and 2 levels of government or</li><li>• ensured the risk management strategy was comprehensive and the mitigation strategies</li></ul>	<p><b>Response by the Mayor</b></p> <p>This questions asks multiple questions and is outside the 'Public Questions Guidelines' at a Council Meeting. On this occasion I will allow the question to be responded to in writing by officers, but in future I will rule questions of this length and multiplicity of topics out of order.</p>	<p>Response provided in writing on 20/12/18</p> <p>Completed</p>



	<p>adhered to as the significant risks, particularly in relation to community engagement and consultation and as the resultant financial implications became increasingly apparent</p> <p>If this is the case, what accountability structures and remediation processes are in place for this project cost differential and for this potential reputational damage to council (Noting the Revised Risk Policy in the Agenda tonight as part of Council Governance Process that deals, in part with risk to reputation) and, further, is there any residual amount from the Hassell consultancy charge that ratepayers had or will have to pay with effectively no resulting benefit?</p>		
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**ADJUNCT TO 8.1 – MOTION ON NOTICE STATUS UPDATE**

No Motions on Notice outstanding.

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

No Questions Without Notice outstanding.

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