



# Minutes

## Ordinary Meeting of Council

Wednesday 17 November 2010 at 7:02pm

Queenscliff Town Hall  
50 Learmonth Street, Queenscliff

### **Councillors**

Cr. Bob Merriman (Mayor)

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

### **Officers**

Lenny Jenner - Chief Executive Officer

Ev Wuchatsch - General Manager Governance & Community

Karen Hose - General Manager Planning & Places



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**1. OPENING OF MEETING**

7:02pm

**2. APOLOGIES**

Ev Wuchatsch - General Manager Governance & Community

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

Councillors: Cr Davies declared a conflict of interest, in respect to the Agenda Items 14.2, 14.3 & 14.4 in that his current employer is undertaking projects for Queenscliff Harbour Pty Ltd

Officers: Nil

**4. PUBLIC QUESTION TIME**

Nil

**5. CONFIRMATION OF COUNCIL MEETING MINUTES**

**5.1. Ordinary Meeting of Council - 20 October 2010**

A copy of the previous Minutes of the Ordinary Meeting of Council held on Wednesday 20 October 2010 was distributed to Councillors under separate cover.

**Councillors: Burgess/Butler**

**That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 20 October 2010, as distributed, be confirmed as an accurate record.**

**Carried Unanimously**

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## **5.2. Ordinary Meeting of Council - 27 October 2010**

A copy of the previous Minutes of the Ordinary Meeting of Council held on Wednesday 27 October 2010 was distributed to Councillors under separate cover.

**Recommendation:**

**That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 27 October 2010, as distributed, be confirmed as an accurate record.**

**Councillors: Mitchell/Davies**

**That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 27 October 2010, as distributed, be confirmed as an accurate record, subject to the following amendment:**

**Page 23:**

**Application Number 2010/94: That Council request of officers that this application be advertised in the local press. (Not Application Number 2010/97)**

**Carried Unanimously**



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

Record in accordance with section 80A(1) of the Local Government Act 1989 (see **Adjunct to Item 6**, page 71).

**Councillors: Butler/Burgess**

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

**Carried Unanimously**

## **7. MOTION ON NOTICE**

Nil

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## 8. MAYOR'S REPORT

### 8.1. Functions Attended

Date	Function Attended
18 October 2010	Mayor participated in a photo shoot for the Salvation Army's upcoming Walk from Queenscliff to Geelong to increase community awareness and raise funds to support people that are homeless
19 October 2010	Mayor & CEO attended Regional Development Australia South West Committee's luncheon attended by the Hon Jacinta Allan MP for a discussion on the future of regional Victoria and Geelong's role as Victoria's largest regional centre
21 October 2010	Mayor & CEO attended the MAV Annual Conference
22 October 2010	Mayor & CEO attended the Rural Councils Victoria Forum Breakfast
22 October 2010	Mayor & CEO attended the MAV State Council Annual Meeting
22 October 2010	Mayor addressed the Queenscliff Music Festival's 'Countdown to the 2010 Festival'
23 October 2010	Mayor, Cr Butler, Cr Mitchell & Cr Burgess attended a meeting of objectors to Fishermans Wharf Matter
24 October 2010	Mayor, Mrs Merriman & Cr Davies attended 'A Low Food Miles' dinner hosted by the Global Warming Group Queenscliffe
26 October 2010	Mayor met with Sean Blackwood, Queenscliff Harbour Pty Ltd
26 October 2010	Mayor attended the Queenscliff Lonsdale Tourism's AGM as the key note speaker
28 October 2010	Mayor & CEO attended the G21 Board Dinner with Justin Hanney, CEO Regional Development Victoria as the guest speaker
29 October 2010	Mayor & CEO attended the G21 Board Strategy Day facilitated by Tim Orton of the Nous Group
29 October 2010	Mayor & CEO met with Minister Lisa Neville, Member for Bellarine
3 November 2010	Mayor & Cr Mitchell met with two residents of Alexander Crescent, Point Lonsdale and one other community member



Date	Function Attended
4 November 2010	Mayor & CEO met with the Queenscliff Sports Club regarding the Monahan Centre
5 November 2010	Mayor & CEO met with Kurt Reiter, Liberal Candidate for Bellarine
5 November 2010	Mayor attended the 40th Anniversary celebration of BIG4 Beacon Resort
6 November 2010	Mayor, Cr Burgess, & Cr Butler attended the Queenscliff Maritime Weekend 2011 Planning Meeting
8 November 2010	Mayor & CEO met with Kurt Reiter, Liberal Candidate for Bellarine
8 November 2010	Mayor & Cr Mitchell attended the MAV Regional Forum, Rural South Central Region hosted by the Borough of Queenscliffe
9 November 2010	Mayor & CEO met with David Jansen, Roger Plumridge & Mark Tonkin from Vic Roads regarding 40km Signage in Point Lonsdale
9 November 2010	Mayor & CEO met with Colonel Andrew Gallaway, Mr Stephen Allison & Mr Bob Hogan from Fort Queenscliff

**Councillors: Mitchell/Butler**

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

**Carried Unanimously**



## 8.2. Inwards Correspondence

Date	Correspondence
18 October 2010	Correspondence received from owner of property in the Borough regarding submission re proposed Community Centre
19 October 2010	Correspondence received from Cr Ken Gayle, Moyne Shire Council, regarding nomination for Chair of Rural Council's Victoria
10 November 2010	Correspondence from Queenscliff resident regarding speed signs in the Borough

**Councillors: Butler/Burgess**

**That the Correspondence be noted.**

**Carried Unanimously**

### ***Councillor Request:***

*Cr Mitchell requested that information related to 19 October 2010 correspondence (Rural Council's Victoria) be provided to the local business community.*



**9. COUNCILLOR PORTFOLIO REPORTS**

No reports





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

### **10.1 Quarterly Financial Report 1 July - 30 September 2010**

**File:** QG085-01

**Responsible Officer:** Senior Accountant

#### **Introduction**

This report provides information on Council's operating and capital performance for the three months to 30 September 2010 against the budget adopted by Council in July 2010.

The report considers both the original budget and year-end forecast against year-to-date actuals for Council's operations and capital works.

The year-end forecast predicts an improvement in surplus by \$263,000 to the adopted budget for 2010/11 and an improvement by \$5,000 in the underlying result.

#### **Background**

At its 21 July 2010 meeting Council adopted the budget for the 2010/2011 financial year. The budget was based on projected completion of projects and capital works at 30 June 2010 and information available at that time.

Any funding provided for projects/works incomplete as at 30 June 2010 have been carried forward to the 2010/11 financial year. The Capital Works report shows the 2010/11 Budgeted Capital Works as well as those carried forward from 2009/10.

Further review of the forecast will be conducted for the mid year budget review in December 2010, results of which will be reported at the February Council meeting. Forecasts are based on actual results and trends as well as other known changes to funding and expenditure.

#### **Statutory Requirements**

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

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## Summary of Financial Report

The items reported in this quarterly report are summarised as follows:

- Standard Income Statement (including the "underlying operating result")
- Conversion of Operating result to Rates/Cash result (and cash balance graph)
- Program summaries
- Reserves Summary
- Debtors analysis
- Debt position
- Cash and investments
- Capital report
- Line item report
- Program report

The reports note any major variations between the year-to-date Budget and actual results and adjust the end-of-year forecast where appropriate (ie: the projected result at 30 June 2011.)

Officers have reviewed results and re-forecast the year end position and where necessary have taken corrective action to ensure targets are met.

The **Operating position at 30 September 2010** was:

Revenue	\$1.941m
Expenditure	<u>\$1.724m</u>
Surplus	\$0.217m
less Capital income and Asset sales	<u>\$0.125m</u>
Underlying surplus	<u>\$0.092m</u>

In term of the **forecast for the 30 June 2011** position, the analysis undertaken has estimated the following:

Revenue	\$8.337m
Expenditure	<u>\$7.722m</u>
Surplus	\$0.615m
less Capital income and Asset sales	\$0.599m
add back Other non-operating items	<u>\$0.058m</u>
Underlying surplus	<u>\$0.074m</u>

An increase over budget is forecast for capital grants and interest received as well as forecast changes for some expense items. More detailed comments are provided in the report.



The 2010/11 budget provided for an underlying surplus of \$0.069m. The forecast for 30 June 2011 anticipates an underlying surplus of \$.074m, an improvement by \$5,000 in the bottom line forecast for the full 2010/11 financial year.

As with previous quarterly reports there are a number of non-financial indicators included in this report. This has been an increasing focus in an attempt to provide some meaningful, measurable performance indicators in each program area.

### **Council Plan**

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

### **Financial**

The report attached provides the opportunity for constant review of Council's financial position to ensure compliance with budgets.

### **Social Implications**

Nil.

### **Environmental Implications**

Nil.

### **Risk Management**

The quarterly report is part of Council's risk management framework to ensure financial reporting includes reporting against the adopted annual budget.

### **Community Engagement**

The reports are prepared in consultation with senior managers and reviewed by the Management Team. The report forms part of the Council meeting agenda and minutes which are public documents. Copies of the report are forwarded to members of each of the Portfolio Reference Groups for information.

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## Summary

Results for the year to 30 September 2010 are presented as an attachment to this report (**Appendix 1**). The main points from the September quarterly review are:

- an increase in capital grants (\$250,000 play & park development, budgeted 2009/10)
- additional interest income resulting from high cash balances in the first quarter
- additional expenditure resulting from the recent tender of waste disposal contract
- information technology above budget, for Office 2010 and additional licenses
- some shift from operating (maintenance) to capital (renewal) budgets for buildings
- reduction in long service leave provision reflecting staff changes

The 2010/11 full year position is forecast to improve by \$5,000 in terms of the underlying operating result. This has been the result of a combination of factors which includes interest income above level budgeted, offset by some unfavourable variances in waste disposal and information technology.

Further commentary is included in the body of the attached report.

**Councillors: Davies/Butler**

**That Council receives the quarterly Finance Report for the period to 30 September 2010.**

**Carried Unanimously**

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## 10.2 Strategic Financial Plan 2010/11 - 2019/20

**File:** QG085-01-07

**Responsible Officer:** General Manager Governance & Community

### Purpose

The purpose of this report is to present and seek Council's endorsement of a Strategic Financial Plan (**Appendix 2**). The Strategic Financial Plan provides the framework and determines guidelines for future years' financial management decisions. It contains the Council's commitment to responsible financial management. It examines options in terms of strategic direction and includes recommendations to achieve outcomes that will result in a sustainable financial position.

### Introduction

Council in recognition of its accountability and financial responsibility to the community has developed an over-arching financial strategy. It is appropriate that this strategy is continually maintained, reviewed and updated. As part of the Corporate Planning and Budget process this is an obvious time for Council to discuss and review its financial strategy.

The Plan aims to place a structure for financial decision making at a very high level by providing guiding principles for the short, medium and long term. It is important to note that a Strategic Financial Plan is a **macro view of the financial structure**. It is not a document that indicates on what services/proposals funds should be allocated, rather it addresses areas that impact on the Council's ability to fund its services and Capital Works, whilst financially sustaining the organisation into the future.

The Strategic Financial Plan should form part of Council's Corporate Planning framework. As the annual review of Council's Corporate Plan leads in to the preparation of the annual Budget, so too should the Strategic Financial Plan be updated and referred to, prior to any Budget deliberations.

The Strategic Financial Plan endeavours to explain in simple language the issues that affect the ongoing financing of council operations and management of council assets. It aims to provide a focus for the community to understand that annual budgets should not only consider the resourcing of service delivery and capital works programs in the short term, but should be set within the context of longer term financial sustainability.

The objectives set by a Council Plan and the growing expectations of a vibrant and involved community creates a significant dilemma for Council - how to keep rates low, how to ensure legislative compliance and risk management issues are addressed adequately, how to maximise government funding, how to provide valuable cost-effective services to the community and how to ensure the municipality's assets are well maintained and replaced when necessary. Aside from the economic challenges confronting Council there are continuing and growing demands for social

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and environmental outcomes - the triple bottom line approach - and these important issues are part of the mix when strategic planning goals are set.

### **Financial sustainability**

Councils manage significant finances on behalf of their communities. The responsible management of these finances is essential for the council to continue to provide the services and facilities that are needed by the local community.

The Local Government Act (section 136) provides four principles of sound financial management for councils. All councils are required to implement these principles and establish budgeting and reporting frameworks that are consistent with the principles.

The principles of sound financial management require councils to:

- manage financial risks prudently, having regard to economic circumstances
- pursue spending and rating policies that are consistent with a reasonable degree of stability in the level of the rate burden
- ensure that decisions and actions have regard to financial effects on future generations
- ensure full, accurate and timely disclosure of financial information relating to the council

### **Strategic Directions**

The Strategic Financial Plan articulates a set of strategic directions designed to ensure that Council decisions take into account the financial sustainability of the Council over the short, medium and long term. These directions, presented in the Plan as recommendations, are presented below:

#### ***General***

1. That any decision of a financial nature consider the longer-term implications by referring to the LTFP.
2. That on an annual basis, the Budget is based broadly on the relevant year in the LTFP.
3. That any additions to the current year budget throughout the year, have corresponding offsets (wherever possible) to ensure the projected bottom line is not severely impacted.
4. That the LTFP assumptions be reviewed on an annual basis in light of:
  - any new information/government direction
  - the previous years financial results as they are finalised in the Annual Report
  - the annual review of the Council and Business Plans.

#### ***Demographic Profile***

1. That any planning and review of services take into account the changing age demographics and community needs in the Borough.
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## ***Operational***

### **REVENUE**

1. That, where possible, increases in fees & charges be implemented to relieve undue pressure on rates. Consideration to be given to the "user pay principle", where appropriate, in order to cover costs and also to the charges applied in the marketplace (through annual benchmarking).
2. That resources be applied to seeking as much external funding as possible to assist with program expenditure or new initiatives.
3. That applications for project grant funding only be sought if the contribution from Council does not severely impact on annual budgets either in the initial contribution or in ongoing operating costs.
4. That annual rate increases be at a level that will cover operating and service delivery costs plus the required contribution towards asset replacement.
5. That a rating strategy be undertaken to review differential rating levels including giving consideration to the community's capacity to pay, tourism and pensioner rebates.

### **EXPENDITURE**

1. That the breadth and level of services provided by council be reviewed and that options give consideration to other service providers in the region.
2. That a community consultation process be undertaken to establish the expectations, demands, gaps in services, deficiencies, types and quality of services with a view to rationalising and generating costs savings where appropriate.
3. That partnerships and alliances with other organisations in the region be explored with a view to achieving economies of scale and measureable expenditure savings.
4. That any surpluses at year end from operational savings not be carried into the following year as funds available in that years Budget, but rather they be transferred to the Asset Replacement Reserve, up to an appropriate level, for future Capital Expenditure requirements.

## ***Debt Position***

1. That low level debt be considered for any major new projects only when the annual servicing and redemption requirements do not severely impact on the rates budget.
  2. That a range of debt ratios be considered along with the prudential guidelines when making decisions regarding debt.
  3. That variable interest rate or shorter rollover term fixed interest loans be preferred on the basis that loans can be retired as and when an opportunity arises (such as through asset sales).
  4. That if possible, through the review of asset utilisation (identified below in the Asset Management section), the Borough's remaining debt be repaid. This to be considered in light of current maturity dates, interest rates and any penalties that may be payable.
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5. That Council continues to monitor debt ratios against the prudential limits set by Local Government Division and against other Councils within the Small Rural Council group and the State Average.
6. That the interest payable on the Unfunded Superannuation Liability be monitored and if the level increases beyond bank borrowing rates, that bank loans be sought to extinguish the liability

### ***Cash Holdings***

1. That the working capital ratio and an adjusted working capital ratio be monitored as indicators of liquidity on a regular basis and as part of the quarterly reporting to Council and the community. The adjusted working capital ratio to be net of restricted cash and restricted debtors.
2. That long term financial planning ensures that the working capital ratio does not fall below 110%.

### ***Asset Management***

1. That the recommendations and directions from the Asset review and subsequent Asset Plans be "modelled" in the LTFP and presented to council for consideration.
2. That wherever possible the annual allocation for maintenance and renewal of council assets be included in council Budgets and in the long-term financial plan.
3. That any surplus from this annual allocation to assets not required in any one year be reserved for the years when expenditure is required (into an Asset Replacement Reserve.)
4. That a review of building asset utilisation be carried out and that the following be considered:
  - the condition of the asset
  - the usage and return on the asset
  - the possible co-location of community groups who utilise the asset
  - the potential usage and return on the asset if investment in the asset occurs
5. That assets that are in poor condition, duplicatory or deemed to be no longer required or well utilised, be disposed of by sale or demolition, providing the community usage of such assets is able to continue satisfactorily at alternative locations.
6. That the proceeds from asset sales be directed towards other assets, or towards debt redemption but not used as a revenue source to fund operational costs
7. That depreciation rates for all Council asset categories be continually monitored to ensure they reflect the useful lives of those assets.
8. That average annual capital expenditure keep pace (over time) with the annual depreciation expense amount (as a minimum), to ensure council's asset value is not eroded on the Balance Sheet. and that this be considered as **one** of the measures to assess annual capital expenditure requirements over time.



The Strategic Financial Plan previously presented to Council and made available to the community in April 2010, included a Long Term Financial Plan (2010/11 to 2019/20), a 10 year budget perspective based on some assumptions around the key elements that ensure financial sustainability.

A 10-year financial plan incorporates:

- Forecast Operating Statements (including the underlying operating result)
- Forecast Balance Sheets
- Forecast Statement of Cash Flows

The Council's 2010/11 Annual Operating & Capital Budgets, are included as Year 1 of the 10 year financial plan and are the base upon which future years are estimated.

The Strategic Financial Plan attached to this report includes a LTFP, however it is recommended that some agreed scenarios be modelled and presented to council as part of the 2011/12 budget process noting that a four years Strategic Resource Plan is required to be part of the adopted Council Plan.

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**Recommendation:**

1. That Council adopts the Strategic Financial Plan and endorses the recommendations contained therein.
2. That financial modelling be performed on a range of scenarios to be identified by council and used to develop a Long Term Financial Plan to inform the 2011/12 Budget.

**Amendment: Davies/Butler**

1. That the summary of recommendations as outlined on pages 4 and 5 of Appendix 2 'Strategic Financial Plan' be accepted with the following amendments:
  - a) Debt position change point 3 to "While council will consider all loan conditions on a case by case basis, the preference is that variable interest rate or shorter rollover term fixed interest loans be preferred on the basis that loans can be retired as and when an opportunity arises (such as through asset sales)".
  - b) Asset Management change the point 5 to read "That assets that are in poor condition, duplicatory and deemed to be no longer required or well utilised be considered for disposal by sale".
  - c) Expenditure new point 5 "That service delivery and operating costs take account of Best Value principles to ensure effectiveness and efficiency".

Carried

**Amendment: Mitchell/Davies**

**That Council**

1. Adopts the Statement of Financial Principles contained in the report and endorses the recommendations contained therein, and that
2. Financial modelling be performed on a range of scenarios to be identified by Council and used to develop a Strategic Financial Plan to inform the 2011/12 Budget.

Lost

**Cr Mitchell requested a division:**

**For: Cr Mitchell**

**Against: Crs Butler, Burgess, Davies & Merriman**



### **10.3 Appointment of Council Delegate to the MAV Association of Bayside Municipalities**

**File:** QG 045.01.01 / GQ 090-03-01

**Responsible Officer:** Chief Executive Officer

#### **Introduction**

This report seeks to define the appointment of Council's delegate to the Association of Bayside Municipalities – a sub-association of the Municipal Association of Victoria.

#### **Statutory Requirements**

While there is no legislative or formal requirement to appoint a delegate, it is regarded as best practice for Council to have representation and Councillor involvement on this important and influential body.

#### **Discussion**

Council is a member of a number of State, regional and local organisations, including the Association of Bayside Municipalities (ABM) – an association of the 10 councils that have frontage to Port Phillip Bay, plus the City of Melbourne.

As part of its annual review of delegates Council appointed Cr. David Mitchell as its delegate to the ABM at its 15 December 2009 Ordinary Meeting.

In June 2010 Cr. Mitchell was elected President of the ABM.

In a letter (undated) received 1 September 2010 Cr. Mitchell informed Council that he had retired from the Presidency of the ABM and Council have since been informed that Cr. Mitchell has resigned as delegate to this association – Council now has no delegate and therefore no representation.

The ABM has key partnerships with the Department of Sustainability, Environmental Protection Authority, Central Coast Board and Parks Victoria, as well as input into the Victorian Government's Coastal Climate Change Advisory Committee, Melbourne Water's Better Bays and Waterways Plan and the Federal Department of Climate Change and Energy Efficiency's Adaption to Climate Change Position Paper.

It is therefore important that the Borough of Queenscliffe are actively represented on the ABM.

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**Recommendation:**

**That Council appoints a delegate to the Association of Bayside Municipalities.**

**Councillors: Burgess/Davies**

**That the matter be deferred.**

**Carried Unanimously**

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## **11. SUSTAINABILITY & LOCAL ENVIRONMENT**

### **11.1 The Sustainability Accord**

**File:** QG079-01-0

**Responsible Officer:** Sustainability Officer

#### **Purpose**

The purpose of this report is to outline to Council what the Sustainability Accord (the Accord) offers and why the Borough should become signatories.

#### **Introduction**

The Victorian Local Sustainability Accord (the Accord) is a partnership agreement established in November 2005, to build better relationships between the local government sector and the State Government, promote environmental sustainability and create a vehicle for advancing key strategic issues being faced by local governments in Victoria.

The project partners in the Accord include;

- Department of Sustainability and Environment
- the Municipal Associations of Victoria
- Victorian Local Governance Association
- Local Government Professionals Incorporated

The Accord will see local governments and the State Government continue to work together with communities to:

- explore and develop local climate change measures
- build Victoria's capacity to adapt to climate change and adjust to carbon pricing
- act to reduce our overall levels of vulnerability to climate change.

All Local Governments are invited to join the Accord. Currently, the Borough of Queenscliffe is the only local government organisation, that has to date, not signed the Accord.

#### **Discussion**

The Accord offers Local Government Authorities the opportunity to participate collectively with State Government in projects that affect them locally and regionally and provide funding opportunities to implement these projects.

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The Accord funding program aims to:

- Build capacity and provide resources for local governments to work with their communities and assist them to enhance environmental sustainability and adapt to climate change
- Support local governments to showcase best practice, innovation and leadership on sustainability and climate change adaptation
- Support local governments to continue to work together and with other stakeholders to incorporate sustainability and climate change into the implementation of regional plans.

The Accord is recognised as an important initiative that strengthens co-operative efforts between the State and Local Government and it is fundamentally important that the Borough be part of this process

By joining the Accord, the Borough would be able to best access the resources available and the collective knowledge and support to deliver projects relating to climate change and environmental sustainability.

### **Council Plan**

In the 2009-2013 Council Plan, one of the Council's strategic directions was to promote *"living sustainably and protecting and restoring our diverse environment"* and a key action was to "initiate actions related to Climate Change".

As part of the 2009-2010 Business Plan Priority Actions, the Council completed the Climate Change Strategy with a Department of Climate Change and Environment Local Adaptation Action Plan grant to develop the "Preparing for Climate Change in the Borough of Queenscliffe" which included a risk assessment and recommended short and long term actions to help the Borough adapt.

Council also adopted the "Sustainable Living Action Plan", a holistic approach to emissions reduction in the Borough for the Council and the community.

Both of these documents outline actions in which the Council can prepare for climate change adaptation, reduce emissions and encourage sustainable lifestyles and therefore supporting the strategic direction mentioned.

Council now needs to obtain funding to implement the recommended actions. The Sustainability Accord will provide that opportunity. This is outlined further in the "Financial" Section below.

### **Financial**

There is no cost to Council to become a signatory of the Accord. But it will allow Council to apply for funding to support activities identified in relevant Council endorsed documents.

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- **Individual Grants** (non-competitive process for grants of up to \$45,000) –These grants are designed to support eligible councils to implement activities identified in their environment strategy (or other relevant documents) and build their capacity to deliver sustainability outcomes and adapt to climate change.
- **Partnership Grants** (competitive process for grants of up to \$250,000) –These grants are designed to foster innovation and collaboration between local governments to address climate change and sustainability issues of common concern. A current G21 example is the initiative to develop a regional climate change alliance.
- **Regional Grants** (competitive process for grants of up to \$540,000) – These grants are designed to support regional groupings of non-metropolitan councils (and other relevant organisations) to work with communities to adapt to climate change.

## Social

There are no negative social impacts to Council becoming a signatory to the Accord.

The social benefits to Council are positive by enhanced inter-agency relationships and networking opportunities that will allow Council to optimise on adaptation strategies shared between other Local Government and State Government bodies.

## Environmental

There are no negative environmental impacts to Council becoming a signatory to the Accord.

By becoming signatories to the Accord, Council will be able to access funding to initiate climate change adaptation strategies and actions as outlined in "Preparing for Climate Change in the Borough of Queenscliffe" and the "Sustainable Living Action Plan." The flow on effects of these initiatives will make a positive impact on our local environment.

## Risk Management

A major risk highlighted to council in the adoption of the Climate Change Strategy was the ability to fund the adaptation strategies. By becoming a signatory to the Accord, Council will be able to access funds to initiate these actions. This will enhance Council's ability to manage and minimise risks associated with assets and the ability to deliver services to its residents and ratepayers.

The risks highlighted in the Climate Change Risk Assessment as part of the "Preparing for Climate Change in the Borough of Queenscliffe" document have been blended into the Council's current Risk Matrix.

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## Assessment

There are no negative impacts for the Council by participating in the Sustainability Accord. The benefits include interagency networking possibilities and joint projects with enhanced opportunities to access funding to implement actions as outlined in the "Sustainable Living Action Plan" and "Preparing for Climate Change in the Borough of Queenscliffe".

To join the Accord Councils must:

- Pass a Council Resolution committing to the Accord principles and actions.
- Notify the Department of Sustainability and Environment (DSE) of the Council's commitment by contacting the relevant DSE regional office. Councils who have committed to the Accord should also formally advise the Chair of the Accord Advisory Committee by writing.

## Conclusion

By becoming signatories of the Accord, the Borough of Queenscliffe will join the other local Councils across the state in working together to find ways in which our communities will be able to adapt in the face of Climate Change and live more sustainable lives and be available to receive allocated funding to initiate action.

### **Councillors: Davies/Butler**

#### **That Council:**

- 1. Approve and sign the resolution to become a signatory of the Sustainability Accord.**
- 2. Notify the Department of Sustainability and Environment (DSE) of Council's commitment to the Accord and formally advise the Chair of the Accord Advisory Committee in writing.**
- 3. Prepare to apply for available funding consistent with priorities identified in Council's 'Sustainable Living Action Plan' by 21 December 2010.**

**Carried Unanimously**



**12. BUSINESS & TOURISM**





## **13. COMMUNITY DEVELOPMENT**

### **13.1 Future Development of Queenscliff Community Centre incorporating Queenscliff & District Neighbourhood House**

**File:** QG058-03-07

**Responsible Officer:** Chief Executive Officer

#### **Introduction**

The purpose of this report is to update Council on the status of the proposed plan to facilitate development of a community centre to ensure the Queenscliff & District Neighbourhood House (QNH) has access to appropriate facilities to effectively respond to the needs of the community.

#### **Background**

The Queenscliffe Neighbourhood House (QNH) was formerly housed in the King St premises (former Maternal Health Centre) for many years. In the term of the current Council the QNH Committee of Management requested assistance from Council to find more suitable premises. The need for a larger facility was obvious as the QNH's ability to provide adequate programs for the community has been restricted due to the size and amenity of the King St facility.

Concurrently, the Borough of Queenscliffe (BoQ) identified an opportunity to gain ownership of the old MAFRI building and move it to the High School site to accommodate the QNH. Funding from other levels of Government to enable this development was linked to the involvement of other interested community groups also looking for a site to operate from and to develop a multi-use "community centre".

The funding to relocate the MAFRI building was identified as part of the 'Ferry to Queenscliff Pier Foreshore Development Project' that was the subject of a recent funding announcement by the State Government that includes upgrading the walking trail from the ferry to the pier, establishing beach access from the Queenscliff Pier and via a boardwalk from the upgraded path, relocation of the former MAFRI building to the High School site as well as re-vegetation and improvements to furniture, signage and the Lions Club Information rotunda.

In the same time period, the Victoria Police ('the Police') had requested BoQ's support to find more suitable premises. Following the decision by the Port of Melbourne Authority (PMA) to vacate their leased premises in Tobin Drive the Police indicated their interest in this property. Arrangements were made to facilitate the police access to this building at the appropriate time.

The Queenscliffe Music Festival (QMF) also approached Council in need of accommodation as the building they had been operating from was sold by the State Government to private investors and they were required to move.

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The Council's response to these requests was to relocate QNH to the PMA building in Tobin Drive and the QMF was then moved to King St premises. It was acknowledged that the QNH accommodation in Tobin Drive was to be an interim arrangement as the site had been earmarked for the police.

At its July 2010 meeting Council received a report regarding the proposed development of a community centre incorporating a permanent 'home' for the Queenscliff Neighbourhood House (QNH) as lead tenants as well as providing a base for several other local environment groups.

In noting this report Council resolved to *'proceed to consult with the community regarding the proposed development of a community centre on the old High School site, utilizing the former MAFRI building and progress funding submissions to other levels of Government.'*

Council appointed consultants, Third Ecology, to develop a community centre concept plan and associated project costing. Council also established a community reference group to provide information and advice as part of the planning process. Following presentation of the concept plan to the Reference Group and Council broader community feedback was also sought by way of a community notice in the local papers and on the website seeking submissions and two public interest meetings (at St Aloysius Primary School and on the old High School site). The location of the proposed building was marked out so the community could see where the proposal was to be sited.

### **Outcome of Community Consultation and Advice**

Council has received five formal submissions in response to the community centre proposal with most submitters expressing concerns regarding the nature of the proposal. It is recommended that officers provide Council with a briefing on these submissions in the near future.

Council has also received advice from the Victorian Police indicating that they will continue their accommodation arrangements in Gellibrand Street and therefore no longer have an interest in the former Port of Melbourne Authority building in Tobin Drive, Queenscliff. This information was confirmed in a meeting with Assistant Commissioner Lucinda Nolan with the Mayor and CEO on 12 October 2010.

As part of the community consultation process, the QNH Committee of Management clearly expressed their desire to remain accommodated at the former Port of Melbourne Authority building in Tobin Drive, Queenscliff if the Victorian Police no longer had an interest in this building. Council has also received a formal request from Susan Salter, Chair QNH Committee of Management, restating this request and highlighting the significant benefits, including improved services and program delivery that has resulted from the relocation to this property.

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## **Council Plan**

The following strategies from the 2009-2013 Council Plan are directly relevant to this proposal:

*4.1 Promote the health and wellbeing of the Borough community and continue to provide and support high quality health, learning and aged care services.*

The 2010/11 Business Plan priority actions include Council's commitment to *'secure funding to enable development of a community centre on the 'old High School site' with Queenscliff Neighbourhood House'*.

## **Financial**

Victoria Police use of the former Port of Melbourne Authority building in Tobin Drive, Queenscliff would have generated a considerable income stream for the Crown land reserve. This was not included in Council's financial planning.

## **Social**

The Queenscliff & District Neighbourhood House performs a range of critical roles in community building, lifelong education and skills development that contribute in no small way to improving the quality of life of many individuals and groups. Securing a permanent 'home base' at the Tobin Drive site will enable the QNH to be more responsive to the needs and interests of the local community and expand the scope of programs offered.

## **Environmental**

The QNH is keen to work with the Queenscliffe Global Warming Group and the Council in providing a base for community action associated with promoting sustainable living in the Borough.

## **Risk Management**

Outside the loss of 'potential' rental income, there is no risk to Council in allowing the QNH to remain long term in the Tobin Drive premises. Having tenants in the building reduces the risk of potential vandalism.

There is some risk associated with the QNH establishing new projects and investing in infrastructure changes if the lease arrangement is not long term.

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## Concluding Comments

Council actions have temporarily placed the QNH at the former Port of Melbourne Authority building in Tobin Drive, Queenscliff. Council has also secured accommodation for the Queenscliff Music Festival at the former Maternal Health Centre in King Street, Queenscliff and a 10 year lease is currently being progressed.

The Victoria Police originally expressed their interest in the former Port of Melbourne Authority building in Tobin Drive, Queenscliff. The Police have now formally advised that they will be remaining in the Gellibrand Street property.

The Queenscliff & District Neighbourhood House have formally expressed their interest in a long term lease of the former Port of Melbourne Authority building in Tobin Drive, Queenscliff and have detailed the benefits and outcomes that have resulted from their placement at this site.

The State Government has announced funding of \$180,000 for the Ferry to Pier Foreshore Development Project and this would facilitate the relocation of the former MAFRI building to the High School site. The scope and nature of this component of the project will need to be further considered by Council assuming support for QNH to have long term accommodation at the former Port of Melbourne Authority building in Tobin Drive, Queenscliff.

### Recommendation:

**That Council approves the Queenscliffe & District Neighbourhood House as the long term tenant of the former Port of Melbourne Authority building in Tobin Drive, Queenscliff and that officers progress establishment of a 10 year Crown land lease with the Department of Sustainability and Environment.**

### Councillors: Butler/Burgess

**That Council approves the Queenscliffe & District Neighbourhood House as the long term tenant of the former Port of Melbourne Authority building in Tobin Drive, Queenscliff and that officers progress establishment of a 10 to 21 year, preferably 21 years, Crown land lease with the Department of Sustainability and Environment subject to discussion with Queenscliff Neighbourhood House.**

**Carried Unanimously**



## 14. PLANNING, HERITAGE & COMMUNITY ASSETS

### 14.1. Planning Permit Activity Report

#### 14.1 (a) Summary Report

App. No	Date Received	Address	Proposal	Status
**2010/018	19/02/2010	1 Cheshunt Street Point Lonsdale	Alterations and extensions (two storey up to 7.2 metres) to an existing dwelling, the development of a front fence and variation to the site coverage and setback requirements of the DDO4	VCAT Appeals lodged by objector and applicant. VCAT hearing scheduled for 31 March 2011
2010/041	28/04/2010	24 Buckleys Road Point Lonsdale	The development of a dwelling and front fence, variation to the setback requirements of DDO4 and removal of native vegetation	Application on hold (at request of applicant)
2010/044	30/04/2010	13 Learmonth Street Queenscliff	Alterations (windows) to an existing dwelling on a site individually listed in the Heritage Overlay	Under consideration
2010/050	18/05/2010	13 Learmonth Street Queenscliff	Extensions (deck) to an existing dwelling on a site individually listed in the Heritage Overlay	Under consideration
**2010/058	18/06/2010	1 Beach Street Queenscliff	Demolition of buildings within a Heritage Overlay ("Fisherman's Wharf")	Waiting on advice from applicant.
**2010/059 (Amended 2/08/2010)	2/07/2010	Unit 4/4 Wharf Street East Queenscliff	Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell alcohol for consumption both on and off the premises (general licence)	Under consideration
**2010/060 (Amended 2/08/2010)	2/07/2010	Unit 8/4 Wharf Street East Queenscliff	Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell and consume alcohol on the premises (on-premises licence)	Under consideration
2010/062	5/07/2010	16 Bowen Road Point Lonsdale	The development of a two storey dwelling and rainwater tank (10,000 litres)	Under consideration
**2010/065	19/07/2010	87 Glaneuse Road Point Lonsdale	The development of a dwelling, variation to the site coverage and setback requirements of Design and Development Overlay - Schedule 4 and removal of native vegetation	Notice of Decision issued



App. No	Date Received	Address	Proposal	Status
**2010/067 (Amended 17/09/2010)	02/08/2010	92 Bellarine Highway Queenscliff	The development of two dwellings (two storey) and subdivision of the land into two (2) lots	Public Notification Referrals to CCMA and Engineering Department
2010/070	13/08/2010	20 Bedggood Avenue Point Lonsdale	Alterations and extensions to an existing dwelling and removal of vegetation	Further information requested 17 August 2010
2010/072	16/08/2010	62 Stokes Street Queenscliff	Alterations to an existing dwelling and outbuilding within a Heritage Overlay comprising a carport, garage and external staircase, and variation to the setback requirements of the Design and Development Overlay - Schedule 1	Under consideration
2010/077 (Amended 9/11/2010)	27/08/2010	84 Ocean Road Point Lonsdale	Alterations and extensions to an existing dwelling	Under consideration
2010/078	30/08/2010	28 Mercer Street Queenscliff	The construction of fencing	Under consideration
2010/080	07/09/2010	7 Raglan Street Queenscliff	Demolition of an outbuilding and installation of a swimming pool deck and fence on a site individually listed in the Heritage Overlay	Public notification Referral to Heritage Advisor
**2010/082	9/09/2010	40 Learmonth Street Queenscliff	Part demolition of an existing dwelling, demolition of an outbuilding, development of an outbuilding and alterations and extensions to an existing dwelling in a Heritage Overlay and variation to the site coverage requirements of Design and Development Overlay - Schedule 1	Under consideration
2010/083	8/09/2010	131 Hesse Street Queenscliff	Demolition of existing navigational aid structures, development of new navigational aid structures in a Heritage Overlay and removal of native vegetation	Public notification
2010/084	14/09/2010	14 Swanston Street Queenscliff	The development of an outbuilding and variation to the site coverage requirements of Design and Development Overlay - Schedule 1	Public notification
2010/085	16/09/2010	14 Bailey Street Point Lonsdale	Alterations and extensions to an existing dwelling, alterations to an existing outbuilding, the installation of a rainwater tank (5000L) and variation to the site coverage requirements of Design and Development Overlay - Schedule 4	Public notification
2010/086	17/09/2010	1/9 Symonds Street Queenscliff	The construction of a fence in a Heritage Overlay	Referral to Heritage Advisor



App. No	Date Received	Address	Proposal	Status
2010/087	23/09/2010	35 Flinders Street Queenscliff	Alterations and extensions to an existing residential building (convent)	Under consideration
2010/088	27/09/2010	1 Symonds Street Queenscliff	To use the site as a food and drink premises with an licence to sell alcohol for consumption both on and off the premises (general licence)	Public notification
2010/089	28/09/2010	41 Glaneuse Road Point Lonsdale	The development of a dwelling	Public notification
2010/090	29/09/2010	10 Hobson Street Queenscliff	Externally paint the building and the development of advertising signage in a Heritage Overlay	Under consideration
2010/091	28/09/2010	8 Bay Street Queenscliff	Alterations to an existing dwelling and the development of a garage/carport in a Heritage Overlay	Public notification Referral to Heritage Advisor
2010/092	4/10/2010	29 Mercer Street Queenscliff	Alterations to an existing dwelling (verandah) and the development of a front fence and outbuilding in a Heritage Overlay	Further information requested 6 October 2010
2010/093	4/10/2010	66 Kirk Road Point Lonsdale	Alterations and extensions to an existing dwelling and the development of an outbuilding and front fence	Further information requested 11 October 2010
2010/094	4/10/2010	2 St Andrews Street Queenscliff	Demolition of an existing outbuilding, alterations and extensions to an existing dwelling and garage, the installation of solar panels in a Heritage Overlay, the development of an outbuilding to be used for accommodation and variation to the site coverage and setback requirements of Design and Development Overlay - Schedule 1.	Public notification Referrals to Heritage Advisor and Engineering Department
2010/095	5/10/2010	7 Caroline Street Point Lonsdale	The development of a dwelling and garage and variation to the site coverage requirements of Design and Development Overlay - Schedule 4	Public notification



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

App. No	Date Received	Address	Proposal	Status
2009/064	29/05/2009	6 Simpson Street Point Lonsdale	Construct decking	Application withdrawn
**2009/140	16/11/2009	23 Henry Street Queenscliff	The development of a dwelling (two storey up to 8.5 metres) and variation to the setback requirements of the DDO1	Modified permit issued at the direction of VCAT.
2010/052	4/06/2010	9 Bailey Street Point Lonsdale	The development of a two storey dwelling and removal of native vegetation	Permit issued
2010/056	15/06/2010	103 King Street Queenscliff	The development of a two storey dwelling, swimming pool and front fence, variation to the setback requirements of Schedule 3 of the Design and Development Overlay and removal of vegetation	Permit issued
**2010/057	15/06/2010	1/11 Anderson Street Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	Permit issued
2010/075	27/08/2010	19 Edgewater Close Queenscliff	Alterations and extensions to an existing dwelling	Permit issued
2010/081	6/09/2010	21 Flinders Street Queenscliff	Alterations and extensions to an existing dwelling and outbuilding and variation to the front setback requirements of Design and Development Overlay - Schedule 1	Permit issued



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

App. No	Date Received	Address	Proposal	Status
2010/096	18/10/2010	100 Fellows Road Point Lonsdale	Alterations and extensions to an existing dwelling, the development of an outbuilding (bungalow) and variation to the side setback requirements of Design and Development Overlay - Schedule 4	Further information requested 1 November 2010
2010/097	18/10/2010	13 Bowen Road Point Lonsdale	Alterations and extensions to an existing dwelling	Further information requested 28 October 2010
2010/098	18/10/2010	20-22 Anderson Street Point Lonsdale	The development of the site for four (4) two storey dwellings, variation to the site coverage and front and side setback requirements of the DDO4 and the subdivision of the land into four (4) lots and common property	Further information requested 27 October 2010
2010/099	19/10/2010	23 Jennifer Crescent Point Lonsdale	The development of a deck	Under consideration
2010/100	3/11/2010	22 Bay Street Queenscliff	Alterations and extensions to an existing dwelling in a Heritage Overlay	Initial assessment being undertaken
2010/101	3/11/2010	20 King Street Queenscliff	Part demolition of an existing dwelling and garage, alterations and extensions to an existing dwelling (two storey), variation to the setback requirements of Design and Development Overlay - Schedule 1 and the removal of vegetation in a Heritage Overlay	Initial assessment being undertaken
2010/102	1/11/2010	26/30-32 Hesse Street Queenscliff	The development of advertising signage in a Heritage Overlay	Initial assessment being undertaken

**Legend:**

**\*\* Objections received.**



**Councillors: Mitchell/Davies**

**That the report be noted.**

**Carried Unanimously**

**Councillors: Mitchell/Davies**

**That Council Officers provide a briefing on the following applications:**

**Application 2010/083 - 131 Hesse Street, Queenscliff**

**Application 2010/094 - 2 St Andrews Street, Queenscliff (with focus on provision of carparking)**

**Application 2009/140 - 23 Henry Street, Queenscliff (request written advice to Councillors)**

**Carried Unanimously**

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7:58pm - Cr Davies declared a conflict of interest, in respect to the following resolution in that his current employer is undertaking projects for Queenscliff Harbour Pty Ltd, and left the Council Chambers.

## 14.2 4/4 Wharf Street East, Queenscliff

**File:** QP295-404  
**Report Author:** Senior Planner

### Proposal

Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell alcohol for consumption both on and off the premises (general license).

### Introduction

- The purpose of this report is to enable Council to consider the appropriateness of a planning permit application for Unit 4 of No. 4 Wharf Street East, contained within Building 4 at the Harbour, to be granted a liquor license allowing the sale of alcohol for consumption both on and off the premises.
  - The development plan endorsed for Stage 3B of the Harbour development shows Building 4 to be "mixed use" comprising retail, office, place of assembly, and food and drink premises'.
  - The proposed "red-line area" which shows where alcohol is to be consumed does not include any external areas. All consumption of alcohol on the premises is to be done inside the building.
  - The application has been advertised and a total of four objections have been received by Council. Objectors have raised concerns regarding the compliance of the proposed liquor license with the Planning Scheme, the suitability of another general licence within the harbour precinct and the broader Queenscliff community, the impact of the granting of a liquor license on the car parking available at the Harbour, concerns regarding amenity and the potential impacts from and irresponsible consumption of alcohol in the area, the risk to public safety when serving alcohol for consumption in an area close to boating facilities, and the impact on an area focused for use by families.
  - The application has been considered against the relevant provisions of the Queenscliffe Planning Scheme, and it is considered appropriate for the site, subject to conditions to be placed on any permit issued.
  - Therefore, it is recommended that the application be supported through the issue of a Notice of Decision. Conditions contained within the recommendation aim to address some of the amenity issues raised within the objections.
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- If Council approves the application, a Liquor License must then be obtained from Liquor Licensing Victoria. This application will involve further public notification and consent from Victoria Police.

### **Key Issues**

- Compliance with Development Plan.
- Compliance with Queenscliffe Planning Scheme.
- Suitability of a general licence for the harbour area.
- Amenity impacts on the harbour area.
- Concerns raised by objectors.

### **Discussion**

#### **Subject site and surrounds**

The Queenscliff Harbour is at the end of the reclaimed peninsula separating Port Phillip Bay from Swan Bay. The harbour is located at the end of Wharf Street, to the north east of the Queenscliff town centre.

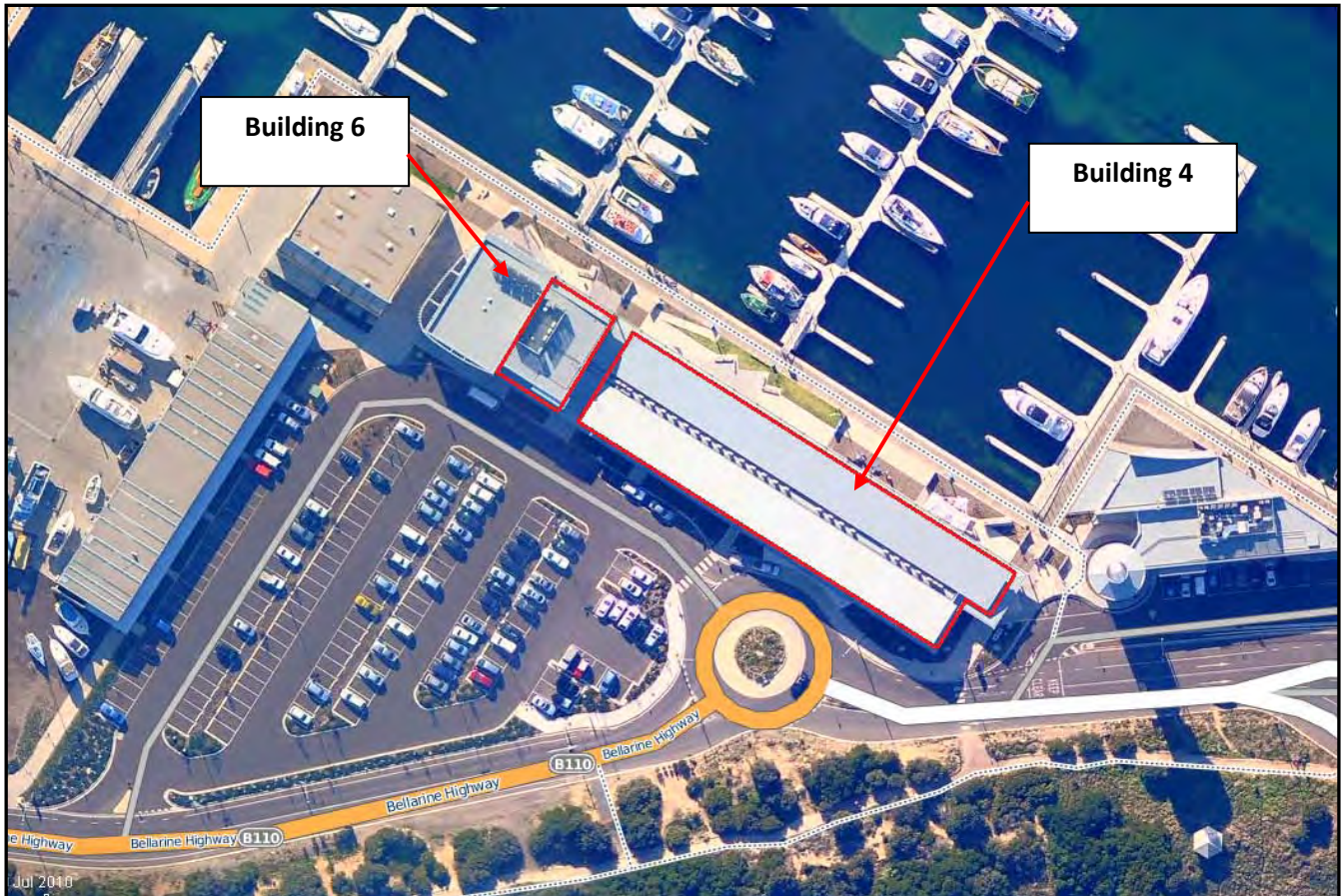
The subject site is contained within Building 4, shown in the aerial image below. Building 4 currently comprises a mixture of uses, including four (4) food and drink premises', a clothing store, some ATM's, as well as three (3) premises' which are vacant. Building 6 contains a hairdresser and three (3) fishing charter companies. To the east of Building 4 and Build 6 is the large restaurant "360Q" and the navigational aid and observation tower.

Shop 4, to which this planning permit application relates, is to contain a convenience restaurant "Q Seafood Provedore". The provedore is to provide deli style foods (seafood products, meats, cheeses, small goods, gourmet foods etc.) as well as a cafe/restaurant component allowing patrons to eat the food available for sale on the premises.

The harbour development close to completion, apart from Stage 4, Fisherman's Wharf.

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## Locality plan



Source: [www.nearmap.com](http://www.nearmap.com) - accessed 05.11.2010

## Proposal

It is proposed to operate a liquor license to sell alcohol for consumption on the premises in association with the eating of the food for sale on the premises, as well as having packaged alcohol available for sale for consumption off the premises. The providedore is to open in time for the upcoming summer season. The use of the premises as a convenience restaurant is in accordance with the provisions of the Special Use Zone - Schedule 1, as well as the Development Plan approved for the site.

It is proposed to operate the premises during the following times:

Monday to Saturday (excluding ANZAC Day and Good Friday)	7:00am - 11:00pm
Sunday	10:00am - 11:00pm
ANZAC Day and Good Friday	12:00pm - 11:00pm

These operating hours are within the ordinary trading hours as set out in the *Liquor Control Reform Act 1998*.



Council is not considering the convenience restaurant use associated with this liquor licence application, as these do not require a planning permit under the Special Use Zone - Schedule 1, as detailed above, but is considering the liquor licence component. A "*general licence*" is classified as follows by Liquor Licensing Victoria:

*Permits the supply of alcohol to customers for drinking on the premises, and to take away. For example, pubs, hotels and taverns.*

While the definition makes specific mention of "pubs, hotels and taverns", it is considered important to consider all applications for "general licences" on a case by case basis and on the merits of each individual application. It is not considered appropriate to place the proposed use as a convenience restaurant, or "provedore", in the same category as a tavern or pub, given the manner of alcohol consumption on the site is on a much smaller scale to what would be expected in a pub.

Refer to **Appendix 3** for a copy of the proposed plan.

### **Planning Scheme Controls**

The site is zoned Special Use Zone– Schedule 1 Queenscliff Harbour, pursuant to the Queenscliffe Planning Scheme.

Clause 37.01-1 of the Special Use Zone required all development and land use on the site to be undertaken in accordance with an approved Development Plan. The use of the site as a convenience restaurant does not trigger the need for a planning permit pursuant to the provisions of Schedule 1 to the Special Use Zone.

There are no overlays which apply to the site.

Clause 52.27– Licensed Premises seeks to ensure that licensed premises are situated in appropriate locations, and that the impact of the licensed premises on the amenity of the surrounding area is considered. Clause 52.27 states that a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*. As a licence is required under the *Liquor Control Reform Act 1998*, the proposed on-premises liquor licence requires planning approval from the local municipality.

There is no planning permit required to sell packaged liquor, pursuant to the provisions of Schedule 1 to the Special Use Zone, and Clause 52.27 of the Scheme.

### **Referrals**

There were no formal referrals sent by Council in respect of this application, however Council did require the applicant to serve notice of the application to the local branch of the Victoria Police.

Council did not receive any correspondence from the Victoria Police regarding this liquor licence application. However, the subsequent application to the Department of Justice for the actual

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liquor licence will be forwarded to the Victoria Police who are required to provide comment on the application.

### **Council Plan**

Planning applications are assessed with due consideration to the strategic direction identified in the 2010-2013 Council Plan, of which a key direction is to *'protect, conserve and add value to the unique natural, built and heritage values of the Borough of Queenscliffe, drawing on an understanding of the limitations of the natural environment and the municipality's historical background'*. It is considered that the application for a general licence is in accordance with the strategic direction of the Council Plan.

### **Financial**

There will be no financial implications for Council as a result of the proposed development. All costs associated with the development will be borne by the applicant.

### **Social**

Amenity related issues have been considered as part of the assessment of the application.

### **Environmental**

Particular issues such as noise will be addressed as part of the permit application. The applicant was required to provide to Council a Noise and Amenity Action Plan to address the issues of noise, operating procedures, trading hours, music and live entertainment, and waste management. The use of the site will also need to be in accordance with all relevant health regulations.

### **Risk Management**

All matters set out under Planning and Environment Act 1987 have been considered in the assessment of the application.

### **Assessment**

#### **State Planning Policy Framework**

The State Planning Policy Framework is consistent across all Planning Schemes and contains statements of general principles and policies for land use and development planning in Victoria. Clause 11.03-5 seeks to support economic wellbeing by providing facilities which will be of benefit

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to the tourist industry, the local economic climate and residents and visitors to the municipality. This is further emphasised in Clauses 17.02– Business and 17.04– Tourism.

Clause 15.05– Noise Abatement, which requires Council to ensure that community amenity is not reduced by noise emissions and conditions addressing noise have been included in the recommendation.

It is considered that the proposed liquor licence is in accordance with the State Planning Policy Framework.

### **Local Planning Policies**

Local planning policies recognise the importance of tourism to the local economy, including Clause 21.02 stating that as a result of the Borough's marine location, environmental and heritage interest, tourism is the dominant sector of the local economy. It also recognises the potential contribution the development of the Harbour can make to tourism and as an attraction as a key boating destination in Port Phillip Bay. Clause 21.05 supports the redevelopment of the harbour.

It is considered that the application is consistent with the planning policy framework, the application accords with the intent of the Development Plan approved for the site and is such that the attraction for tourists to the area will be enhanced through the approval of the license. This will assist in ensuring the success of the Harbour development and has the potential to increase visitor numbers to the municipality.

### **Zoning**

#### **Special Use Zone 1**

As noted previously, the site is zoned Special Use Zone – Schedule 1 Queenscliff Harbour. There is no permit requirement pursuant to the zone.

The provisions of the zone are such that a food and drink premises and retail premises are 'as of right uses'.

It should be noted that a "bottle shop", defined as "*land used to sell packaged liquor for consumption off the premises*" is included in the broader definition of a "shop", which is more broadly defined as a "retail premises". A key point to the assessment and consideration of this application for a planning permit is that there is no planning permit triggered under the zone for a "bottle shop", or under Clause 52.27.

### **Overlays**

The subject site is not affected by any overlays.

### **Particular Provisions**

#### **Clause 52.27– Licensed Premises**

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Pursuant to Clause 52.27 of the Queenscliffe Planning Scheme, a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*. This does not apply to a license to sell only packaged liquor for consumption elsewhere (ie. a "bottle shop").

It is considered appropriate to highlight the fact that, if the components of the proposed liquor licence were dealt with individually, a planning permit would be required for the on-premises licence and not for the sale of packaged liquor. However, as the proposal comprises both the on-premises licence and the sale of packaged liquor, the assessment of the proposal against the decision guidelines will be done in relation to both uses.

Under the decision guidelines of Clause 52.27, the responsible authority must consider, as appropriate, the following issues:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of surrounding area.
- The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.

An assessment of the proposal against each of the above decision guidelines is included below.

*The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

As discussed earlier within this report, the application has been assessed against the provisions of the SPPF and the LPPF, including the MSS and local planning policies, and it is considered that the proposed liquor licence is in accordance with the relevant State and Local planning policy provisions of the Queenscliffe Planning Scheme.

*The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*

The proposed provision of alcohol for the consumption on the site is not considered to result in any significant impact on the amenity of the surrounding area. The proposed liquor licence was advertised to a number of surrounding residents and business owners, and there was no objection raised from local residents on the basis of amenity impact.

There was concerns raised by other business owners within Queenscliffe regarding the appropriateness of a liquor licence at this location, especially in regard to the sale of packaged liquor in conjunction with the on-premises licence, however there was no issue raised in regard to amenity impact on the residents in the surrounding area.

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The local Queenscliffe Community Association (QCA) lodged an objection and raised concern in relation to the impact of the sale of liquor from this premises, specifically in regards to the sale of packaged liquor.

The QCA raised particular concern with the potential impact of the sale of liquor on the harbour area, which has a strong "family focus", and the risk of irresponsible consumption of alcohol in the harbour marina and surrounding area through the sale of packaged liquor to the occupants of the harbour marina.

It is considered that the sale of liquor for consumption on the premises at the subject site, a seafood provedore with a strong eat-in focus as well as take-away, is not a service which would encourage the "irresponsible consumption of alcohol". It is further noted that the proposal only involves the consumption of alcohol within the building itself, and not in the outdoor dining area. It is further considered that, as the alcohol that is to be consumed as a result of this application is to be done so within the building, there is a reduced chance of there being impacts on the amenity of the area as a result of alcohol consumption.

It should be noted that the business being operated from the premises would be required to act in accordance with all relevant legislation, particularly the *Liquor Control Reform Act 1998*. This will involve ensuring that all staff responsible for serving the alcohol will be fully qualified in their *Responsible Service of Alcohol (RSA)* requirements and that all alcohol served on the premises is done so properly and in a way that prevents serving persons who are intoxicated, and aims to minimise any kind of antisocial behaviour.

While the concerns raised by the QCA regarding the service of alcohol and the effect on the amenity of the "family focus" of the harbour area, it should be noted that the enforcement of the *Liquor Control Reform Act 1998* is the responsibility of the Victoria Police, rather than Council. As stated earlier within this report, the proposed liquor license was forwarded to the local branch of the Victoria Police, and there was no objection or concern lodged regarding the matter.

In regard to the sale of packaged liquor to the surrounding area, it is considered that a key issue in the assessment of the application is that the actual sale of packaged liquor on its own does not require a planning permit. The floor plan of the proposed use involves the sale of packaged liquor from the southernmost section of the premises, and it is considered that the scope and size of the packaged liquor component of the use is quite small in comparison to the size of the provedore area of the building. Upon inspecting the floor plan of the shop provided by the applicant, it is evident that the sale of packaged liquor is only a minor component of the overall use of the site as a convenience restaurant (provedore).

*The impact of the hours of operation on the amenity of the surrounding area.*

As discussed earlier within this report, the applicant is proposing to operate the business within ordinary trading hours as set out for on-premises licences in Section 3 - Definitions - of the *Liquor Control Reform Act 1998*. It should be further noted that there have been no objections lodged in respect to the proposed hours of operation for the liquor licence.

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It is considered that the proposed hours of operation are appropriate for the site, as regulated by the State Government for these kinds of uses, and should not result in any negative impact on the amenity of the area.

*The impact of the number of patrons on the amenity of surrounding area.*

The applicant has advised that the total seating capacity for the premises is 30 patrons, with the consumption of alcohol to be contained exclusively within the building in the internal dining area. There is still an external area nominated for outdoor dining, however this area is not included in the "red-line" area shown on the plans submitted with the application.

As the service of alcohol for consumption on the site is only to be done in association with the consumption of food purchased from the provedore, it is considered that the amenity impact arising from 30 patrons seated on the premises and potentially consuming alcohol is marginal and should not detract from the amenity of the surrounding area. Furthermore, the fact that the alcohol is only to be consumed within the internal dining area, the amenity impact of the alcohol consumption is even further reduced.

*The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.*

There is no liquor licence currently existing on the subject site. It is noted that there is an existing general licence at the restaurant "360Q" located in the building at the eastern end of the harbour development, adjacent to the navigational aid, which allows for the sale of liquor for consumption both on and off the premises. It is considered that the cumulative impact of the existing licence at "360Q" and the proposed license at "Provedore Q" should not contribute to an adverse impact on the amenity of the surrounding area, when combined with the existing license at "360Q".

As stated earlier within this report, there is no planning permit required for a liquor license to sell only packaged liquor within the harbour area. Hypothetically, a bottle shop could open up in one of the shops at the harbour and sell packaged liquor to harbour users without Council having any control over the hours of operation or the size of the operation.

It is considered that the scope of the packaged liquor sales proposed as part of this application is of a minor nature, and likely reflects the anticipated demand within the harbour area from marina users to be of a modest nature.

As shown above, it is considered that the proposed liquor license is fully compliant with the decision guidelines as contained within Clause 52.27 of the Queenscliffe Planning Scheme.

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## Community Consultation

Public notification of the application was required and as a result a total of four (4) objections were received. The concerns of objectors are summarised and commented upon below:

Objection	Comment
<p><i>Compliance with the Queenscliffe Planning Scheme:</i></p> <p>One of the main concerns raised by the objectors is that the proposed liquor license for the site is not in accordance with the planning controls applicable to the subject site and, more specifically, the broader harbour precinct. The objections include comments regarding the harbour being used for primarily marine related businesses, and raise a concern that the planning scheme amendment which related to the overall development of the Queenscliff Harbour.</p>	<p>The proposal has been assessed against the provisions of the Queenscliffe Planning Scheme, specifically the Schedule 1 to the Special Use Zone, which applies to the site, and a discussion of the compliance of the proposed liquor license with the overall provisions of the Queenscliffe Planning Scheme has already been discussed.</p> <p>Objections are to be considered on the basis of how the proposed use/development has a negative impact on the person lodging the objection, particularly in regards to amenity.</p> <p>The objection lodged on the basis of compliance with the Planning Scheme does not raise any matters that have not already been considered as part of the assessment process for the proposed license.</p>
<p>The impact of the proposal on the provision of car parking for the overall harbour development.</p>	<p>The supply of alcohol on the site does not change the car parking requirements for the overall harbour development.</p> <p>The provision of car parking is assessed on an overall basis comprising all uses of the Harbour, and is not an element of the assessment of this application.</p>
<p>As discussed earlier within this report, the QCA has lodged an objection to this application for planning permit on the basis of the impact of the consumption of alcohol on the overall amenity of the surrounding area. There are specific concerns regarding the impact of the inappropriate and irresponsible consumption of alcohol in the marina area, the risk for "anti-social behaviour", and the potential for tragedy when mixing alcohol consumption with marine based activities.</p>	<p>As discussed earlier within this report, it is not considered that the sale of alcohol on the premises is going to contribute to the loss of amenity for the harbour or the surrounding area.</p> <p>Furthermore, it has already been discussed that matters relating to inappropriate consumption of alcohol and the risk for anti-social behaviour as a result of alcohol consumption is a matter for the Victoria Police to address. As this application was advertised to the Victoria police</p>



Objection	Comment
	<p>for comment, and no response was received, it is assumed that they have no concern.</p> <p>It should be noted that, should this application for a planning permit be supported by Council, the applicant would then be required to apply to the Department of Justice for the actual license. Part of this process will involve referring the application to the Victoria Police, where actual written consent is required.</p> <p>In regard to the impact of the sale of packaged liquor on the surrounding area, it is again emphasised that a bottle shop could operate within the harbour development without requiring planning permission from Council. There would also be the potential for the bottle shop to be much larger in size and scope and so could therefore make it even more difficult to police the sale of liquor throughout the municipality.</p>

### Conclusion

It is considered that the application should be supported. The application accords with the planning policy framework and the particular provisions of Clause 52.27 of the Queenscliffe Planning Scheme, which is the trigger for a planning permit. The application allows for the supply of alcohol for consumption on the premises in association with the eat-in component of the "Provedore Q" and also the sale of packaged liquor for consumption off the premises. Conditions on the permit will address noise, patron numbers and waste management. This is considered to be an appropriate outcome.

**Councillors: Mitchell/**

**That this matter be deferred until Council receives a submission from the local police.**

**Motion lapsed for want of a seconder**



**Councillors: Burgess/Butler**

That Council having considered the proposed development resolves that the application be approved and that a notice of decision to grant a planning permit is issued for permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell alcohol for consumption both on and off the premises (general license), at Unit 4 No. 4 Wharf Street East, Queenscliff, subject to the following conditions:

1. The layout of the site as shown on the endorsed plan must not be altered or modified without the written consent of the responsible authority.
2. Alcohol provided for consumption on the premises is only to be served in association with the consumption of food purchased from the premises, and must be provided by a person with suitable responsible service of alcohol qualifications.
3. There is to be a maximum of thirty (30) seats made available for patrons on the premises.
4. Alcohol is only to be served in accordance with the hours of operation specified within the Liquor Control Reform Act, 1998.
5. No sound amplification, juke boxes or loud speakers are to be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes so as to be audible on adjoining public or private land, to the satisfaction of the Responsible Authority.
6. The use must not cause detriment to any person or on the amenity of the area by any reason of emission of noise, dust, smoke, vibration, the appearance of the property or otherwise, and the conduct of the use shall, at all times, be to the satisfaction of the Responsible Authority.
7. A notice to the satisfaction of the responsible authority shall be fixed in a prominent position visible to all patrons as they leave the premises. The notice shall be clearly legible and draw attention to the requirements for considerate and quiet behaviour of patrons on departing from the premises as there are nearby residents.
8. This permit will expire if the use hereby permitted is not started within two years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Carried

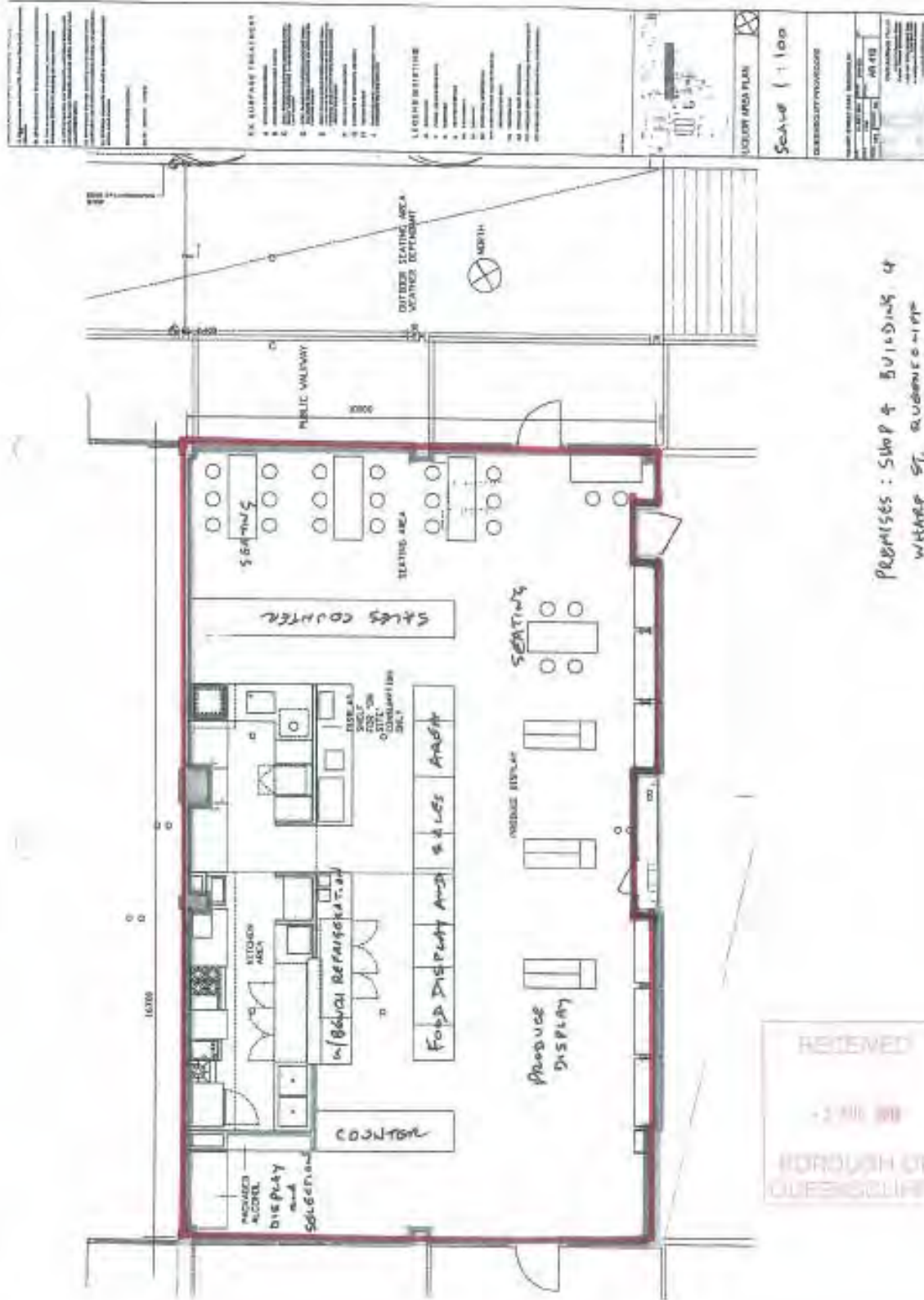
Cr Mitchell requested a division:

For: Crs Butler, Burgess & Merriman

Against: Cr Mitchell



Appendix 3





### **14.3 8/4 Wharf Street East, Queenscliff**

**File:** QP295-408  
**Report Author:** Senior Planner

#### **Proposal**

Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell alcohol for consumption on the premises (on-premises license)

#### **Introduction**

- The purpose of this report is to enable Council to consider the appropriateness of a planning permit application for Unit 8 of No. 4 Wharf Street East, contained within Building 4 at the Harbour, to be granted a liquor license allowing the sale of liquor on the premises.
- The development plan endorsed for Stage 3B of the Harbour development shows Building 4 to be "mixed use" comprising retail, office, place of assembly, and food and drink premises'.
- The application has been advertised and a total of three objections have been received by Council. Objectors have raised concerns regarding the compliance of the proposed liquor license with the Planning Scheme, the suitability of another liquor license within the harbour precinct, the impact of the granting of a liquor license on the car parking available at the Harbour, concerns regarding amenity and the potential impacts from and irresponsible consumption of alcohol in the area, the risk to public safety when serving alcohol for consumption in an area close to boating facilities, and the impact on an area focused for use by families.
- The application has been considered against the relevant provisions of the Queenscliffe Planning Scheme, and it is considered appropriate for the site, subject to conditions to be placed on any permit issued.
- Therefore, it is recommended that the application be supported through the issue of a Notice of Decision. Conditions contained within the recommendation aim to address some of the amenity issues raised within the objections.
- If Council approves the application, a Liquor License must then be obtained from Liquor Licensing Victoria. This application will involve further public notification and consent from Victoria Police.

#### **Key Issues**

- Compliance with Development Plan.
  - Compliance with Queenscliffe Planning Scheme.
  - Suitability of an on-premises licence for the harbour area.
-



- Amenity impacts.
- External licensed area.
- Concerns raised by objectors.

## **Discussion**

### **Subject site and surrounds**

The Queenscliff Harbour is at the end of the reclaimed peninsula separating Port Phillip Bay from Swan Bay. The harbour is located at the end of Wharf Street, to the north east of the Queenscliff town centre.

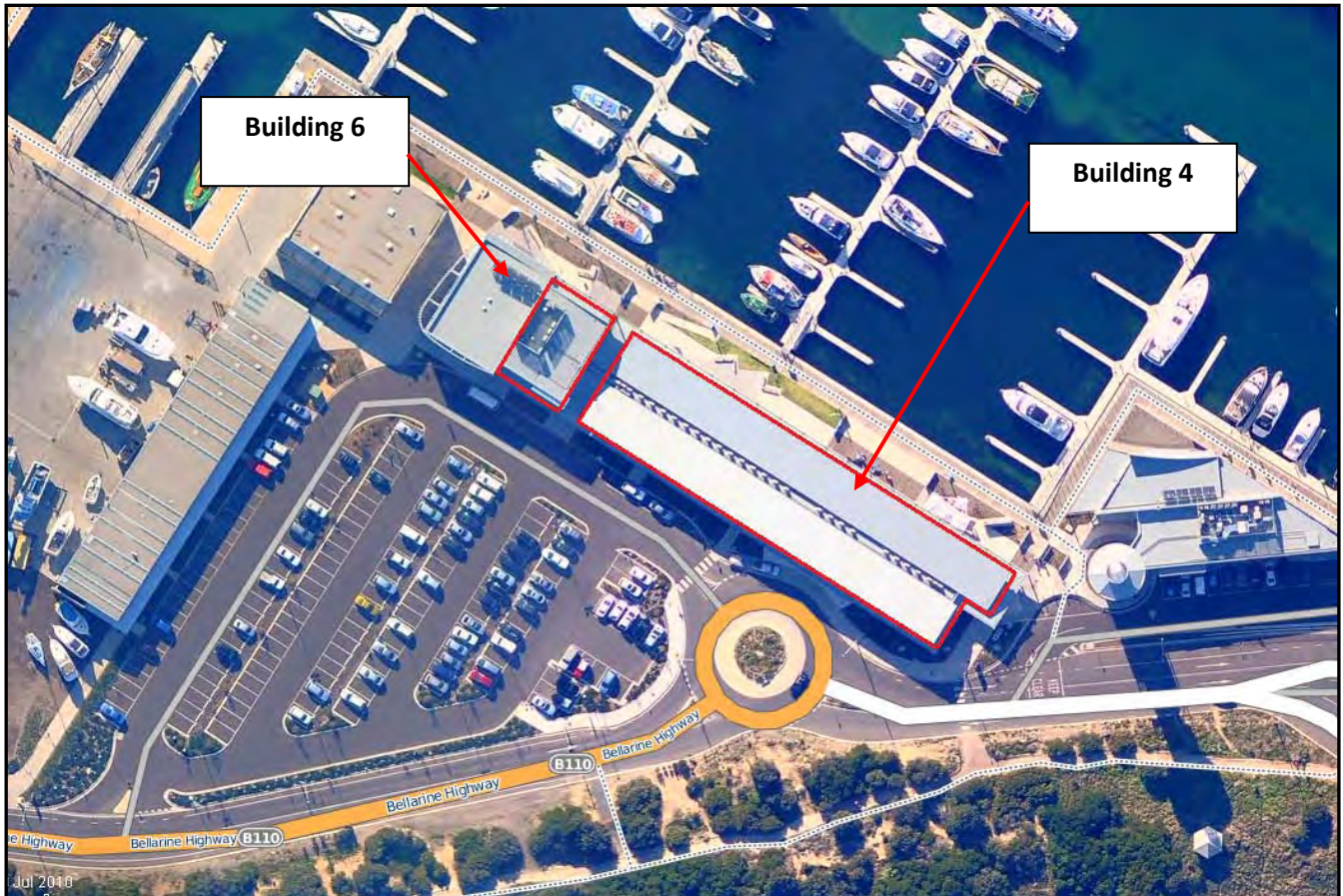
The subject site is contained within Building 4, shown in the aerial image below. Building 4 currently comprises a mixture of uses, including four (4) food and drink premises', a clothing store, some ATM's, as well as three (3) premises' which are vacant. Building 6 contains a hairdresser and three (3) fishing charter companies. To the east of Building 4 and Build 6 is the large restaurant "360Q" and the navigational aid and observation tower.

Shop 8, to which this planning permit application relates, is to contain convenience restaurant "*Q Fish and Chippery*".

The harbour development close to completion, apart from Stage 4, Fisherman's Wharf.

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## Locality plan



Source: [www.nearmap.com](http://www.nearmap.com) - accessed 05.11.2010

## Proposal

It is proposed to operate a liquor license to sell alcohol for consumption on the premises, in association with the convenience restaurant (food and drink premises) which is to open in time for the upcoming summer season. The use of the premises as a convenience restaurant is in accordance with the provisions of the Special Use Zone - Schedule 1, as well as the Development Plan approved for the site.

It is proposed to operate the convenience restaurant with an on-premise liquor license, during the following times:

Monday to Saturday (excluding ANZAC Day and Good Friday)	7:00am - 11:00pm
Sunday	10:00am - 11:00pm
ANZAC Day and Good Friday	12:00pm - 11:00pm

These operating hours are within the ordinary trading hours as set out in the *Liquor Control Reform Act 1998*.



Council is not considering the use associated with this liquor license application, as these do not require a planning permit under the Special Use Zone - Schedule 1, as detailed above, but is considering the liquor license component. An "on-premises licence" is classified as follows by Liquor Licensing Victoria:

*The supply of alcohol to customers for drinking on the premises in restaurants, bars, cafes and nightclubs. Sixty per cent of on-premises licences are attached to restaurants.*

While there is a take-away component to the meals prepared on the premises, this is not the case for the liquor that is sold. There is to be no take away component to the liquor license, and the applicant has advised within their written submission that the service of alcohol is to be provided only to patrons partaking in a prepared meal, and the meal and liquor are to be provided by waiter service only.

Refer to **Appendix 4** for a copy of the proposed plan.

### **Planning Scheme Controls**

The site is zoned Special Use Zone– Schedule 1 Queenscliff Harbour, pursuant to the Queenscliffe Planning Scheme.

Clause 37.01-1 of the Special Use Zone required all development and land use on the site to be undertaken in accordance with an approved Development Plan. The use of the site as a convenience restaurant does not trigger the need for a planning permit pursuant to the provisions of Schedule 1 to the Special Use Zone.

Clause 52.27– Licensed Premises seeks to ensure that licensed premises are situated in appropriate locations, and that the impact of the licensed premises on the amenity of the surrounding area is considered. Clause 52.27 states that a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*. As a licence is required under the *Liquor Control Reform Act 1998*, the proposed on-premises liquor licence requires planning approval from the local municipality.

### **Referrals**

There were no formal referrals sent by Council in respect of this application, however Council did require the applicant to serve notice on the local branch of the Victoria Police.

Council did not receive any correspondence from the Victoria Police regarding this liquor license application. However, the subsequent application to the Department of Justice for the actual liquor licence will be forwarded to the Victoria Police who are required to provide comment on the application.

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## **Council Plan**

Planning applications are assessed with due consideration to the strategic direction identified in the 2010-2013 Council Plan, of which a key direction is to *'protect, conserve and add value to the unique natural, built and heritage values of the Borough of Queenscliffe, drawing on an understanding of the limitations of the natural environment and the municipality's historical background'*. It is considered that the application for a general licence is in accordance with the strategic direction of the Council Plan.

## **Financial**

There will be no financial implications for Council as a result of the proposed development. All costs associated with the development will be borne by the applicant.

## **Social**

Amenity related issues have been considered as part of the assessment of the application.

## **Environmental**

Particular issues such as noise will be addressed as part of the permit application. The applicant was required to provide to Council a Noise and Amenity Action Plan to address the issues of noise, operating procedures, trading hours, music and live entertainment, and waste management. The use of the site will also need to be in accordance with all relevant health regulations.

## **Risk Management**

All matters set out under Planning and Environment Act 1987 have been considered in the assessment of the application.

## **Assessment**

### **State Planning Policy Framework**

The State Planning Policy Framework is consistent across all Planning Schemes and contains statements of general principles and policies for land use and development planning in Victoria. Clause 11.03-5 seeks to support economic wellbeing by providing facilities which will be of benefit to the tourist industry, the local economic climate and residents and visitors to the municipality. This is further emphasised in Clauses 17.02– Business and 17.04– Tourism.

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Clause 15.05– Noise Abatement, which requires Council to ensure that community amenity is not reduced by noise emissions and conditions addressing noise have been included in the recommendation.

It is considered that the proposed liquor licence is in accordance with the State Planning Policy Framework.

### **Local Planning Policies**

Local planning policies recognise the importance of tourism to the local economy, including Clause 21.02 stating that as a result of the Borough's marine location, environmental and heritage interest, tourism is the dominant sector of the local economy. It also recognises the potential contribution the development of the Harbour can make to tourism and as an attraction as a key boating destination in Port Phillip Bay. Clause 21.05 supports the redevelopment of the harbour.

It is considered that the application is consistent with the planning policy framework, the application accords with the intent of the Development Plan approved for the site and is such that the attraction for tourists to the area will be enhanced through the approval of the license. This will assist in ensuring the success of the Harbour development and has the potential to increase visitor numbers to the municipality.

### **Zoning**

#### **Special Use Zone 1**

As noted previously, the site is zoned Special Use Zone– Schedule 1 Queenscliff Harbour. There is no permit requirement pursuant to the zone.

The provisions of the zone are such that a food and drink premises and retail premises are 'as of right uses'.

### **Overlays**

The subject site is not affected by any overlays.

#### **Clause 52.27– Licensed Premises**

Pursuant to Clause 52.27 of the Queenscliffe Planning Scheme, a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*.

Under the decision guidelines of Clause 52.27, the responsible authority must consider, as appropriate, the following issues:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
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- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of surrounding area.
- The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.

An assessment of the proposal against each of the above decision guidelines is included below.

*The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The application has been assessed against the provisions of the SPPF and the LPPF, including the MSS and local planning policies. It is considered that the proposed liquor licence is in accordance with the relevant State and Local planning policy provisions of the Queenscliffe Planning Scheme.

*The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*

The proposed provision of alcohol for the consumption on the site is not considered to result in any significant impact on the amenity of the surrounding area. The proposed liquor licence was advertised to a number of surrounding residents and business owners, and there was no objection raised from local residents on the basis of amenity impact. There was concerns raised by other business owners within Queenscliffe regarding the appropriateness of a liquor licence at this location, however there was no issue raised in regard to amenity impact.

The local Queenscliffe Community Association (QCA) lodged an objection and raised matters in relation to the impact of the sale of liquor from this premises, however raised concerns which relate mostly to the sale of alcohol for consumption off the premises which does not relate to this application.

The QCA also raised concerns with the impact of the sale of liquor on the harbour area which has a "family focus", and the risk of the irresponsible consumption of alcohol in the area. It is considered that the sale of liquor at the subject site, a fish and chip shop with a strong eat-in focus as well as take-away, is not a service which would encourage the "irresponsible consumption of alcohol".

It should be noted that the business being operated from the premises would be required to act in accordance with all relevant legislation, particularly the *Liquor Control Reform Act 1998*. This will involve ensuring that all staff responsible for serving the alcohol will be fully qualified in their *Responsible Service of Alcohol (RSA)* requirements and that all alcohol served on the premises is done so properly and in a way that prevents serving persons who are intoxicated, and aims to minimise any kind of antisocial behaviour.

While the concerns raised by the QCA regarding the service of alcohol and the effect on the amenity of the "family focus" of the harbour area, it should be noted that the enforcement of the *Liquor Control Reform Act 1998* is the responsibility of the Victoria Police, rather than Council. As

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stated earlier within this report, the proposed liquor license was forwarded to the local branch of the Victoria Police, and there was no objection or concern lodged regarding the matter.

*The impact of the hours of operation on the amenity of the surrounding area.*

As discussed earlier within this report, the applicant is proposing to operate the business within ordinary trading hours as set out for on-premises licences in Section 3 - Definitions - of the *Liquor Control Reform Act 1998*. It further should be noted that there have been no objections lodged in respect to the proposed hours of operation for the liquor licence.

It is considered that the proposed hours of operation are appropriate for the site and should not result in any negative impact on the amenity of the area.

*The impact of the number of patrons on the amenity of surrounding area.*

The applicant has advised that the total seating capacity for the premises is 20 patrons, with the proportion varying from internal to the external enclosed area depending on the season and weather conditions.

As the service of alcohol is only to be done in association with the consumption of a meal prepared on the premises, it is considered that the amenity impact arising from 20 patrons seated on the premises and potentially consuming alcohol is marginal and should not detract from the amenity of the surrounding area.

*The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.*

There is no liquor licence currently existing on the subject site. It is noted that there is a liquor licence currently existing at the restaurant "360Q" located in the building at the eastern end of the harbour development, adjacent to the navigational aid. It is considered that the approval of the liquor licence as proposed in this application should not contribute to an adverse impact on the amenity of the surrounding area, when combined with the existing license at "360Q".

As shown above, it is considered that the proposed liquor license is fully compliant with the decision guidelines as contained within Clause 52.27 of the Queenscliffe Planning Scheme.

## Community Consultation

Public notification of the application was required and as a result a total of three (3) objections were received. The concerns of objectors are summarised and commented upon below:

Objection	Comment
<i>Compliance with the Queenscliffe Planning Scheme:</i> One of the main concerns raised by the	The proposal has been assessed against the provisions of the Queenscliffe Planning Scheme, specifically the Schedule 1 to the Special Use



Objection	Comment
<p>objectors is that the proposed liquor license for the site is not in accordance with the planning controls applicable to the subject site and, more specifically, the broader harbour precinct. The objections include comments regarding the harbour being used for primarily marine related businesses, and raise a concern that the planning scheme amendment which related to the overall development of the Queenscliff Harbour.</p>	<p>Zone, which applies to the site, and a discussion of the compliance of the proposed liquor license with the overall provisions of the Queenscliffe Planning Scheme has already been discussed.</p> <p>Objections are to be considered on the basis of how the proposed use/development has a negative impact on the person lodging the objection, particularly in regards to amenity.</p> <p>The objection lodged on the basis of compliance with the Planning Scheme does not raise any matters that have not already been considered as part of the assessment process for the proposed license.</p>
<p>The impact of the proposal on the provision of car parking for the overall harbour development.</p>	<p>The supply of alcohol on the site does not change the car parking requirements for the overall harbour development.</p> <p>The provision of car parking is assessed on an overall basis comprising all uses of the Harbour, and is not an element of the assessment of this application.</p>
<p>As discussed earlier within this report, the QCA has lodged an objection to this application for planning permit on the basis of the impact of the consumption of alcohol on the overall amenity of the surrounding area. There are specific concerns regarding the impact of the inappropriate and irresponsible consumption of alcohol in the marina area, the risk for "anti-social behaviour", and the potential for tragedy when mixing alcohol consumption with marine based activities.</p>	<p>As discussed earlier within this report, it is not considered that the sale of alcohol on the premises is going to contribute to the loss of amenity for the harbour or the surrounding area.</p> <p>Furthermore, it has already been discussed that matters relating to inappropriate consumption of alcohol and the risk for anti-social behaviour as a result of alcohol consumption is a matter for the Victoria Police to address. As this application was advertised to the Victoria police for comment, and no response was received, it is assumed that they have no concern.</p> <p>It should be noted that, should this application for a planning permit be supported by Council, the applicant would then be required to apply to the Department of Justice for the actual license. Part of this process will involve referring the application to the Victoria Police, where actual written consent is required.</p>



## Conclusion

It is considered that the application should be supported. The application accords with the planning policy framework and the particular provisions of Clause 52.27 of the Queenscliffe Planning Scheme, which is the trigger for a planning permit. The application allows for the supply of alcohol for consumption on the premises in accordance with the eat-in component of the "*Q Fish and Chippy*". Conditions on the permit will address noise, patron numbers and waste management. This is considered to be an appropriate outcome.

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**Councillors: Burgess/Butler**

That Council having considered the proposed development resolves that the application be approved and that a notice of decision to grant a planning permit is issued for permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell alcohol for consumption on the premises (on-premises license), at Unit 8 No. 4 Wharf Street East, Queenscliff, subject to the following conditions:

1. The layout of the site as shown on the endorsed plan must not be altered or modified without the written consent of the responsible authority.
2. Alcohol is only to be provided for consumption on the premises.
3. No alcohol (packaged or otherwise) is to be taken from the premises at any time.
4. There is to be a maximum of twenty (20) seats made available for patrons on the premises.
5. Alcohol is only to be served in association with a meal, and must be provided by a waiter with suitable responsible service of alcohol qualifications.
6. Alcohol is only to be served in accordance with the hours of operation specified within the Liquor Control Reform Act, 1998.
7. No sound amplification, juke boxes or loud speakers are to be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or similar purposes so as to be audible on adjoining public or private land, to the satisfaction of the Responsible Authority.
8. The use must not cause detriment to any person or on the amenity of the area by any reason of emission of noise, dust, smoke, vibration, the appearance of the property or otherwise, and the conduct of the use shall, at all times, be to the satisfaction of the Responsible Authority.
9. A notice to the satisfaction of the responsible authority shall be fixed in a prominent position visible to all patrons as they leave the premises. The notice shall be clearly legible and draw attention to the requirements for considerate and quiet behaviour of patrons on departing from the premises as there are nearby residents.
10. This permit will expire if the use hereby permitted is not started within two years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

**Carried**

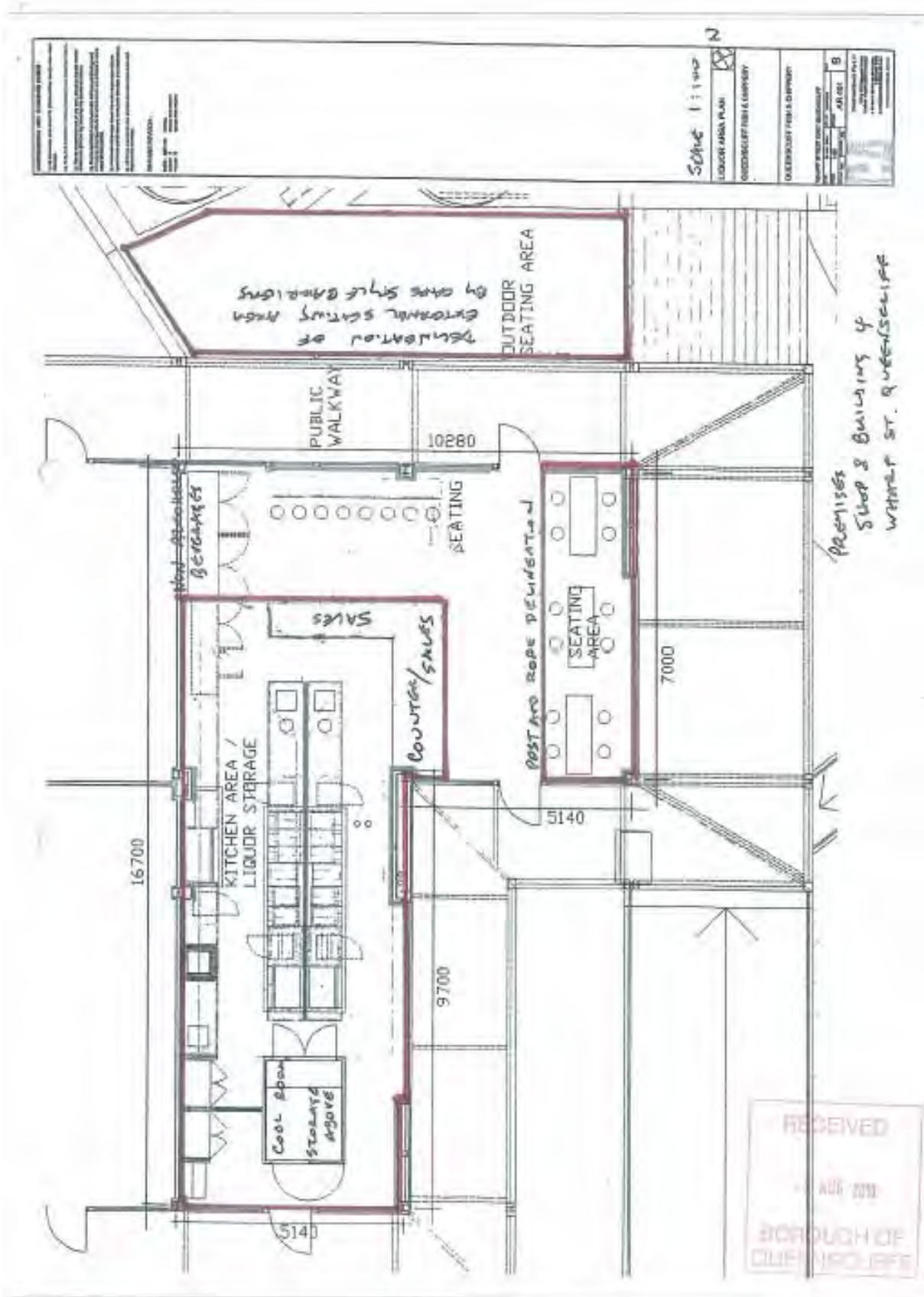
**Cr Mitchell requested a division:**

**For: Crs Butler, Burgess & Merriman**

**Against: Cr Mitchell**



Appendix 4





#### 14.4 Queenscliff Harbour - Building 4 and Building 6

**File:** QG290-24-05 Pt.10

**Report Author:** Senior Planner

#### Proposal

Change to the development plan to allow for external floor areas for Building 4 and Building 6.

#### Introduction

- The purpose of this report is to enable Council to consider a request by Queenscliff Harbour Pty Ltd (QHPL) to amend plans endorsed to Stage 3B of the development plan to allow for external floor areas to be utilised in conjunction with the tenancies contained within Building 4 and Building 6.
  - The external floor area proposed are:
    - Building 4 - an additional 160m<sup>2</sup>; and
    - Building 6 - an additional 15m<sup>2</sup>.
  - The development plan amendment does not include detail of how the external areas are to be used, however the uses for each of the premises will need to be in accordance with the provisions of the Special Use Zone - Schedule 1. The applicant has stated that "*these external areas would permit, for example, outside dining in conjunction with tenancies such as food outlets or for external displays such as the eco-tourism tenants*".
  - In requesting the additional floor area for the buildings, the applicant has advised that the outdoor area will assist the businesses in the Harbour to function and operate effectively and to allow an integrated approach to the management of the site.
  - Special Use Zone 1, which applies specifically to the harbour, seeks to promote the development of the harbour which will *create business and employment opportunities to complement the operational hours of the harbour and the township of Queenscliff, contributing to the development and growth of regional tourism*.
  - Allowing the modification to the floor area will help to ensure the success of the businesses contained within Buildings 4 and 6, which will assist in making the harbour a tourist attraction and destination.
  - The proposed amendment to the Development Plan is in accordance with the *Queenscliff Harbour Implementation Plan - April 2005*.
  - This report summarises the relevant provisions of the Queenscliffe Planning Scheme and recommends that Council approves an amendment in accordance with Condition 28 of Development Plan Permit 2007/99 to allow for changes to floor areas of the overall development. There are no appeal rights for this application.
-



## **Key Issues**

- Compliance of the proposed amendment with the Queenscliff Harbour Implementation Plan - April 2005, as well as the relevant provisions of the Queenscliffe Planning Scheme.
- The provision of car parking for the overall development as a result of the increased floor areas.
- Impact of the proposed amendment on the pedestrian linkages throughout the Harbour.
- The impact on the overall functionality and viability of the Harbour as a result of the proposed amendment.
- Any concerns raised by local residents or business owners.

## **Discussion**

### **Subject site and surrounds**

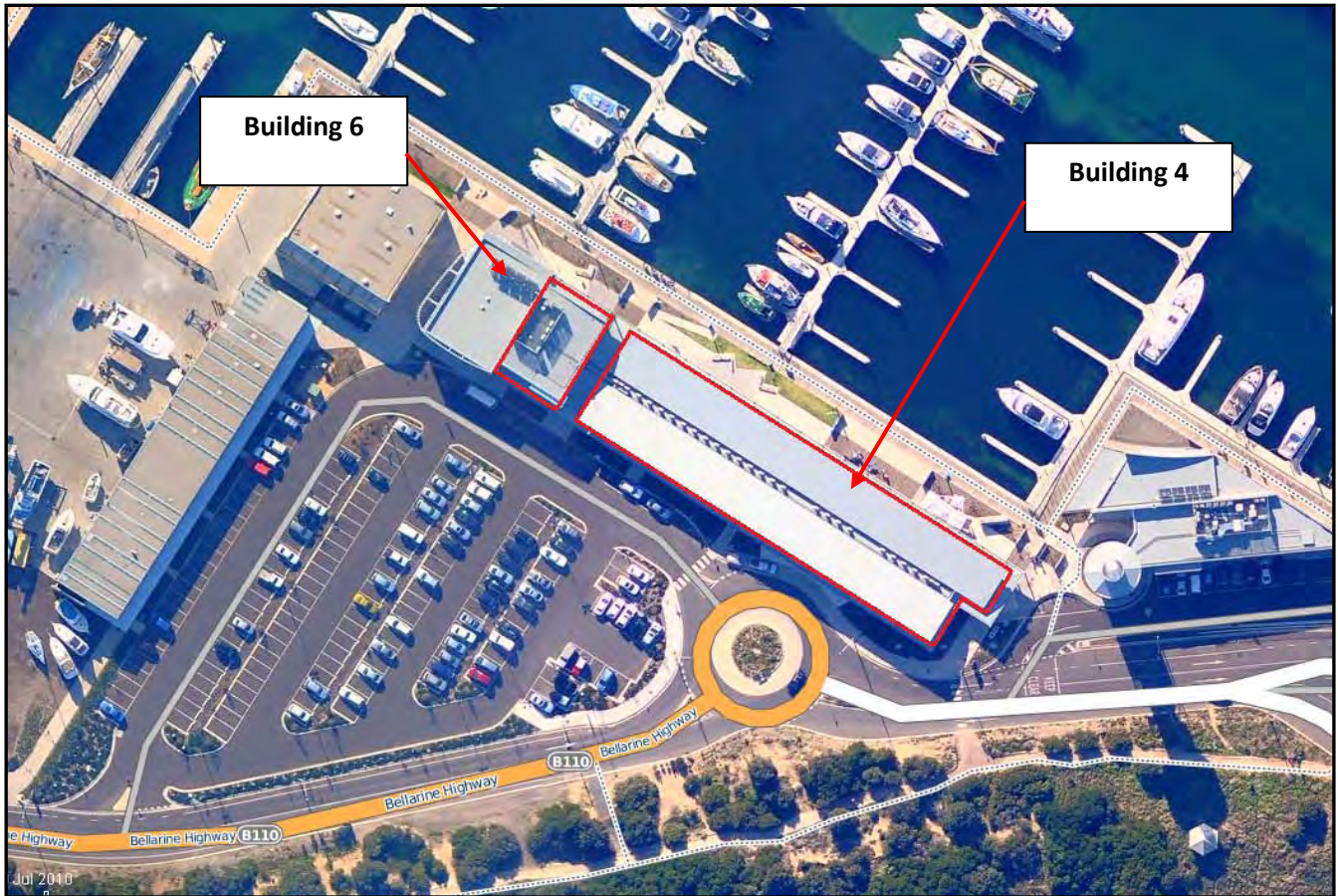
The Queenscliff Harbour is at the end of the reclaimed peninsula separating Port Phillip Bay from Swan Bay. The harbour is located at the end of Wharf Street, to the north east of the Queenscliff town centre.

Building 4 and Building 6 are located to the north of the large roundabout and car parking area. Building 4 currently contains four (4) food and drink premises', a clothing store, some ATM's, as well as three (3) premises' which are currently vacant. Building 6 contains a hairdresser and three (3) fishing charter companies. To the east of Building 4 and Build 6 is the large restaurant "360Q" and the navigational aid and observation tower.

The harbour development is close to completion, apart from Stage 4, Fisherman's Wharf.

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## Locality plan



Source: [www.nearmap.com](http://www.nearmap.com) - accessed 05.11.2010

## Proposal

The use and development of Building 4 and Building 6 was approved by Council as part of the Stage 3B Development Plan which was issued by Council on 21 November 2007, subject to a number of conditions. Condition 28 states that:

*"The layout of the land, the size of the proposed buildings and works and the materials of construction, on the Development Plan must be complied with and not altered or modified without the consent of the responsible authority."*

As Council is the responsible authority, the applicant is required to formally apply for consent from Council to amend the Development Plan to increase the floor areas of Buildings 4 and 6.

This application is for an amendment to the development plan to include external areas within the license for tenancies within Building 4 and Building 6.

Please refer to **Appendix 5** for a copy of the proposed plan showing external license areas.



## **Planning Scheme Controls**

### *Zoning*

The site is zoned Special Use Zone– Schedule 1 Queenscliff Harbour, pursuant to the Queenscliffe Planning Scheme (QPS).

Clause 37.01-1 of the Special Use Zone required all development and land use on the site to be undertaken in accordance with an approved Development Plan. Council can consider amendments to an approved Development Plan. However there are no rights of appeal available to submitters to this application.

Before deciding on an application, or to approve a Development Plan, Council must consider a number of matters, including the following which are relevant to this application:

- The Planning Policy Framework;
- The purpose of the schedule;
- The impacts of the development on local and regional recreation and tourism activities;
- The effect of the use and development on the operation of the harbour;
- The effect on the amenity of adjoining land;
- The visual impact of the development when viewed from surrounding land and water; and
- The impact of traffic generated by the proposed use and development and whether any additional traffic management or traffic control works are likely to be required in the area.

An assessment of the amendment against the provisions of the Special Use Zone - Schedule 1 - is included later within this report.

### *Overlays*

The subject site is not affected by any overlays.

## **Referrals**

The request for external floor areas was not referred to any external authorities.

## **Council Plan**

Planning applications are assessed with due consideration to the strategic direction identified in the 2010-2013 Council Plan, of which a key direction is to *'protect, conserve and add value to the unique natural, built and heritage values of the Borough of Queenscliffe, drawing on an understanding of the limitations of the natural environment and the municipality's historical background'*.

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## **Financial**

There will be no financial implications for Council as a result of the proposed development. All costs associated with the development will be borne by the applicant.

## **Social**

Approval of the increase in floor areas will assist in improving the viability of the businesses located at the Harbour, which may in turn provide additional employment opportunities in the municipality and assist in ensuring that the retail operations are successful.

## **Environmental**

It is considered that the proposed external floor areas should not have any impact on the environment, as the areas of use are not going to encroach on any of the harbour area where marine wildlife are prevalent.

## **Risk Management**

All matters set out under Planning and Environment Act 1987 have been considered in the assessment of the application.

## **Assessment**

### **State Planning Policy Framework**

The State Planning Policy Framework is consistent across all Planning Schemes and contains statements of general principles and policies for land use and development planning in Victoria. The key policy of relevance to this application is Clause 17.03 – Tourism - which encourages tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

It is considered that the external floor areas will further assist in providing a dynamic and inviting atmosphere to the harbour area, particularly during the summer period where tourism numbers are at their peak. It is considered that the improvement in the attractiveness of the Harbour area for tourism is a key way to develop and further the economic base of the state.

### **Local Planning Policies**

The MSS has a "vision" contained at Clause 21.04 of the QPS which underpins the strategic objectives, which states:

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*"the Borough of Queenscliffe will maintain its unique natural environment, built and cultural heritage values through the careful planning of land use and development for the benefit of the community."*

To achieve this vision the MSS establishes a series of local objectives, which Council wishes to achieve in relation to urban character, heritage, environment and economic development.

It is considered that the key factors for this amendment application are economic development and tourism.

The QPS identifies methods of pursuing the abovementioned "vision", which states that the Borough will, as appropriate:

- promote and facilitate sustainable economic development;
- provide opportunities for improved retail and commercial ventures without undue impact on existing amenity; and
- ensure high quality foreshores and open spaces which cater for the requirements of the local community and visitors;

It is considered that the proposed amendment is in accordance with the abovementioned methods to achieve the "vision" for the Borough of Queenscliffe.

Furthermore, the "Framework Plan" contained within Clause 21.04 of the QPS identifies the Harbour Redevelopment area as a "valuable asset" within the Borough, which provides "significant opportunities for economic growth". It is considered that the proposed amendment to the development plan will further enhance the opportunities for economic growth.

The Local Planning Policies which relate to this site are generally focussed on physical development at the harbour and are of no real relevance to this application given it deals more with the use of the harbour, rather than built form.

The extension of floor area is considered to be consistent with the planning policy framework which emphasises the importance of tourism to the region and the need to encourage economic growth while managing the challenges of the needs of residents, the natural environment, built environment and heritage.

### **The zoning of the land and any relevant overlay provisions**

#### **Special Use Zone - Schedule 1**

As noted previously, the site is located within the Special Use Zone – Schedule 1 "Queenscliff Harbour". This zone includes objectives which aim to provide appropriate development that will create business and employment opportunities to complement the operation of the harbour and the township, and contribute to the development and growth of regional tourism.



### *Retail premises floor area*

The table of uses contained within Schedule 1 to the Special Use Zone states that a Retail Premises is a Section 1 use, on the condition that the combined leasable floor area must not exceed 2110m<sup>2</sup>. If this condition is not satisfied, and the total combined area of all the retail premises' in the Harbour exceeds 2110m<sup>2</sup>, then the "Retail Premises" becomes a Section 3 - Prohibited - use.

The applicant has provided a table showing the total floor area for the existing retail buildings in the harbour (including the 360Q restaurant). Details of the existing floor areas are as follows:

<i>Retail:</i>	1977.3m <sup>2</sup>
<i>Office:</i>	288m <sup>2</sup>
<i>Vacant Premises:</i>	385m <sup>2</sup>

The applicant has advised that there are two (2) tenancies within Building 4, Shop 2 and Shop 3, which are currently vacant, as well as one (1) tenancy within Building 6, Office 6. As these premises are vacant, it is not appropriate to assume the type of use for the tenancies will be office, retail premises, or something else which is an as-of-right use within the Special Use Zone. Accordingly, the floor area of these premises have not been included in the calculation of the total floor area of retail premises within the Harbour.

Further to this, it is considered that the external area of Shop 2 and Shop 3 of Building 4 should not be included in the calculation of retail floor area either, however the area will still be included as part of the approval of the amendment to the development plan as a part of the licence for the future tenants of Shop 2 and Shop 3.

The approval of the development plan amendment is on the basis that the total retail floor space for the development does not exceed 2110m<sup>2</sup>, as specified within the Special Use Zone - Schedule 1. It is considered appropriate that a condition be included on any approval given requiring the applicant to demonstrate the compliance with this maximum floor area requirement of the Schedule, before any plans can be endorsed. Furthermore, it is considered that before any tenants move in to Shop 2 or Shop 3 of Building 4 at the harbour, it should be confirmed with Council in writing that the proposed use of the shops does not result in a contravention of the maximum floor area requirements of Schedule 1 to the Special Use Zone.

Further to the above comments, in assessing the compliance of the proposed development plan amendment with the requirements of the Special Use Zone - Schedule 1, it is noted that the total area of additional retail floor space as proposed by the amendment to the development plan is 105m<sup>2</sup>. This area, combined with the existing amount of retail floor space (1977.3m<sup>2</sup>) results in a total amount of retail floor space of 2082.3m<sup>2</sup>. Therefore, the proposed extension to the licensed tenancy area for the shops is considered to be in accordance with the requirements of the Special Use Zone, specifically in regard to the maximum combined leasable floor space for retail use.

It should also be noted that the assessment of the floor area of the eastern building containing the restaurant "360Q" includes all stairwells, cool rooms, offices and hallways, which is not floor area being used for a retail premises. The applicant has advised that, if necessary, a detailed assessment of the various components of floor area contained within "360Q" can be conducted to



fully ascertain the total amount of retail space and to demonstrate compliance with the requirement of the Special Use Zone, having no more than 2110m<sup>2</sup>. As discussed above, it is considered appropriate that this detailed assessment be required as a condition of the approval of the amendment to the development plan.

As demonstrated above, the condition included under Section 1 for retail premises has been satisfied and, accordingly, the proposed increase in retail floor area is in accordance with Clause 1.0 of Schedule 1 to the Special Use Zone.

Schedule 1 to the Special Use Zone states that prior to the commencement of any buildings and works associated with a section 1 use, a development plan must be prepared to the satisfaction of the responsible authority. As this amendment application does not involve any buildings and works, it is not necessary to provide a new development plan. However, given the areas of use are being altered, then it is appropriate for the existing development plan to be amended to reflect this change.

#### *Car Parking*

Under the provisions of the Special Use Zone - Schedule 1 - there are requirements for car parking to be provided as determined by factors such as floor area, number of seats available to the public, and staff numbers.

In the original approvals for the Queenscliff Harbour Development Plan Stage 3A, in October 2007, an assessment was made of the future car parking requirements for the entire precinct, as detailed within the Traffic and Parking Management Plan (dated February 2007). The Traffic and Parking Management Plan provided a detailed assessment of car park usage at various times of the day and included an analysis of the shared use of car spaces. The car parking requirement was based on a mixture of uses for the site including retail, office and food and drink premises. The combined car parking allocation for all four stages of the harbour was assessed against the requirements of the Special Use Zone - Schedule 1, as well as considering the parking demands as determined by the survey. The provision of parking within the Harbour was deemed acceptable. The overall total demand for car parking under the provisions of the Special Use Zone was determined to be 402 car spaces. The parking proposed as at the end of Stage 3 was 467 spaces on-site, which, in addition to the 50 space allowance off-site for visitor or ferry users, provides a total of 517 spaces. This provides a surplus, over Planning Scheme requirements, at the end of Stage 3 based on an estimated maximum of 502 spaces (including 100 spaces for ferry demands at the peak harbour time), of 15 spaces.

The proposed amendment to the development plan includes an additional external floor area of 175m<sup>2</sup> which may be used for a variety of uses including tourism displays or outdoor dining. Two tenancies designated for retail use (shop 2 and 3 building 4) and one tenancy designated for office use (office 6, building 6) are currently vacant. The two vacant tenancies within building 4 constitute 285m<sup>2</sup> of floor space.

The use of shop 4 and shop 8 as food and drink premises increases the car parking requirement above a retail use by an additional 2.175 car spaces (12.825 spaces required for 285m<sup>2</sup> of retail floor space, and 15 spaces required for fifty (50) seat food and drink premises). With a previously

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approved Development Plan and associated Traffic and Parking Management Plan deeming an excess of 15 spaces in place, it is considered that the current provision of car parking for the harbour is adequate and capable of absorbing the increased floor areas of the tenancies within building 4 and building 6, as proposed in the development plan amendment being considered.

#### *Pedestrian movement*

The proposed amendment has also been considered in regard to the flow of pedestrian traffic throughout the Harbour. Specifically, the proposed amendment has been considered in relation to the pedestrian circulation plan, prepared by Conti Architects and included as part of the Stage 3A Development Plan, dated March 2007. The proposed external floor areas does not encroach onto the nominated pedestrian path in this area of the Harbour, which is clearly identified as running along the northern edge of the land, abutting the harbour marina's edge.

Accordingly, it is considered that the proposed amendment should result in minimal interruption to the flow of pedestrian traffic, if any. It is noted that there is also additional space available between the northern boundary of the buildings and the southern boundary of the external floor area, which allows for an unrestricted flow of pedestrian traffic. The northern boundary of the external floor area (facing the harbour) is set well back from the harbour edge, ensuring that there is no conflict with the existing pedestrian paths which exist along the harbours edge, and to avoid interruption to the flow of pedestrian movement through this area.

For the reasons outlined above, it is considered that the proposed amendment should not have any negative impact on the flow of pedestrian traffic within the Harbour.

#### **Community Consultation**

The proposed amendment was advertised by:

- sending notices to adjoining property owners;
- placing 2 large public notice signs on site for a period of fourteen (14) days;
- placing a notice in the municipal offices; and
- placing a notice in the local newspaper (Echo)

To date, Council has not received any objections to the proposed external floor areas.

#### **Conclusion**

It is considered that the application should be supported. Allowing a modification to the floor areas will assist in ensuring the success of retail operations at the harbour, without compromising the flow of pedestrian traffic, or the provision of car parking in the area. It is considered that the amendment assists in creating tourism and economic development opportunities within the municipality.

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The amendment permits use of external areas for outdoor dining which is common in the Queenscliff and Point Lonsdale activity centres. The use of outdoor space provides an active frontage to the retail premises, increasing the vibrancy of the precinct and the permeability between the public and commercial spaces.

This amendment to the development plan does not include approval of a liquor licence for the external floor areas. Proposed liquor licenses are required to obtain planning permits, as in the case of the current applications for the provedore and fish and chip shop.

**Councillors: Burgess/Butler**

**That Council approves the amendment to Stage 3B of the Development Plan, approved under 2007/99, in accordance with Condition 28 of the Approval, for the floor areas of the premises' contained within Building 4 and Building 6 to include external areas to the north of the buildings, subject to the following conditions:**

- 1. Prior to plans being endorsed, the applicant is required to provide a detailed assessment of the floor area uses within the site, demonstrating that the total combined leasable floor area for retail premises' does not exceed the 2110m<sup>2</sup> requirement of the Special Use Zone - Schedule 1.**
- 2. The applicant is to revise the plans included in the initial assessment in light of the detailed assessment of floor areas, as required by Condition 1, to ensure that the addition of the external floor areas do not exceed the 2110m<sup>2</sup> requirement for combined leasable floor area for retail premises'.**
- 3. Prior to any new tenant occupying Shop 2 or Shop 3 of Building 4, the applicant is to obtain written confirmation that the use of the shops will not result in exceeding the maximum retail floor area requirements of the Special Use Zone - Schedule 1. The applicant will be required to provide evidence to support their request for confirmation.**

**Carried**

**Cr Mitchell requested a division:**

**For: Crs Butler, Burgess & Merriman**

**Against: Cr Mitchell**





9:10pm - Cr Davies returned to the Council Chambers

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

Nil

**16. QUESTIONS WITHOUT NOTICE**

*Question:*

Cr Helene Butler:

“Given the forecast operational result identified in the financial report for the period ending 30 September 2010 presented to Council this evening, would the CEO consider redirecting \$8,000 to the 'Cooling the Seniors' project considered but not included in the 2010/11 budget?”

*Answer:*

The Chief Executive Officer stated that while the financial report for the period to 30 September 2010 identified a potential surplus for 2010/11. The mid-term budget review would provide a better insight into the full year result. This said, the 'Cooling the Seniors' project would need to be considered against other budget and project imperatives.

**17. LIST OF COUNCIL MEETINGS**

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

PLANNING REVIEW MEETINGS

Wednesday 1 December 2010 at 7:00pm (*if required*)

Wednesday 19 January 2011 at 7:00pm (*if required*)

COUNCIL MEETINGS

Tuesday 14 December 2010 at 7:00pm

No meeting in January 2011

Wednesday 9 February 2011 at 7:00pm

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**9:18pm Councillors: Butler/Burgess**

**That in accordance with Section 89 (2d) of the Local Government Act 1989:**

- **2011 Queenscliff Seafood Feast Royal Children's Hospital Good Friday Appeal be considered at the conclusion of all other business at which time the meeting be closed to members of the public.**

**That Council suspend standing orders and commence 'in camera' meeting.**

**Carried Unanimously**

**18. CONFIDENTIAL ITEMS**

**18.1 2011 Queenscliff Seafood Feast Royal Children's Hospital Good Friday Appeal**

**10:14pm Councillors: Mitchell/Burgess**

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

**Carried Unanimously**

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## 19. RATIFICATION OF CONFIDENTIAL ITEMS

**Recommendation:**

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

**Councillors: Mitchell/Burgess**

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

**That the Council resolution's related to the 2011 Queenscliff Seafood Feast Royal Children's Hospital Good Friday Appeal, event be made public:**

***Councillors: Burgess/Butler***

***That Council refuse the application from the Queenscliff Seafood Feast Inc. to utilize the Princess Park precinct and gain Borough of Queenscliffe Council sponsorship to conduct the 2011 Queenscliff Seafood Feast given the decision of the Royal Children's Hospital Good Friday Appeal to not be associated with the 2011 event as proposed by Queenscliff Seafood Feast Inc.***

***Carried Unanimously***

***Councillors: Davies/Butler***

***That the Council resolution, passed in camera, related to the 2011 Queenscliff Seafood Feast Royal Children's Hospital Good Friday Appeal event, be made public.***

***Carried Unanimously***

**Carried Unanimously**

**Councillors: Mitchell/Burgess**

**That Council Officers advise the Queenscliff Seafood Feast Inc., on 18 November 2010, of the Council resolution related to the 2011 Queenscliff Seafood Feast Royal Children's Hospital Good Friday Appeal event.**

**Carried Unanimously**



**20. CLOSE OF MEETING**

10:31pm

Confirmed

Cr B Merriman

**MAYOR**

14 December 2010

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

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

### **6.1. Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group Meeting - Tuesday 5 October 2010**

**Meeting Commenced: 5:30pm Meeting Closed: 6:30pm**

**Assembly Location: Point Lonsdale Bowls Club**

#### **Attendees:**

Cr. Helene Butler

Cr. Lloyd Davies

Ms. Emma Clark, Community Development Coordinator

Mr. Stuart Hansen, Projects & Contracts Engineer

#### **Apologies:**

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

Councillors: Nil

Officers: Nil

#### **Agenda Items:**

1. Terms of Reference
  2. Point Lonsdale Crossing Update
  3. Playground Seating/Fencing
-



## 6.2. Councillor Assembly - Monday 18 October 2010

**Assembly Commenced:** 9:00am                      **Assembly Closed:** 5:21pm

**Assembly Location:**                      **Queenscliff Town Hall**

### **Attendees:**

Cr. Bob Merriman, Mayor

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Mr. Lenny Jenner, CEO

Ms. Ev Wuchatsch, General Manager Governance & Community (until 3:20pm)

Ms. Karen Hose, General Manager Planning & Places (until 3:20pm)

Ms. Emma Clark, Community Development Coordinator (9:45am to 9:55am)

### **Apologies:**

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

Councillors:                      Nil

Officers:                      Nil

### **Agenda Items:**

1. Planning Application
  2. Planning Scheme Review Project Brief
  3. Community Grants Briefing
  4. Local Law Briefing
  5. Briefing on the Bellarine Peninsula Future Coasts project
-



### **6.3. Councillor Assembly - Wednesday 20 October 2010**

**Assembly Commenced: 5:05pm                      Assembly Closed: 6:02pm**

**Assembly Location: Borough of Queenscliffe Offices**

**Attendees:**

Cr. Bob Merriman  
Cr. Helene Butler  
Cr. Lloyd Davies  
Cr. David Mitchell  
Cr. John Burgess  
Mr. Lenny Jenner, CEO  
Ms. Ev Wuchatsch, General Manager Governance & Community  
Ms. Karen Hose, General Manager Planning & Places

**Apologies:**

Nil

**Conflict of Interest Disclosures:**

Councillors: Nil

Officers: Nil

**Agenda Items:**

1. Local Law Review update
  2. Confirm time for Councillor Assembly
  3. Councillor Allowances
-



#### **6.4. Councillor Assembly - Monday 25 October 2010**

**Assembly Commenced: 9:12am                      Assembly Closed: 4:15pm**

**Assembly Location:                      Queenscliff Town Hall**

**Attendees:**

Cr. Bob Merriman  
Cr. Helene Butler  
Cr. Lloyd Davies  
Cr. David Mitchell  
Cr. John Burgess  
Mr. Lenny Jenner, CEO  
Ms. Ev Wuchatsch, General Manager Governance & Community  
Ms. Karen Hose, General Manager Planning & Places  
Ms. Allison Chaloner, Senior Accountant

**Apologies:**

**Conflict of Interest Disclosures:**

Councillors:                      Nil  
Officers:                              Nil

**Agenda Items:**

1. Finance Report to 30 June 2010
  2. Strategic Financial Plan
-



### 6.5. Councillor Assembly - Wednesday 27 October 2010

**Assembly Commenced:** 6:22pm                      **Assembly Closed:** 6:56pm

**Assembly Location:**                      **Queenscliff Town Hall**

**Attendees:**

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Mr. Lenny Jenner, CEO

Ms. Ev Wuchatsch, General Manager Governance & Community

Ms. Karen Hose, General Manager Planning & Places

**Apologies:**

Cr. John Burgess

**Conflict of Interest Disclosures:**

Councillors:                      Nil

Officers:                              Nil

**Agenda Items:**

1. Local Law
  2. Future Dates of Council Meetings
-



## **6.6. Councillor Assembly - Wednesday 3 November 2010**

**Assembly Commenced: 6:15pm                      Assembly Closed: 7:00pm**

**Assembly Location:                      Borough of Queenscliffe Offices**

### **Attendees:**

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies (from 6:17pm)

Cr. David Mitchell

Cr. John Burgess

Mr. Lenny Jenner, CEO

Ms. Ev Wuchatsch, General Manager Governance & Community

Ms. Karen Hose, General Manager Planning & Places

### **Apologies:**

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

Councillors: Cr Butler declared a conflict of interest in respect to Item 1. Cr Butler left the meeting between 6.16pm and 6.28pm while this item was discussed.

Officers: Nil

### **Agenda Items:**

1. 15 Cygnet Court, Point Lonsdale Briefing
  2. Business Plan & Budget timetable
-



## 6.7. Planning Review Meeting - Wednesday 3 November 2010

**Assembly Commenced:** 7:04pm                      **Assembly Closed:** 7:34pm

**Assembly Location:** Queenscliff Town Hall

### **Attendees:**

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Mr. Lenny Jenner, CEO

Ms. Ev Wuchatsch, General Manager Governance & Community

Ms. Karen Hose, General Manager Planning & Places

### **Apologies:**

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

**Councillors:** Cr Davies identified a conflict of interest in respect of Item 4 (4.1, 4.2, 4.3) in that his current employer is undertaking projects for Queenscliff Harbour Pty Ltd. Cr Davies left the meeting and did not return.

**Officers:** Nil

### **Agenda Items:**

1. 4/4 Wharf Street East, Queenscliff
  2. 8/4 Wharf Street East, Queenscliff
  3. Queenscliff Harbour Buildings - 4 Wharf Street East and 6 Wharf Street East
-