

Agenda Ordinary Meeting of Council

Wednesday 15 December 2021 at 7:00pm

Queenscliff Town Hall

Distribution List

Councillors

Cr Ross Ebbels – Mayor

Cr Fleur Hewitt - Deputy Mayor

Cr Susan Salter

Cr Donnie Grigau

Cr Michael Grout

Officers

Martin Gill - Chief Executive Officer

Johann Rajaratnam - Director Place

Gihan Kohobange – Manager Finance and Corporate Services

Shannon Maloney - Manager Community

Stuart Hansen – Manager Infrastructure and Environment

Connor Parker - Communications Coordinator

Jackie Fletcher - Executive Assistant to the CEO, Mayor & Councillors

In accordance with the Borough of Queenscliffe Governance Rules, the information contained within this Agenda is for the confidential and privileged use of Councillors until at least 48 hours prior to this meeting.

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



Council Vision

Inspired by the Borough's Latin motto, 'Statio Tutissima Nautis', that translates as "the safest anchorage for seafarers", our vision for the future is that:

The Borough remains a safe haven defined by its unique heritage, rich culture and significant natural environment. It is a special and restorative place for an involved and caring community and our visitors.

Council acknowledges the Traditional Owners of these lands, waters and skies, the Wadawurrung People. We acknowledge and respect their continuing connections to their Lands, Waters, Skies, Culture and the contribution they make to the life and spirit of our community. We pay respect to their past and present Elders and their emerging leaders, and extend this respect to all Aboriginal and Torres Strait Islander peoples.

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Appendices

Appendix	Title	Agenda Item	Distribution
Appendix 1	Audit & Risk Committee Meeting Minutes 6 December 2021	6.2 Audit & Risk Committee Meeting Minutes 6 December 2021	Under separate cover
Appendix 2a	Community Service Awards Community Reference Group Terms of Reference	12.1 Community Service Awards Community Reference Group Terms of Reference	Under separate cover
Appendix 2b	Community Service Awards Policy CP002	12.1 Community Service Awards Community Reference Group Terms of Reference	Under separate cover

1. OPENING OF MEETING

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Council acknowledges the Traditional Owners of these lands, waters and skies, the Wadaw People. We acknowledge and respect their continuing connections to their Lands, Waters, Culture and the contribution they make to the life and spirit of our community. We pay respect their past and present Elders and their emerging leaders, and extend this respect to all About and Torres Strait Islander peoples.
The Meeting opened at:
2. PRESENT & APOLOGIES
Present:
Apologies:
3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES
Councillors must disclose a conflict of interest in accordance with Section 130 of the Local Government Act 2020.
Councillors:
Officers:

4. LEAVE OF ABSENCE OF COUNCILLOR

Nil.

5. PUBLIC QUESTION TIME

5.1 Public Questions Status Update

No public questions outstanding.

5.2 Public Questions

In accordance with Council's Public Question Time Guidelines, questions must be written and received by the Chief Executive Officer prior to 3.00pm on the day of the Ordinary Council meeting. Questions received after this time will be treated as correspondence and a written response provided consistent with Council's Customer Service Charter. Questions can be lodged online via the Borough of Queenscliffe website, via email, via post or in person by completing a Public Question Time Form.

6. CONFIRMATION OF COUNCIL MEETING MINUTES

6.1 Ordinary Meeting of Council – 24 November 2021

A copy of the Minutes of the Ordinary Meeting of Council held on 24 November 2021 was distributed to Councillors under separate cover.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 24 November 2021, as distributed, be confirmed as an accurate record.

6.2 Audit & Risk Committee Meeting Minutes – 6 December 2021

A copy of the Minutes of the Audit and Risk Committee meeting held on 6 December 2021 was distributed to Councillors under separate cover. A copy is provided at **(Appendix 1).**

RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held on 6 December 2021, as distributed, be confirmed as an accurate record.

7. RECORD OF ASSEMBLY OF COUNCILLORS

A Record of Assembly for the following Assemblies of Council are included at Adjunct to item 7:

- 23 November 2021 Meeting with the Point Lonsdale Civic Association
- 24 November 2021 Assembly Meeting
- 29 November 2021 Meeting with the Queenscliffe Community Association
- 1 December 2021 Assembly Meeting

RECOMMENDATION

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

8. NOTICE OF MOTION

8.1 Notice of Motion Status Update

No Motions on Notice outstanding.

8.2 Motion on Notice

No Notices of Motion were received.

9. PETITIONS AND JOINT LETTERS

9.1 Petitions and Joint Letters

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

None received.

10. FUNCTIONS ATTENDED

Council was represented at the following meetings and functions between 19 November and 9 December 2021:

Date	Function Attended
21 November 2021	HMAS Goorangai Commemorative Service (Cr Ebbels)
25 November 2021	G21-Geelong Region Alliance Integrated Transport Plan Stakeholder Workshop (CEO)
25 November 2021	Barwon South West Community Power Hub Launch via videoconference (Cr Hewitt)
25 November 2021	Meeting with Tourism Greater Geelong & The Bellarine (CEO & Cr Ebbels)
25 November 2021	Powerhub launch (Cr Ebbels)
25 November 2021	Plan The Bellarine workshop (Cr Ebbels)
26 November 2021	MAV Representatives and CEOs Forum via videoconference (CEO & Cr Ebbels)
26 November 2021	Meeting with the Queenscliff Bowling, Tennis & Croquet Club (CEO & Cr Ebbels)
26 November 2021	Meeting with the Queenscliffe Maritime Museum (CEO)
28 November 2021	Queenscliff Cruising Yacht Club Opening Day (Cr Ebbels)
28 November 2021	Light Up Lighthouse Art & Wine Auction (Cr Hewitt)
29 November 2021	Association of Bayside Municipalities Talk of the Tide event: Improving the capacity of councils to adapt to coastal climate change (insights from the Whitsunday Coastal Councils Adaptation Taskforce, QLD) via videoconference (Crs Hewitt and Grout)
30 November 2021	Visit Geelong & The Bellarine Tourism Conference (Cr Ebbels)
30 November 2021	G21 Planning & Services Pillar meeting via videoconference (Cr Grout)
1 December 2021	Tourism Greater Geelong & The Bellarine Chair selection committee meeting via videoconference (Cr Ebbels)
1 December 2021	Meeting with Bellarine Railway (Cr Ebbels)
2 December 2021	PLonQ Meeting (CEO & Cr Ebbels)
3 December 2021	G21 Board Meeting (Cr Ebbels)

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Date	Function Attended
3 December 2021	Climate Emergency Response Plan Community Leaders Forum (CEO & Cr Hewitt)
3 December 2021	Safety Group Meeting (Cr Grigau)
3 December 2021	Association of Bayside Municipalities Strategic Planning Forum via videoconference (Cr Hewitt & Cr Grout)
3 December 2021	Meeting with Geelong Regional Library Corporation (CEO)
3 December 2021	Meeting with the Queenscliffe Maritime Museum (Cr Ebbels)
4 December 2021	Lighting of the Tree and Christmas event (Crs Ebbels, Hewitt & Grout)
6 December 2021	Municipal Association of Victoria Regional Meeting – Rural South Central via videoconference (CEO & Cr Ebbels)
6 December 2021	Tourism Greater Geelong & the Bellarine Board Meeting (Cr Ebbels)
7 December 2021	Study Geelong End of Year Event (Cr Ebbels)
8 December 2021	16 Days of Activism against Gender Based Violence: Active Bystander training (Cr Hewitt)
8 December 2021	Association of Bayside Municipalities Summer preparedness in Port Phillip Bay via videoconference (Crs Hewitt & Grout)
8 December 2021	Queenscliffe Neighbourhood House Volunteer Celebration (CEO & Cr Ebbels)
9 December 2021	Mayoral welcome and induction via videoconference – Part 1 (CR Ebbels)
9 December 2021	Barwon South West Local Government Forum (Cr Hewitt)
9 December 2021	G21 Economic Development Meeting (Cr Ebbels)

RECOMMENDATION

That the Functions Attended report be received.

11. CHIEF EXECUTIVE OFFICER

11.1 Chief Executive Officer Report

PURPOSE

The purpose of this report is to provide Council an update on current projects and operational activities not reported through the quarterly reporting process.

REPORT

G21 Region Alliance Integrated Transport Strategy Stakeholder Workshop

Two workshops, one in Bannockburn and one Torquay, were held in late November and attended by representatives from local government, key government agencies and transport advocacy groups.

The workshops marked the beginning of work on an integrated transport strategy to address gaps and weaknesses in the intra-regional transport network which are becoming increasingly apparent as the population continues to grow in the region. The Strategy will explore active and public transport options, the road network and freight movements, and clean energy transport and rail connections in busy corridors.

The representatives at the workshop were tasked with developing the principles and goals for the strategy and providing input into a G21 region transport vision.

G21 is asking residents and businesses to share their vision for the region's future transport system by completing a short survey. The survey results will shape the priorities set out in G21's Integrated Transport Strategy.

https://g21.com.au/news/transport-survey/

Work will continue on the project through to June 2022.

Council will continue to actively participate and promote the active transport, and better local transport priorities set out in the 2021 – 2025 Council Plan.

Regional Catchment Strategy Implementation Planning Workshop

Council officers attended the Regional Catchment Strategy Implementation Planning workshop. The Corangamite Regional Catchment Strategy (CRCMS) has recently been completed and is awaiting Ministerial approval. The CRCMS can be found here:

https://corangamite.rcs.vic.gov.au/

The CRCMS identifies the priorities for integrated catchment management across the region. The Corangamite Catchment Management Authority describe the implementation process as a –

collaborative and adaptive approach, applying best available information, integrated catchment management principles and delivering at a local scale to contribute to regional, state and national natural resource outcomes is at the core of the implementation.

The Borough will contribute to the delivery of the outcomes of the CRCMS in a variety of ways. This will include the delivery of on-ground works in various areas of Council owned/managed public open space, sports ovals and conservation reserves, and the maintenance and enhancement of trail networks and waterways including stormwater outfalls and stormwater detention basins.

Council's contribution to the implementation of the CRCMS has a direct link to priorities in the 2021 – 2025 Council Plan, in particular, Priority 4 under the Environment Portfolio which is:

Protect and manage our wetlands and waterways

Council officers will work with Corangamite Catchment Management Authority to implement the priority directions for the Bellarine and Surf Coast landscape system over the next five years.

RECOMMENDATION

That Council receives the Chief Executive Officer Report for December 2021.

12. HEALTH & WELLBEING

12.1 Community Service Awards Community Reference Group Terms of Reference

File: QG045-03-13

Author: Manager Community

Portfolo: Health & Wellbeing

Portfolio Holder: Cr Grigau

PURPOSE

The purpose of this report is to seek Council endorsement of the Community Service Awards Community Reference Group Terms of Reference.

EXECUTIVE SUMMARY

The recommnedation in this report is aligned to the Borough of Queenscliffe 2021–2025 Council Plan, in particular the Health and Wellbeing strategic direction, and links to the following pillars from the Community Vision:

- Enhancing health and wellbeing Our community encourages an active and outdoor lifestyle and nurtures the welfare of all.
- Encouraging an inclusive and engaged community We have a welcoming, connected and diverse community that is supported by informed and consultative leadership.

The Community Service Awards Community Reference Group Terms of Reference outlines the role and function, membership, recruitment and assessment of the Community Service Awards Community Reference Group.

RECOMMENDATION

That Council endorse the Community Service Awards Community Reference Group Terms of Reference.

REPORT

BACKGROUND

Council resolved at its 25 August 2021 Ordinary Meeting to adopt the *Community Service Awards Policy CP002* (Attachment 2b). The purpose of this policy is to set out the award categories, and the nomination and selection processes for awards that acknowledge community service in the Borough of Queenscliffe.

DISCUSSION

The Community Service Awards Policy prescribes that the Community Service Awards Reference Group will consist of at least one (1) Councillor, three (3) Community Members and Council officers as necessary.

Expressions of interest will be invited from the community to participate on the Community Service Awards Community Reference Group. Membership to the Reference Group will be formally considered in a closed meeting of Council.

The Terms of Reference outlines the role and function, membership, recruitment and assessment of the Community Service Awards Reference Group.

A copy of the Community Service Awards Community Reference Group Terms of Reference is provided at (Attachment 2a).

Options

Option 1 – Endorse the Community Service Awards Community Reference Group Terms of Reference.

Option 2 – Request officers to make further amendments to the Community Service Awards Community Reference Group Terms of Reference.

COMMUNICATIONS AND ENGAGMENT

Community Engagement



The Community Service Awards Community Reference Group Terms of Reference outlines an expression of interest process, inviting the the community to apply to participate on the Community Service Awards Community Reference Group for a period of two years. The expression of interest process will be open for 6 weeks and advertised throughout the Borough of Queenscliffe and surrounding area.

Collaboration

Not applicable.

GOVERNANCE CONTEXT

Relevant Law

Not applicable.

Charter of Human Rights

This report has had consideration to, and complies with, the Charter of Human Rights and Responsibilities Act 2006.

Gender Equality Act.

The *Gender Equality Act 2020* requires a Gender Impact Assessment to be undertaken when Council develops or reviews any Council policy, program or service that has a direct and significant impact on the public.

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report? No; the Community Service Awards Community Reference Group Terms of Reference do not have a sufficiently significant direct impact on the public to require a Gender Impact Assessment. However the Terms of Reference does include that the Reference Group be as representative of community, as possible and that age and gender of the applicant will be reviewed with a view to ensuring appropriate and diverse representativeness.

Regional, State and National Plans and Policies

Not applicable.

Council Plan Alignment

This report is aligned to the Borough of Queenscliffe 2021–2025 Council Plan, in particular to the Health and Wellbeing strategic direction and links to the following pillars from the Community Vision:

- Enhancing health and wellbeing Our community encourages an active and outdoor lifestyle and nurtures the welfare of all
- Encouraging an inclusive and engaged community We have a welcoming, connected and diverse community that is supported by informed and consultative leadership

Legal and Risk Implications

Not applicable.

Related Documents

Not applicable.

Disclosure of Interest

No officer involved in the preparation of this report has any conflicts of interest.

CONSIDERATIONS

Environmental Sustainability

There are no environmental implications assocated with this report.

Financial and resource implications

There are no financial implications.

Innovation and Continuous Improvement

Not applicable.

IMPLEMENTATION

Operational Impacts

There are minimal operational impacts.

Implementation Process

The Terms of Reference outlines that the Chief Executive Officer will establish an appropriate recruitment and selection process to evaluate potential members, taking account of the applicant's involvement and participation in the wider community.

Expressions of interest will be invited from members of the community between January 2022 and mid-February 2022.

Membership to the Reference Group will be will be formally considered in a closed meeting of Council.

ATTACHMENTS

- 1. Community Service Awards Community Reference Group Terms of Reference (Attachment 2a)
- 2. Community Service Awards Policy CP002 (Attachment 2b)

13. ENVIRONMENT

No reports to consider.

14. LOCAL ECONOMY

No reports to consider.

15. HERITAGE, PLANNING & INFRASTRUCTURE

15.1 Planning Permit Activity Report

File: QG290.01.02

Author: Director Place

Portfolio: Heritage, Planning & Infrastructure

Portfolio Holder: Cr Grout

PURPOSE

The purpose of this report is to present a record of planning permit activity in the Borough of Queenscliffe.

EXECUTIVE SUMMARY

The following table provides a summary of the planning permit activity during the last month.

CATEGORY	TALLY
Current applications	23
Applications finalised since last report	8
New applications received since last report	8
Total number of active permit applications	31
VCAT matters yet to be determined	4
Development Plan & Planning Scheme Amendment Summary Report	0

RECOMMENDATION

That the Planning Permit Activity Report be received.



(a) Current applications

App. No	Date Received	Address	Proposal	Status
2021/006	15/01/2021 (Amended 03/02/2021)	134 Hesse Street Queenscliff	Buildings and works associated with the relocation of a structure (coaches box) in a Heritage Overlay	Waiting from further information from applicant
**2021/018	25/02/2021	134 Hesse Street Queenscliff	Installation of Telstra telecommunication tower in a Heritage Overlay (Queenscliff Recreation Reserve)	Under consideration
**2021/048	27/05/2021	200-204 Point Lonsdale Road Point Lonsdale	Buildings and works associated with the construction of a two storey building comprising four (4) shops and twelve (12) dwellings, use of the site for commercial premises, reduction of the standard car parking requirement of Clause 52.06, alteration to and creation of access to a road in a road zone category 1	Under consideration
2021/074	10/08/2021	58 Winterley Road Point Lonsdale	Construction of a dwelling and variation to the site coverage requirements of Design and Development Overlay – Schedule 4	Public notification (Note: proposed site coverage 42.27%)
2021/078	16/08/2021	8 Beach Street Queenscliff	Alterations and external painting to an existing dwelling in a Heritage Overlay	Further information requested 24 August 2021
**2021/081	23/08/2021	8 Cheshunt Street Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling, construction of a habitable outbuilding (two storey) and variation to side setback under Design and Development Overlay – Schedule 4	Application on hold at request of applicant

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App. No	Date Received	Address	Proposal	Status
2021/084	27/08/2021 (Amended 10/11/2021)	32 Wharf Street Queenscliff	Alterations and extensions to an existing dwelling in a Heritage Overlay, variation to the site coverage requirements and side setback requirements of Design and Development Overlay – Schedule 6	Under consideration (Note: proposed site coverage 55.5%)
**2021/087	03/09/2021	28 Gellibrand Street Queenscliff	Construction of a second dwelling (two storey) in a Heritage Overlay	Under consideration
2021/088	06/09/2021	56 Baillieu Street Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	Public notification
2021/094	17/09/2021	8 Bellarine Highway Queenscliff	Construction of a dwelling and variation to the setback requirements of Design and Development Overlay – Schedule 3	Referrals to Borough Engineer & CCMA
**2021/095	17/09/2021	101 King Street Queenscliff	Construction of a two storey dwelling and removal of native vegetation	Public notification Referral to Borough Engineer
**2021/096	20/09/2021	33-35 Flinders Street Queenscliff	Subdivision of the land into ten (10) lots (re-subdivision), removal of native vegetation and alterations to access to a Road Zone Category 1 (RDZ1)	Under consideration
**2021/102	04/10/2021 (Amended 28/10/2021)	149 Point Lonsdale Road Point Lonsdale	Demolition of an outbuilding on a site individually listed in a Heritage Overlay, construction of an outbuilding (studio) and alteration to access to a Road Zone Category 1 (RDZ1)	Public notification Referral to Dept. of Transport (VicRoads)

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App. No	Date Received	Address	Proposal	Status
2021/105	14/10/2021 (Amended 20/10/2021)	34-36 Gellibrand Street & 61 Hesse Street Queenscliff	Demolition of two existing dwellings in a Heritage Overlay and construction of a two new single storey dwellings and front fences in a Heritage Overlay (at 34-36 Gellibrand Street), re-subdivision of the lot boundaries and variation of a carriageway easement	Referral to Borough Engineer & Heritage Advisor
2021/106	15/10/2021	20 Golightly Street Point Lonsdale	Removal of easement E-1	Referral to Borough Engineer
2021/107	20/10/2021	9 Bowen Road Point Lonsdale	Construction of two double storey dwellings, subdivision of the land into two (2) lots, removal of native vegetation and variation to the site coverage requirements of Design and Development Overlay – Schedule 3	Public notification
2021/111	28/10/2021	19 Cheshunt Street Point Lonsdale	Construction of a two storey dwelling and removal of native vegetation	Public notification
2021/112	28/10/2021	68 Stevens Street Queenscliff	Demolition of an outbuilding and fence, alterations to an existing dwelling individually listed in a Heritage Overlay, construction of fences and an outbuilding and variation to the site coverage requirements of Design and Development Overlay – Schedule 3	Public notification Referral to Borough Engineer
2021/113	04/11/2021	98 Hesse Street Queenscliff	Alterations to an existing dwelling and outbuilding in a Heritage Overlay	Under consideration
2021/114	04/11/2021	74 Fellows Road Point Lonsdale	Alterations and extensions to an existing dwelling and alterations to an outbuilding	Public notification
2021/115	08/11/2021	61-75 Murray Road Queenscliff	Subdivision of the land into thirteen (13) lots	Under consideration



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App. No	Date Received	Address	Proposal	Status
2021/116	08/11/2021	13 Baillieu Street Point Lonsdale	Alterations and extensions to an existing dwelling and alterations to an outbuilding	Public notification
V 2021/117	16/11/2021	37 Grimes Road Point Lonsdale	Subdivision of the land into two (2) lots	Under consideration

(b) Applications Finalised Since Last Report

App. No	Date Received	Address Pro	posal	Status
**2021/025	19/03/2021 (Amended 15/09/2021)	5 Lonsdale Street Point Lonsdale	Construction of a dwelling (to 8.33 metres in height)	Notice of decision to grant a permit issued
2021/069	15/07/2021	12 Bowen Road Point Lonsdale	Installation of Telstra telecommunications facility (satellite dish)	Application lapsed
S 2020/071	14/09/2021	1 Hesse Street Queenscliff (JL Jordan Boat Ramp)	Amendment: Building and works associated with the redevelopment of the Queenscliff boat ramp, including additional car parking areas, and removal of vegetation	Amended permit issued
**2020/077	16/12/2020	18 Cheshunt Street Point Lonsdale	Construction of a two storey dwelling, removal of native vegetation and variation to the site coverage requirements of Design and Development Overlay – Schedule 4	Permit issued at the direction of VCAT
**2021/082	25/08/2021	43 Hesse Street Queenscliff	Part demolition and alterations to a building in a Heritage Overlay and change of use of a building to a dwelling	Notice of decision to grant a permit issued
2021/100	28/09/2021	11 Swanston Street Queenscliff	Alterations and extensions to an existing dwelling	Permit issued
2021/104	08/10/2021	95 Glaneuse Road Point Lonsdale	Construction of a two storey dwelling and removal of native vegetation	Permit issued
2021/110	26/10/2021	150 Fellows Road Point Lonsdale	Alterations and extensions to an existing dwelling	Permit issued

(c) New Applications Received Since Last Report

App. No	Date Received	Address	Proposal	Status
2021/118	19/11/2021	44 Buckleys Road Point Lonsdale	Construction of a dwelling, removal of native vegetation and variation to the site coverage requirements of Design and Development Overlay – Schedule 4	Further information requested 23 November 2021
V 2021/119	29/11/2021	19 Grant Road Point Lonsdale	Construction of a front fence	Under consideration
V 2021/120	29/11/2021	44 Mercer Street Queenscliff	External painting of a dwelling and fence in a Heritage Overlay	Under consideration
2021/121	29/11/2021	17 Edgewater Close Queenscliff	Alterations and extensions to an existing dwelling	Public notification
2021/122	02/12/2021	12 Bowen Road Point Lonsdale	Installation of Telstra telecommunications facility (satellite dish)	Public notification Referrals to DELWP & EPA
2021/123	03/12/2021	40 Gellibrand Street Queenscliff	Part demolition, alterations and extensions to an existing dwelling and demolition of an outbuilding in a Heritage Overlay and variation to the site coverage and setback requirements of Design and Development Overlay Schedule 1	Initial assessment
V 2021/124	03/12/2021	52 Stokes Street Queenscliff	Extensions to an existing dwelling in a Heritage Overlay	Initial assessment
2021/125	06/12/2021	45 Learmonth Street Queenscliff	Demolition of a dwelling and outbuilding and construction of a dwelling in a Heritage Overlay	Initial assessment

(d) VCAT matters yet to be determined

App. No	Date Received	Address	Proposal	Status
2018/062.2	25/06/2021	1/3 Edgewater Close Queenscliff	Amendment: Alterations and extensions (two storey) to an existing dwelling and variation to the site coverage requirements of Design and Development Overlay – Schedule 3	Notice of decision to amend a permit issued VCAT application for review lodged by objector VCAT hearing yet to be scheduled
**2021/024	19/03/2021 (Amended 21/06/2021)	69 Stokes Street Queenscliff	Construction of a two storey dwelling and front fence	Notice of decision to grant a permit issued (as per Council resolution 28 July 2021) VCAT application for review lodged by objectors VCAT compulsory conference 1 March 2022 and hearing 3 May 2022
**2021/053	04/06/2021	2/22 Bellarine Highway Queenscliff	Construction of a two storey dwelling	Notice of decision to grant a permit issued VCAT application for review lodged by objector VCAT compulsory conference 1 April 2022 and hearing 7 June 2022
**2021/067	15/07/2021	5 Beach Street Queenscliff	Demolition of a dwelling, outbuilding and fences in a Heritage Overlay, construction of a dwelling and fences and variation to the site coverage requirements of Design and Development Overlay – Schedule 6	VCAT application lodged by applicant (failure to determine) VCAT hearing 14 & 15 July 2022

(e) Development Plan & Planning Scheme Amendment Summary Report

No applications to report.

LEGEND

** Objections received

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

Bold Officer delegation removed

V VicSmart application

S Secondary consent approval issued

15.2 Planning Permit Application 2021/067, 5 Beach Street, Queenscliff

File: QP020-500

Author: Contract Senior Planner

Portfolio: Heritage, Planning & Infrastructure

Portfolio Holder: Cr Grout

PURPOSE

The purpose of this report is to present an assessment and recommendation for planning permit application number 2020/067 for 5 Beach Street, Queenscliff. Council resolved to remove officer delegation for this application at its Ordinary Meeting of Council on 22 September 2021.

EXECUTIVE SUMMARY

The assessment of the proposal aligns with *Portfolio 4: Heritage, planning and infrastructure* in the *Council Plan 2021–2025*. The Strategic Objective for Portfolio 4 is to protect our distinctive coastal, cultural and built environment, and provide sustainable, suitable infrastructure. This report links to the Community Vision *Protecting and celebrating Wadawurrung and Borough Heritage: Our cultural and built history is conserved and celebrated.*

The application seeks to demolish an existing dwelling and construct a new single storey dwelling with a roof top terrace.

The subject land has the following zones and overlays:

- Neighbourhood Residential Zone Schedule 2 (NRZ2)
- Significant Landscape Overlay Schedule 1 (SLO1)
- Heritage Overlay (HO1)
- Design and Development Overlay Schedule 6 (DDO6)

A planning permit is triggered for the proposal under the following controls:

- The Significant Landscape Overlay Schedule 1 for buildings and works.
- The Heritage Overlay for demolition and buildings and works.
- The Design and Development Overlay Schedule 6 for building and works.

The existing dwelling on the land is a cement sheet interwar building and has been identified in a 2009 heritage and recent heritage study dated October 2021 as "non contributory" to the heritage precinct. However, these studies have not been incorporated into the Queenscliffe Planning Scheme.

The Queenscliffe Planning Scheme lists the Queenscliffe Urban Conservation Study 1984 as a reference document in relation to heritage controls. The Queenscliffe Urban Conservation Study 1984 provides details on the heritage importance of the Fisherman's Flat area. The building at 5 Beach Street is not identified as a building of major significance in the 1984 heritage study,

however the study notes that a threat to the character of the location is the demolition of the existing building stock and its transformation over time. Policy at Clause 22.02 of the Queenscliffe Planning Scheme states the following:

- The demolition or alteration of heritage buildings will generally not be supported unless it can be demonstrated that:
 - The action will contribute to the long-term conservation of the significant fabric of the building; and
 - The demolition involves the removal of later insignificant modifications.

Based on information from the 2009 and 2021 heritage studies, heritage advice was received on the value of the interwar building at 5 Beach Street in relation to the heritage character of the location. The earlier heritage advice suggested the building's contribution was limited and suggested the building was from a more recent period in the 1960s. Objection submissions raised concern about the accuracy of such information and as a result additional heritage advice from GJM Heritage was commissioned by Council and has confirmed the building as an interwar building that is linked to the later development of the Fisherman's Flat precinct and should be retained and modified rather than be demolished. The advice suggested the building's demolition would be contrary to the heritage provisions of the Queenscliffe Planning Scheme and would diminish the significance of the heritage values of the Fisherman's Flat precinct.

The permit applicant has lodged a failure to determine appeal with the Victorian Civil and Administrative Tribunal (VCAT). A two day hearing has been set for July 2022. Based on the application for review at VCAT, the role of Council is now to form a position on the application to present to VCAT at the future hearing.

The key issue related to the proposal is considered to be the issue of demolition of the existing building. Based on the recent heritage advice received and the heritage controls on the land it is recommended the current application for demolition and redevelopment of the site not be supported and that position be presented to VCAT at the future hearing.

RECOMMENDATION

That Council:

Having caused notice of Planning Application No. 2020/067 to be given under Section 52 of the Planning and Environment Act 1987; the Queenscliffe Planning Scheme and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, resolve to refuse support under the provisions of Clause 43.01 and 43.02 of the Queenscliffe Planning Scheme in respect of the land known and described as 5 Beach Street, Queenscliff for the demolition of a dwelling, outbuilding and fences, construction of a dwelling and fences in a heritage overlay and variation to the site coverage requirements of Design and Development Overlay – Schedule 6 based on the following grounds:

The demolition of the dwelling will diminish the heritage values of the Fisherman's Flat
 Precinct contrary to the purpose of Clause 43.01 Heritage Overlay and decision guidelines at Clause 43.01-8.



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• The demolition of the dwelling will impact the cultural and historic significance of the Fisherman's Flat precinct contrary to the objectives and policy in Clause 22.02 and 22.02-1 of the Queenscliffe Planning Scheme.

REPORT

BACKGROUND

On 15 July 2021, Council received an application for demolition and buildings and works on the land at 5 Beach Street, Queenscliff. The proposal is defined as *demolition of a dwelling, outbuilding and fences, construction of a dwelling and fences in a heritage overlay and variation to the site coverage requirements of Design and Development Overlay – Schedule 6.*

The subject site is a regular shaped allotment, with an area of 527 square metres, located on the east side of Beach Street with frontage to Beach Street, approximately 36 metres south of the intersection of Beach Street and Larkin Parade to the north and Harbour Street to the east (see aerial photograph below).



The site contains an existing single storey cement sheet dwelling with an iron roof and a small bungalow to the rear. The dwelling on the site dates from the 1940s and is in a fair condition. The site has vehicle access from Beach Street along the northern boundary.

Land to the south of the site features an existing single storey dwelling fronting Beach Street set close to the common boundary. Land to the north of the site is public road reserve with a footpath. Land to the west of the site features existing single storey dwellings on the opposite side of Beach Street and land to the east features the Queenscliff harbour complex.

DISCUSSION

The application seeks a planning permit for the following buildings and works:

- Demolition of the existing dwelling and bungalow in their entirety.
- Development of a new single storey dwelling and garage. The new dwelling is proposed to be setback six metres from Beach Street with the garage setback 7.2 metres. The dwelling proposes a setback of 1.9 metres at the closest point to Harbour Street to the east.
- The dwelling is to have a height of 5.8 metres with a site coverage of 53%. The dwelling also proposes a roof top deck that is centrally located between two roof forms and orientated to Harbour Street.

The site plan and elevations of the proposed building are detailed below:

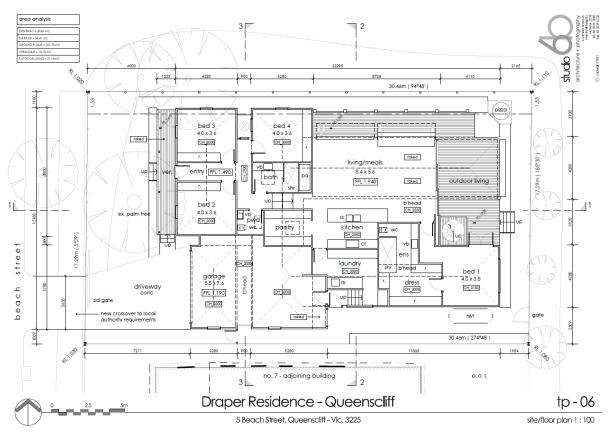


Figure 1: Site plan



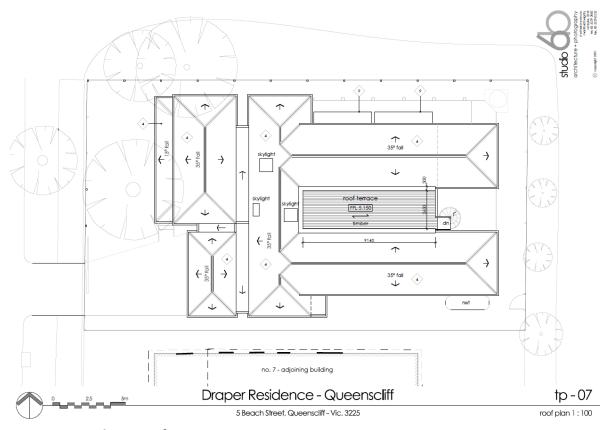


Figure 2: site plan – roof top terrace

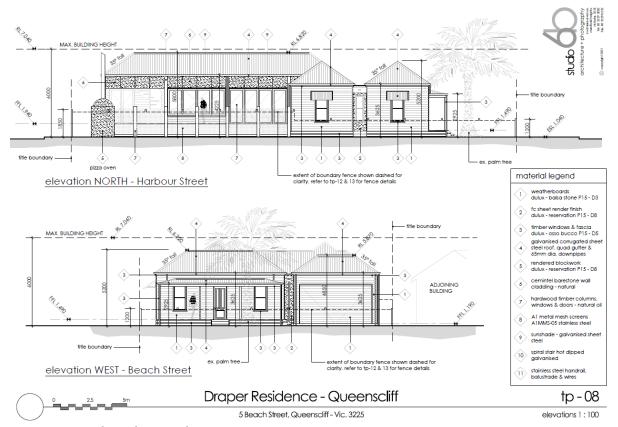


Figure 3: North and west elevations

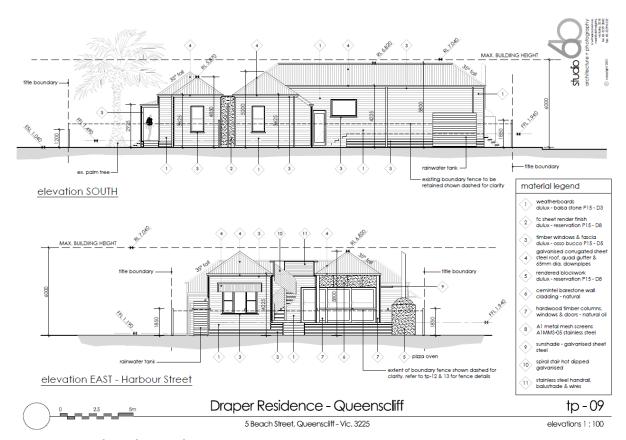
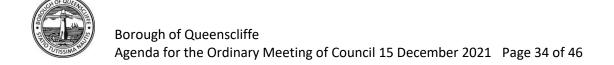


Figure 4: South and east elevations

As a component of the assessment of the application, Council officers sought advice on the proposal from an independent heritage advisor as part of pre-application discussions. The earlier advice relied on the 2009 heritage study which suggested the building on the subject land was non contributory. As a result of further clarity about the heritage context of the land being raised through the advertising period, further heritage advice has been sought from GJM Heritage. The advice from GJM Heritage can be summarised as follows:

- The Fisherman's Flat precinct is historically important to the development of Queenscliff as identified in the Queenscliffe Urban Conservation Study 1984 with is a reference document in the Queenscliffe Planning Scheme.
- Discretion on whether buildings should be demolished in heritage precincts is provided via the heritage overlay and policy at Clause 22.02 which seeks to avoid demolition of buildings of heritage significance.
- The dwelling at 5 Beach Street is representative and exhibits the typical characteristics
 associated with the Fisherman's Flat Precinct including historical and aesthetic heritage
 values and should be described as a contributory building to the precinct.
- Demolition of the building would diminish the significance of the heritage values of the Fisherman's Flat precinct.
- It is anticipated that an addition to the existing dwelling at 5 Beach Street could be designed to allow for contemporary living and be respectful of the heritage context of the precinct.



The Heritage Overlay requires the consideration of the heritage values of buildings in planning decision as detailed in relevant decision guidelines at Clause 43.01-8 as listed below:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

The Queenscliffe Planning Scheme lists the Queenscliffe Urban Conservation Study 1984 as a reference document. The Queenscliffe Urban Conservation Study 1984 provides details on the heritage importance of the Fisherman's Flat area. The building at 5 Beach Street is not identified as a building of major significance in the 1984 heritage study, however the study notes that a threat to the character of the Fisherman's Flat location is the demolition of the existing building stock and its transformation over time. Policy at Clause 22.02 of the Queenscliffe Planning Scheme states the following:

- The demolition or alteration of heritage buildings will generally not be supported unless it can be demonstrated that:
 - The action will contribute to the long-term conservation of the significant fabric of the building; and
 - The demolition involves the removal of later insignificant modifications.

It is noted there is no heritage study that has been referenced or incorporated into the Queenscliffe Planning Scheme that specially identifies the subject land as contributory to the heritage precinct, however it is considered the advice of GJM Heritage helps define and confirm that the building is an important feature to the fabric of the heritage streetscape and precinct. On this basis it is considered support for the building's demolition is difficult when considered against Clause 43.01-8 given the age and form of the building and the building's association with the evolution of the Fisherman's Flat precinct from the 1870s to the 1940s.

The development of a new dwelling on the land is required to be assessed against the Significant Landscape Overlay Schedule 1, Heritage Overlay and Design and Development Overlay Schedule 6. The proposed new dwelling is considered to respond to the relevant attributes of these controls as follows:

- The building is a single storey building able to be below the six metre height limit in the Design and Development Overlay Schedule 6.
- The building is setback from the street and side and rear boundaries appropriately.
- The garage has been setback behind the front wall of the dwelling.
- The building is to be constructed in weatherboards with galvanised corrugated iron hipped roof forms.
- The building will not impact the landscape values of Swan Bay.

The proposed new building form does rely on a roof top terrace which has raised concerns form objectors. It is considered the design and location of the roof top terrace allows it to have minimal visual impact to the streetscapes of Beach Street and Larkin Parade and overall the presence of such a terrace form is not considered unreasonable against the relevant planning controls. Analysis of the roof top terrace is undertaken further in the report in response to objections.

In the processing of the application Council officers consulted with the Corangamite Catchment Management Authority (CCMA). Fisherman's Flat is known to be at high risk of coastal inundation associated with climate change and storm surges. Whilst the CCMA is not a referral authority, as defined by the *Planning and Environment Act 1987* and the Queenscliffe Planning Scheme, there are obvious sensitivities around built form outcomes in this part of Queenscliff. The CCMA suggested conditions to ensure a minimum floor level of 1.75AHD being 300mm above the future modelled flood level of 1.45AHD. It is anticipated that any future building on the site can achieve these floor levels and still be below the six metre height limit of the Design and Development Overlay Schedule 6.

The assessment of the application has highlighted the threshold issue associated with the application is the demolition of the existing dwelling on the site. The submission process and additional heritage advice has highlighted the building retains heritage integrity that directly relates to the evolution of the Fisherman's Flat precinct. The Queenscliffe Planning Scheme only recognises the Queenscliffe Urban Conservation Study 1984 as a reference document. Whilst that heritage study does not identify the building as significant, the study does highlight that demolition of building in the precinct is a key threat to the values of the precinct. The advice of GJM Heritage has clarified that the building does have an age and form that is relevant to the historic evolution of buildings in the Fisherman's Flat precinct and the demolition of the building will diminish these values.

Options

Option 1 – That Council adopt the officer recommendation as presented.

Option 2 – That Council modify the officer recommendation.

Option 3 – That Council reject the officer recommendation.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



The application has been advertised, in accordance with the requirements of the *Planning & Environment Act 1987*. Specifically, the applicant:

- Directly notified, via Registered Post, eight surrounding landowners.
- Displayed three signs on the property one on the Beach Street frontage and the other on the Larkin Parade frontage and one to Harbour Street for a period of not less than 14 days.



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Council has received ten objections to the proposal. The key issues raised in the objections are summarised and responded to below:

Reason for objection	Officer response	
Loss of heritage values and impact on the significance of the heritage precinct — the building is a 1940s building associated with a fishing family and should be retained	The contribution of the building to the heritage significance of the precinct and streetscape has been analysed via advice from GJM Heritage. The advice has supported the position raised in the objections that the building's age and form contributes to the heritage values of the Fisherman's Flat heritage precinct and should not be demolished.	
Roof top terrace is inappropriate	The presence of the proposed roof top terrace on the proposed dwelling has caused concern. Whilst these concerns are noted, the design of the terrace between two pitched roof forms is considered to focus its visual connection to Harbour Street and is unlikely to have a significant impact on the Beach Street or Larkin Parade streetscape. The streetscape of Harbour Street is a more eclectic streetscape and the view of the roof top terrace from the harbor precinct is considered reasonable in that context.	
Bulk and form of the new building	The threshold issue of demolition has been determinative in preparation of this report and per the heritage controls on the land it is preferred that the building be retained with potential contemporary additions. In the event demolition is supported it is considered the new building proposed on the site is able to respond to the relevant planning controls as detailed earlier in the report.	
Overshadowing of land to the south (9 Beach St) in the winter	The concerns of overshadowing are noted; however formal assessment of overshadowing per Clause 54 of the Queenscliffe Planning Scheme is not triggered as no permit is generated under the zone of the land. Overshadowing issues will need to be assessed at the building permit stage. Where overshadowing is considered via relevant planning controls the standard and test for overshadowing impacts is limited to	

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Reason for objection	Officer response
	assessment at the 22 September Equinox to provide a more measured assessment. Information has been provided with the application to show that overshadowing impacts to land to the south can reasonably meet those standards.
Impact of harbour operations on the amenity of the dwelling	Concern has been raised that the working harbour may have impacts on the amenity of the proposed dwelling. It is noted that the site abuts a working harbour and this context exists for the existing dwelling. The applicant has noted that the design of any new dwelling has considered the context of the adjacent land and this is not an issue considered relevant to refusal of the application.
Height of building when floor levels from CCMA confirmed – will it be higher than 6 metres?	The suggested floor level of any dwelling on the land as provided by the CCMA can be reasonably provided for whilst still maintaining a building below the six metre height limit in the Design and Development Overlay Schedule 6.

Council resolved to remove officer delegation for deciding this application at its Ordinary Meeting on 22 September 2021.

In accordance with Council's Planning Protocol, a Planning Review Meeting was held on 13 October 2021 via Zoom. The meeting gave the applicant and objectors an opportunity to elaborate on their objections and answer questions posed by Councillors. The applicant and a number of objectors attended the meeting.

Collaboration

There has been no collaboration with other councils in assessing the application.

GOVERNANCE CONTEXT

Relevant Law

Development and land use within the Borough of Queenscliffe is regulated by the provisions of the Queenscliffe Planning Scheme. An assessment against the relevant elements of the Queenscliffe Planning Scheme has been provided earlier in this report.

Charter of Human Rights

This report has had consideration to, and complies with, the Charter of Human Rights and Responsibilities Act 2006.

Gender Equality Act 2020

The *Gender Equality Act 2020* requires a Gender Impact Assessment to be undertaken when Council develops or reviews any Council policy, program or service that has a direct and significant impact on the public.

The assessment of the planning application does not require a Gender Impact Assessment.

Regional, State and National Plans and Policies

There are no additional Regional, State and National Plans and Policies applicable to the assessment of the application.

Council Plan Alignment

The assessment of the proposal aligns with *Portfolio 4: Heritage, planning and infrastructure* in the *Council Plan 2021–2025*. The Strategic Objective for Portfolio 4 is to protect our distinctive coastal, cultural and built environment, and provide sustainable, suitable infrastructure.

Legal and Risk Implications

There are no legal or risk implications for Council associated with the proposal. The position of Council will be presented to future VCAT hearings on the matter where VCAT will make the final determination.

Related Documents

There are no related documents associated with the application.

Disclosure of Interest

No officer involved in the preparation of this report has any conflicts of interest.

CONSIDERATIONS

Environmental Sustainability

Issues of future sea level rise have been considered in the processing of the application via input on minimum floor levels from the CCMA.

Financial and resource implications

There are no budget or resource implications specific to the processing of the application. Consideration can be given to representation at future VCAT hearings on the matter subject to the current budget.

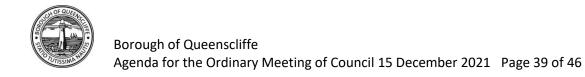
Innovation and Continuous Improvement

There are no areas for innovation and continuous improvement identified as a result of the application.

IMPLEMENTATION

Operational Impacts

There are no operation impacts associated with the application.



Implementation Process

As detailed earlier in the report the application has lodged a failure to determine application to VCAT. The position of Council on the application will be presented to VCAT as part of future VCAT hearings on the application scheduled for July 2022.

ATTACHMENTS

Nil.

16. GOVERNANCE & FINANCE

No reports to consider.

17. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS

No reports to consider.

18. QUESTIONS WITHOUT NOTICE

18.1 Questions Without Notice Status Update

No Questions Without Notice outstanding.

18.2 Questions Without Notice

19. LIST OF COUNCIL MEETINGS

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

PLANNING REVIEW MEETING
Wednesday 9 February 2022 at 7:00pm (if required)

COUNCIL MEETING Wednesday 23 February 2022 at 7:00pm

20. CLOSED SESSION OF MEETING Time: _____pm RECOMMENDATION That, in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public for the consideration of the following confidential items: 20.1 Confirmation of 24 November 2021 Confidential Council Meeting Minutes This agenda item is deemed to contain confidential information as per section 3(1)(h) of the Local Government Act 2020 as it contains confidential meeting information, being the records of meetings closed to the public under section 66(2)(a). This ground applies as the Council minutes being confirmed are for matters that have previously been deemed confidential. Time: _____pm

21. RATIFICATION OF CONFIDENTIAL ITEMS

RECOMMENDATION

RECOMMENDATION

That the decisions made in camera be ratified by Council.

That Council reopen the meeting and resume standing orders.

22. CLOSE OF MEETING

The meeting closed at:

ADJUNCT TO 7 – RECORD OF ASSEMBLY OF COUNCILLORS

An Assembly of Councillors is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

An Assembly of Councillors does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139 of the *Local Government Act 1989* a club, association, peak body, political party or other organisation.

Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures		
Meeting with the Point Lo	Meeting with the Point Lonsdale Civic Association – 23 November 2021					
Queenscliff Town Hall						
Cr Ross Ebbels, Mayor Martin Gill, CEO David Kenwood, PLCA Fay Arterhuis, PLCA Lynne Furness, PLCA	Nil.	1:00pm – 2:15pm	 Coastal & Marine Management Plan Tourist Park Strategy Christmas in Point Lonsdale Bunny woods/ Humps & Bumps One 3225 Storm damage intrastructure & replanting Police presence over summer Distinctive areas and Landscape Plan (DAL) Covid Pandemic Hesse Street public toilet Point Lonsdale Maritime & Defence Preceinct Bike Park proposal Lakers cutting RAMSAR proposal 	Nil.		

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Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures	
Assembly Meeting – 24 No	Assembly Meeting – 24 November 2021				
Queenscliff Town Hall					
Cr Ross Ebbels - Mayor Cr Fleur Hewitt – Deputy Mayor Cr Donnie Grigau Cr Michael Grout Martin Gill, CEO Matt Williams, Sustainable Parks Solutions Carly Douglas, CSRO Anna Handberg, BS&ICTC	Cr Susan Salter Shannon Maloney, MC Johann Rajaratnam, DP (Via videoconference)	2:30pm - 5:40pm 2:30pm - 3:30pm 3:00pm - 4:00pm 4:00pm - 4:30pm	 QTP Operation and Management review COVIDSafe Outdoor Activation Fund 2021 Workforce Plan Council Election Priority Projects 	Nil.	
_	liff Community Assication	– 29 November 2021			
Queenscliff Town Hall Cr Ross Ebbels – Mayor Cr Fleur Hewitt – Deputy Mayor Martin Gill, CEO David Connoley, QCA Michelle Jepson, QCA Judd Epstein, QCA Bill Pring, QCA Kate Jackson, QCA Joan Kenwood, QCA David Kenwood, QCA	Andrew Sutherland Heather Craven Jane Abbott (Via videoconference)	3:00pm – 4:15pm	 Borough of Queenscliffe workforce administration Borough/ Plans /Priorities /Funding/ Projects Hesse Street public toilet Costal vegitation management Shortlands Bluff Caravan Park review Roadworks Australia Day 2022 	Nil	

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Apologies	Time	Matters discussed	Conflict of interest disclosures		
Assembly Meeting – 1 December 2021					
Nil.	2:30pm – 5:00pm	Community Excellence Awards Terms of Reference	Nil.		
	2:30pm – 4:00pm	 Recycle Victoria Bill Tree briefing Point Lonsdale Lighthouse Reserve 			
	2:30pm – 2:50pm				
	ember 2021	Nil. 2:30pm – 5:00pm 2:30pm – 4:00pm	Nil. 2:30pm – 5:00pm 1. Community Excellence Awards Terms of Reference 2. Recycle Victoria Bill 3. Tree briefing 4. Point Lonsdale Lighthouse Reserve 2:30pm – 4:00pm 2:30pm – 2:50pm		

ADO – Arts Development officer	BSA – Business Services Accountant	BS&ICTC – Business Systems and ICT Coordinator	
CC – Coordinator Communications	CEO – Chief Executive Officer	CERP – Projects Officer, Climate Emergency Response Plan	
CO – Communications Officer	COVID BSO – COVID Business Support Officer	CSC – Community Services Coordinator	
CSP – Contract Senior Planner	CSR – Community Stakeholder Relations	CSRO – Community Stakeholder Relations Officer	
DP – Director Place	EA – Executive Assistant to the CEO, Mayor and	EAGMPI – Executive Assistant General Manager Planning &	
	Councillors	Infrastructure	
EPO – Executive Project Officer	EPO – Executive Projects Officer	HRGC – Human Resources & Governance Coordinator	
MC – Manager Community	MFS – Manager Finance and Corporate Services	MIE – Manager Infrastructure & Environment	
PPL – Planning Program Leader	RC – Rates Coordinator	RIE – Roads & Infrastructure Engineer	
SLEO – Senior Law Enforcement Officer	SP – Strategic Planner	TPTL – Tourist Park Team Leader	

ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UDPATE

No public questions outstanding.

ADJUNCT TO 8.1 – NOTICE OF MOTION STATUS UPDATE

No Motions on Notice outstanding.

ADJUNCT TO 18.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE

No Questions Without Notice outstanding.