



# Minutes

## Ordinary Meeting of Council

Wednesday 18 August 2010 at 7:00pm

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**

Ev Wuchatsch - Acting Chief Executive Officer

Karen Hose - General Manager Planning & Places



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**1. OPENING OF MEETING**

7:00pm

**2. APOLOGIES**

Lenny Jenner - Chief Executive Officer

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

Nil

**4. PUBLIC QUESTION TIME**

*Question*

"Referring to Agenda Item 10.3 The Proposed Ban of Dogs from Point Lonsdale Beaches. One recommendation proposes the collection of statistics on the level of compliance to Dog Related By Laws. If the proposal is meant to assist the Hooded Plover survival then a comprehensive survey of ALL threats to these birds should be carried out:  
How many people walk through the sand dunes on unauthorised tracks?  
How many feral animals are seen in the dune area?  
How many ravens and magpies scavenge eggs?  
How many joggers disturb their nesting?  
Will the Council survey all the threats to the Plover's survival or simply take the easy, uninformed option of targeting dogs and blaming them for the bird's demise?"

*Answer*

The Mayor advised the issue of the Proposed ban of dogs on Point Lonsdale beaches is being discussed at Agenda item 10.3. *Community Consultation - Proposed Ban on Dogs Point Lonsdale Back Beach.*

*Question*

"Referring to Agenda Item 10.3 The Proposed Ban of Dogs from Point Lonsdale Beaches. The General Manager for Planning & Places summary of the community responses to the proposed ban show an utterly overwhelming number of persons opposed to the proposed ban. Will the Council now vote, at tonight's meeting, that the proposed changes to the Borough By Laws relating to dogs on beaches be withdrawn?"

*Answer*

The Mayor advised the issue of the Proposed ban of dogs on Point Lonsdale beaches is being discussed at Agenda item 10.3. *Community Consultation - Proposed Ban on Dogs Point Lonsdale Back Beach.*

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*Question*

"Re Risk Management: Given that the Fire Control Officer for Greater Geelong has told me the fire overlay for the foreshore and the area from Lockington Crescent eastwards is the worst on Bellarine Peninsula and the Fire Chief for Ocean Grove said his crews will not be sent into Alexander Crescent in its present state what warnings to residents have been given and what notification has been passed to insurance companies?"

*Answer*

The Mayor advised the final report on Alexander Crescent is yet to come to council. Council will ensure that all safety, risk and emergency management issues that council need to be informed of will be considered.

*Question*

"Could the CEO provide an update on the action promised at last meeting - update on non response from Council engineer to much earlier communication?"

*Answer*

The General Manager Planning & Places advised the letter referred to was received during the submission period and treated as a submission. A response was forwarded on the same day the letter was received, acknowledging and thanking the submitter for the feedback. A further response will be forwarded regarding specific contents of the correspondence.

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**5. CONFIRMATION OF COUNCIL MEETING MINUTES**

**5.1. Ordinary Meeting of Council - 21 July 2010**

A copy of the previous Minutes of the Ordinary Meeting of Council held on Wednesday 21 July 2010 have been distributed to Councillors under separate cover.

**Councillors: Mitchell/Davies**

**That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 21 July 2010, as distributed, be confirmed as an accurate record.**

**Deferred to next Council Meeting**

**5.2. Audit Committee Meeting - 28 June 2010**

**Councillors: Mitchell/Burgess**

**That the Minutes of the Audit Committee Meeting held on 28 June 2010 (Appendix 1) be accepted.**

**Carried Unanimously**

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**6. MOTION ON NOTICE**

Nil

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## 7. MAYOR'S REPORT

### 7.1. Functions Attended

| Date           | Function Attended                                                                                                                                                               |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 July 2010   | Mayor, Councillors, CEO & General Managers were joined by Darren Cheeseman, MP, Member for Corangamite at the Council Dinner                                                    |
| 23 July 2010   | Mayor attended the opening ceremony for the Queenscliff Primary School's Building the Education Revolution (BER) Project                                                        |
| 24 July 2010   | Mayor & Cr Butler attended the public meeting for the Fort Queenscliff 150th Celebrations                                                                                       |
| 24 July 2010   | Mayor attended the Point Lonsdale Surf Life Saving Club 2010 Annual Presentation Night                                                                                          |
| 26 July 2010   | Mayor, Cr Mitchell & CEO met with Kurt Reiter, Liberal Candidate for Bellarine and David Koch, MLC, Member for Western Victoria Region                                          |
| 27 July 2010   | Mayor met with Sean Blackwood, Queenscliff Harbour Pty Ltd                                                                                                                      |
| 30 July 2010   | Mayor attended the G21 Board Meeting                                                                                                                                            |
| 30 July 2010   | Mayor attended the G21 Sport and Recreation Pillar Meeting                                                                                                                      |
| 6 August 2010  | Mayor held discussions with Minister Lisa Neville re Fisherman's Wharf                                                                                                          |
| 6 August 2010  | Mayor attended the official opening of the 3rd headspace site conducted by Bellarine Community Health Ltd as auspice of headspace Barwon Bellarine                              |
| 7 August 2010  | Mayor & Cr Butler attended the Maritime Weekend Working Party                                                                                                                   |
| 9 August 2010  | Mayor attended the MAV Regional Forum, Rural South Central Region                                                                                                               |
| 10 August 2010 | Mayor, Crs Mitchell & Butler and CEO undertook a viewing of the inside of the Fisherman's Wharf buildings                                                                       |
| 10 August 2010 | Mayor, Crs Mitchell, Butler & Davies and CEO & General Manager Planning & Places met with Gareth Smith, Tony Jones and Trent Wallis, Corangamite Catchment Management Authority |
| 11 August 2010 | Mayor & Cr Davies attended the screening of the Women of the Sun - 25 Years Later hosted by the Queenscliff Reconciliation Mob                                                  |
| 14 August 2010 | Mayor & Crs Butler, Burgess, Davies & Mitchell attended the Public Workshop regarding the Old High School Site                                                                  |

**Councillors: Mitchell/Butler**

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

**Carried Unanimously**



## 7.2. Inwards Correspondence

| Date          | Correspondence                                                                                                    |
|---------------|-------------------------------------------------------------------------------------------------------------------|
| 20 July 2010  | Correspondence received from resident regarding the temporary road closure of Alexander Crescent, Point Lonsdale  |
| 20 July 2010  | Correspondence received from resident regarding the temporary road closure of Alexander Crescent, Point Lonsdale  |
| 21 July 2010  | Correspondence received from Point Lonsdale resident regarding the ferry terminal                                 |
| 22 July 2010  | Correspondence received from Point Lonsdale resident regarding dogs on Point Lonsdale back beach                  |
| 30 July 2010  | Correspondence received from Queenscliff resident regarding landscaping of commercial-residential zone interfaces |
| 3 August 2010 | Correspondence received from resident regarding the temporary road closure of Alexander Crescent                  |

**Councillors: Mitchell/Butler**

**That the Correspondence be noted.**

**Carried Unanimously**

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**8. COUNCILLOR PORTFOLIO REPORTS**

No reports

**9. GOVERNANCE, FINANCE & EXTERNAL RELATIONS**

No reports

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## 10. SUSTAINABILITY & LOCAL ENVIRONMENT

### 10.1. Local Adaptation Pathway Program - Preparing for Climate Change in the Borough of Queenscliffe

**File:** QG052-2009/02

**Responsible Officer:** Sustainability Officer

#### Introduction

The purpose of this report is for Council to consider the 'Preparing for Climate Change in the Borough of Queenscliffe' report (**Appendix 2**), prepared by consultants AECOM Australia for adoption at the ordinary meeting on 18 August 2010.

This Action Plan has been developed in consultation with a stakeholder working group comprised of Councillors, community representatives and Council officers and was presented by the appointed consultants to the Council at a Council Assembly on 2 August 2010. It is important to note that the Federal Government subscribed scope of this project was limited to assessing the climate change risk to Council assets and services and developing an associated local adaptation action plan.

It is recommended that Council adopt the 'Preparing for Climate Change in the Borough of Queenscliffe' report and Action Plan.

#### Key Issues

- The potential effects of climate change on the Borough of Queenscliffe
- The potential effects of climate change on Council operations and assets
- Preparation and budgeting for delivery of adaptation actions to minimise the possibility of future impacts.

#### Discussion

In 2008, the Borough of Queenscliffe, applied for a Department of the Environment and Water Resources Australian Greenhouse Office "Local Adaptation Pathways Program" (now Department of Climate Change and Environment) grant to assess the climate change risk to Council assets and services and develop a local adaptation action plan.

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In 2009, the Council went to a tender process to appoint the consultant to undertake the project. AECOM Australia Pty Ltd were appointed the contract and the project was commenced in January 2010 and completed in June 2010.

The Objectives of the program, based on the Australian Greenhouse Office's *Climate Change Impacts and Risk Management Guide for Business and Government* for the Borough of Queenscliffe were as follows:

- **Phase 1- Situational Analysis: Initialise project and undertake a comprehensive risk assessment process to examine the potential impacts of climate change on key council services and activities. Phase 1 outcomes: highlight scenarios for the Borough of Queenscliffe**

The consultants successfully initialised the project with the internal steering committee and researched and reported on the effects of climate change specific to the geographical location of the Borough of Queenscliffe. This data was provided in the form of a background research paper that was presented to the Council and other stakeholders highlighting the future risks caused by climate change.

The "other stakeholders" were community members identified within the Borough that were representatives of identified community stakeholder groups. A list of those who participated is in the final report. Members of Council, Borough staff and the other stakeholders make up the consultative stakeholder group.

The stakeholder group was then led through a risk assessment workshop process that determined the risk level to Council assets and provision of services.

The consultants followed this process up by compiling the data and doing a gap analysis to ensure all possible risks had been identified.

- **Phase 2- Strategy Development: Identifying, Analysing and Evaluating the Risks. Phase 2 outcomes: develop a risk management plan to complement the existing risk matrix.**

A risk profile was established by operational areas under the headings of; Land Use Planning, Infrastructure, Biodiversity and Natural Resource Management, Open Space and Community Services and Corporate Governance.

The stakeholder group were involved in reviewing and ranking the associated risks to develop a risk matrix that could complement and enhance the existing Council Risk Matrix.

- **Phase 3- Action Plan: Set out a list of priorities for the Council to undertake in the short and long term. The Action Plan is to be based on the findings of the risk assessment and tied to the delivery of a risk management plan. Phase 3 outcome: Climate Change Adaptation Action Plan**

Based on the operational area headings established in Phase 2, Proposed Climate Change Adaptation Actions were identified and prioritised into short and medium term timeframes by the stakeholder group.

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The data obtained in Phases 1, 2 and 3 were compiled into a single document that chronologically follows the process the Council undertook with AECOM. This was decided as the best option for understanding the process and making the document useful for people who had not necessarily been involved in the process.

The final document- 'Preparing for Climate Change in the Borough of Queenscliffe' is a document that details real and achievable action for the Borough to pursue whilst preparing to adapt to the changing climatic conditions.

At a Council Assembly on 2nd August 2010, AECOM Australia representatives presented a summary of the project process, findings and recommended actions to Council.

### **Council Plan**

In the 2009-2010 Council Plan, the Council was to initiate actions relating to Climate Change.

It was also necessary for Council to complete the Climate Change Risk Assessment funded by the Department of Climate Change and Environment's "Local Adaptation Pathways Program".

The "Preparing for Climate Change in the Borough of Queenscliffe" document fulfills Council's aims and responsibilities to the Department of Climate Change and Environment.

### **Financial**

The "Preparing for Climate Change in the Borough of Queenscliffe" document does not outline expected financial costs to the Council to implement the actions. It is to be noted that once the Climate Change issues were thoroughly assessed and evaluated and actions prioritised it became apparent that the Borough of Queenscliffe is not currently in a financial position to act on many of the recommended adaptations.

It is seen that over the long term the Borough would need to confirm its priorities and budget to allow for the implementation of the actions but the timeframe for action could be longer than recommended by the consultants and external sources of funding will be required.

The Borough is in a position to access Regional Development Victoria "Ready for Tomorrow" grants for the implementation of some of the priority actions from programs such as: the Sustainable Small Towns Development Funds, Local Action for Sustainability and Coastal Settlements of the future, as a way of implementing the priority actions.

### **Social**

As this report is primarily an internal document there is no real impact to the social fabric of the Borough.

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However, as community stakeholders and representatives were involved in the evaluation process it is worth noting that community involvement in participatory processes helps achieve dynamic and resilient communities, creates community connections that improves the decision making process whilst allowing the community to have some ownership in projects and processes that will affect their lives as well as building positive relationships between the community and Council.

One lesson learnt is that local people have a thorough and detailed understanding of where they live and their input was invaluable in adding the "micro-detail" to the report. The mix of community members with their different perspectives added depth to the overall outcomes.

### **Environmental**

There are no negative environmental impacts via the adoption of the report and impacts are considered to be only positive by strengthening the Council's capacity to maintain assets and deliver services to the residents and ratepayers by maintaining the "livability" aspects of the Borough and enhancing community resilience in the face of potential climate change.

### **Risk Management**

This report is primarily a 'risk assessment and action plan' document and has been designed to be able to fit into Council's current risk management practices and 'Risk Register'.

The key risk management considerations relate to being able to achieve a high standard of service delivery and meet the financial challenges associated with the potential impacts of climate change.

### **Assessment**

The Borough of Queenscliffe is noted for its unique and highly vulnerable geographical location. The impacts of climate change will widely and adversely affect the operations and assets of Council and lifestyles of the community living within its boundaries.

The project has been effective in meeting its stated objectives and is deemed an important and useful document to inform the Borough of Queenscliffe future planning and operations but it is acknowledged that service delivery standards could be compromised by lack of resources.

### **Conclusion**

The 'Preparing for Climate Change in the Borough of Queenscliffe' report summarises the results of the climate change risk assessment and adaptation planning processes undertaken and prioritises the risks and potential actions tailored to address the unique circumstances facing the Borough.

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It is the first step for Council in a process of maintaining liveability and enhancing community resilience in the face of future climate change. It provides Council with a potential 'adaptation pathway' to protect and enhance the Borough of Queenscliffe Council assets and services.

**Councillors: Butler/Davies**

**That Council:**

- 1. Adopt the 'Preparing for Climate Change in the Borough of Queenscliffe' report**
- 2. Consider implementation of priority actions, including the sourcing of external funds, as part of the 2011/12 Business Plan and Budget.**

**Carried Unanimously**

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## **10.2. Sustainable Living Action Plan**

**File:** QG290-27-01

**Responsible Officer:** Sustainability Officer

### **Introduction**

The purpose of this report is for Council to consider the adoption of the Sustainable Living Action Plan (**Appendix 3**). The Action Plan was exhibited for one month following an approved recommendation to Council at the Ordinary Meeting on 23 June 2010. One positive submission was received.

It is now recommended that the plan be adopted by Council.

### **Key Issues**

- Holistic approach to sustainability and carbon reduction
- Adoption

### **Discussion**

At the Ordinary Meeting on June 23, 2010 Council was provided with a report outlining the development of a holistic approach to a Sustainable Living Action Plan to help progress Council towards carbon neutrality by 2013 and the community by 2020.

The Sustainable Living Action Plan was placed on public display for one month. The closing date was 4:00pm Friday 6 August 2010.

This was advertised on the Council website and as public advertisements in the Queenscliff Herald (July/August edition) on 30 June 2010 and the Bellarine Times on 9 July 2010.

Copies were made available at the Council administration desk.

One submission was received. The submission, from a resident of Point Lonsdale, compliments the Borough on its initiative in undertaking the Plan.

Extensive consultation took place during the development of the Action Plan, and therefore the lack of submissions is considered positive.

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## **Council Plan**

In the 2009-2010 Council Plan, the Council was to progress ICLEI milestones 2 and 3 to develop a Green House Action Plan and join Ecobuy as measures to lead the Council and community towards reducing emissions and a goal of moving towards carbon neutrality by 2013 and 2020 respectively. However at the time of the appointment of the Sustainability Officer to action this task, the federal funding for the ICLEI CCP milestones had finished and Ecobuy was deemed administratively heavy for the size of the Borough's procurement needs.

The proposed way forward is consistent with the Council's aim to work towards carbon neutrality for Council by 2013 and the community by 2020.

## **Financial**

The draft Sustainable Living Action Plan outlines possible costs to achieve some of the actions for the 2010/2011 financial year to be factored into the budget. The Council has allocated a \$25,000 Sustainability Fund in the 2010/11 budget to achieve some of these actions. To achieve carbon neutrality funding will be required to be ongoing.

Some of the actions will require further studies and costings to be completed so that they can be considered for the budgets in future years.

## **Social**

There are no negative social impacts involved in adopting the Action Plan as outlined in the Council report on June 23, 2010. The document involved significant community input and consultation. Community uptake of the Action Plan will increase the likelihood of its success.

## **Environmental**

There are no negative environmental impacts via the adoption of the Action Plan and impacts are considered to be only positive.

## **Risk Management**

The key risk management considerations relate to achieving a high level of community engagement and uptake of Council initiatives and programs in the implementation of the Action Plan and progressing the actions to a stage where ongoing financial support can be maintained by Council.

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## **Assessment**

The Sustainable Living Action Plan includes a range of actions that will inform and educate residents and ratepayers about living sustainably as well as facilitating projects designed to promote sustainable living and minimise environmental impacts.

The Action Plan considers the financial constraints and capacity of Council and has prioritised some low cost achievable actions for the 2010/11 financial year, whilst keeping in mind that the Council and community have identified higher order priorities that will require consideration in the future.

## **Conclusion**

The Sustainable Living Action Plan is designed to shape and guide Council's practice and to facilitate and support community planning and action to move towards Council being carbon neutral by 2013 and the community by 2020.

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

#### **That Council resolves to:**

- 1. Adopt the Sustainable Living Action Plan**
- 2. Progresses implementation of 2010/11 priority actions**
- 3. Considers further program actions as part of the 2011/12 budget preparation.**

**Carried**

#### **Cr Mitchell requested a division:**

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

**Against: Cr Mitchell**



### **10.3. Community Consultation - Proposed Ban on Dogs Point Lonsdale Back Beach**

**File:** QG011-04-05

**Responsible Officer:** General Manager Planning and Places

#### **Introduction**

At its Ordinary Meeting on 15 December 2009 Council resolved as follows:

- 1) *That Council invite submissions on the non-permitted period for dogs on the Point Lonsdale back beach (between the western boundary of the Borough and the western boundary of the Port Phillip Heads Marine National Park at 38°17'22S 144°36'20E) to be extended to 12 months of the year and the entire day.*
- 2) *That council is briefed by Parks Victoria on this issue and other issues associated with the management of the Port Phillip Bay Marine National Park.*
- 3) *That the submission period be 3 months and begin no later than the 31 January 2010.*

Councillors were briefed by Parks Victoria in January 2010. Public submissions and community consultation occurred for 3 months in 2010, with submissions closing end of July 2010. The purpose of this report is for council to consider the submissions received.

A total of 113 individual submissions were received during the consultation period. Of that number, 105 were against the ban and 8 were in support. Two submissions were received that enclosed signed petitions. One petition contained 712 signatures against the ban, and another contained 27 signatures against the ban.

#### **Key Issues**

- Results of community consultation
- Measures required to protect the Hooded Plover

#### **Background**

##### The Hooded Plover

Source: "A Practical Guide for Managing Beach Nesting Birds in Australia", (Australian Government/Port Phillip and Westernport Catchment Management Authority/Birds Australia).

The Hooded Plover's habitat is coastal land and coastal and inland salt lakes. Breeding season is between August and March each year. The birds nest on ocean beaches above the high-tide mark, in sand dunes up to 600m from the sea, in dune blow-outs and amongst middens, low sand island and rocky outcrops, etc.

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The Hooded Plover (*Thinornis rubricollis rubricollis*) is listed as Near Threatened according to the IUCN Red List (2008). The species is listed as 'Vulnerable' in Victoria under the Flora and Fauna Guarantee Act and is on the Advisory List of the Threatened Vertebrate Fauna in Victoria 2007, listed as Vulnerable. Vulnerable is defined as "considered to be facing a high risk of extinction in the wild".

The Eastern population of Hooded Plovers is estimated at 3000, with 400-600 birds in Victoria but the numbers are declining.

The abovementioned guide gives advice on how best to manage and protect Hooded Plovers. The effectiveness of dog regulations are assessed in the guide, summarised as follows:

Dogs prohibited at all times

Enhances tourist values and wildlife values on breeding territories.

Dogs prohibited at certain times of the year

Beneficial, but can be confusing to dog owners and difficult to enforce.

Birds Australia supports the co-existence of dog walking and shorebird conservation.

Dogs prohibited at certain times of the day

Has benefits by reducing access in the hottest part of the day e.g. 8am to 8pm

Dogs must be under effective control

Considered to be of no benefit to beach-nesting birds as the dog moving independently of the owner is seen as a threat by the bird.

Unrestricted off-leash access

The most detrimental option for birdlife protection.

Dogs must be on a lead

The most effective option and recommended by Birds Australia and the guide.

Of the above options, the Guide describes the Dogs on Lead option as "the most effective regulation for reducing threats to beach-nesting birds", as nesting birds respond similarly to a human as to a human with a dog on a leash. (Weston and Elgar Study 2007). The guide recommends that dogs be on leash during the breeding season on the beaches. This option allows the co-existence of human activity on the beach and the bird's survival. Unfortunately the problem with this option is compliance, and the enforcement of the regulations, which are extremely important.

Current Regulations

Currently within the Borough of Queenscliffe on the Point Lonsdale back beach (and all beaches except the Dog Beach in the Narrows) dogs are permitted on leash most of the year but banned completely 8am to 8pm from December 1 to February 28 each year. The Dog Beach at the Narrows is an off leash area but dogs must be under the effective control of the owner.

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The current regulations on the Point Lonsdale back beach comply with the preferred option of Birds Australia.

Land to the west at Collendina and Ocean Grove is within the City of Greater Geelong. In this area dogs are permitted off leash all year round but must be on leash when the Hooded Plover is nesting (or present). Birds Australia notify the Council when the birds first appear. The Hooded Plover only appears on beaches in this area during breeding season.

#### Known Activity of Hooded Plovers in the Borough and Nearby

At a meeting with Birds Australia in June, Birds Australia advised that in the area from Collendina to Point Lonsdale, last year 2 nesting pairs of Hooded Plovers built 5 nests. The nesting period is 9 weeks and the nests were built above the high tide mark. Each year Birds Australia place signs within a 100 metres of the nest and fence off the nesting site.

5 nests were built last year. Of the 5 nests created last year, four (4) nests were within the area managed by the City of Greater Geelong. The list is as follows:

1. Dune 150m west of 4W (COGG managed but access track is joint BoQ and COGG) [failed]
2. High-tide mark 1km west of 4W (COGG managed) [failed - tide]
3. 100m East of SLSC [failed] (BoQ managed)
4. Collendina 1.8km East of 5W [fledged 2 young] (COGG managed)
5. Collendina dune blowout 1.6km East of 5W [failed] (COGG managed)

In previous years, the sites have been similar to the above, with additional sites:

1. In front of SLSC [failed] (BoQ managed)
2. Mid way between Collendina and 4W in dune blowout [failed] (COGG managed)

NB: It should be noted that the majority of nests last season were located outside the Point Lonsdale back beach area. Any measures employed to protect the Hooded Plover need to consider impacts on adjoining breeding grounds and the consistency of approach, both in the City of Greater Geelong and the Port Phillip Heads Marine Park area.

#### Results of Community Consultation

Councillors were briefed by Parks Victoria in January 2010. Public submissions and community consultation occurred for 3 months in 2010, with submissions closing end of July 2010.

A total of 113 individual submissions were received during the consultation period. Of that number, 105 were against the ban and 8 were in support. Two submissions were received that enclosed signed petitions. One petition contained 712 signatures against the ban, and another contained 27 signatures against the ban.

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Due to resourcing issues, consultation was not able to commence in January as outlined in the December Council resolution. Although consultation in the summer may have resulted in feedback from a larger number of tourists or visitors to the coast, it is considered that (a) local residents who reside in the area all year have been adequately consulted and (b) consultation with summer visitors may confuse the objective, being the protection of the hooded plover, with other issues such as the interaction of dogs and people on beaches.

#### Key Themes:

The summary list below is indicative of the key themes arising from submissions:

| <b>Against the Ban</b>                                                                                                                                                                                                                                   | <b>Supporting the Ban</b>                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The current presence of dogs on the beach does not affect the plover                                                                                                                                                                                     | Dislike of dogs and irresponsible dog owner behaviour in public spaces in the municipality, e.g. picking up dog doo, tethering of dogs at cafes, dogs off lead, etc. |
| Banning of dogs will not be effective in protecting the Plover                                                                                                                                                                                           | Support for protection of the Hooded Plover.                                                                                                                         |
| Other measures are required to protect the Plover. A range of submissions document a number of measures such as: public education, exclusion zones, protection from predators, fencing, improved signage, letterbox drops, information to tourists, etc. | There are other places for people to walk their dogs.                                                                                                                |
| Hooded Plovers do not only nest in this area.                                                                                                                                                                                                            |                                                                                                                                                                      |
| If dogs are banned on the back beach, council needs to provide a safe walking path through the dunes or along Ocean Road.                                                                                                                                |                                                                                                                                                                      |
| The desire of dog owners to enjoy the beach and surrounds.                                                                                                                                                                                               |                                                                                                                                                                      |
| The Hooded Plover does not nest all year round.                                                                                                                                                                                                          |                                                                                                                                                                      |
| Human Activity impacts on the birds.                                                                                                                                                                                                                     |                                                                                                                                                                      |

#### Birds Australia

Birds Australia is a non-government organisation committed to conservation of Australia's birds through information gathering and research and is governed by a voluntary council. Birds Australia is a recognised authority on beach nesting birds and provides regular advice to government. Birds Australia promotes co-existence on public spaces where Hooded Plovers are present.

The submission by Birds Australia (BA) is detailed but it is categorically stated that they do not support a year round ban. Dogs on leash are perceived by the Plovers in a similar way to a walker, therefore a ban is unnecessary. Monitoring at Point Lonsdale has demonstrated that birds commonly use the Point Lonsdale back beach in the summer months. During December and February in the 2007/08 and 2009/10 breeding seasons the Hooded Plover used the back beach to



nest. BA consider that the current regulations adequately protect Hooded Plovers but compliance is required. BA evidence suggests that the problem of compliance on the back beach is not significant in the Borough, with dogs off leash infrequently observed. In contrast, there is a high level of non-compliance with the regulations on the City of Greater Geelong section of beach.

Concerns are expressed that if a ban was imposed, more dog walkers will be driven into territories to the west managed by the City of Greater Geelong. This pressure is likely to have a significant negative impact on the breeding success of the birds.

Birds Australia states that the greatest threat to the Hooded Plover on the Point Lonsdale back beach stems from humans - in particular large numbers of people sitting in front of nesting sites. The submission outlines a number of strategies to increase community education and enforcement. Some of these are in progress, and are outlined in this report under the section titled "Current Initiatives on Protection of the Hooded Plover", below.

#### Parks Victoria and the Port Phillip Heads Marine National Park

Parks Victoria have advised that they are amenable to working with the Borough of Queenscliffe to maintain an integrated and consistent approach to dog management in the foreshore reserve adjacent to and including Point Lonsdale Section of the Port Phillip Heads Marine National Park.

Current adopted management strategies for the Port Phillip Heads Marine National Park is attached to this report as **Appendix 4**. The Management Plan includes the following:

#### ***"Management strategies***

- ***Continue to permit walking and exercising of dogs in the Point Lonsdale section of the park provided:***
  - ***they are on a lead and on the sandy intertidal beach area, including adjacent sandy areas with shallow water, except between 8.00 a.m. and 8.00 p.m. from 1 December to 28 February (consistent with existing adjacent foreshore management arrangements)***
  - ***people in charge of dogs remove their dog's droppings from the park.***
- ***Exclude dogs from the intertidal reef areas of Point Lonsdale and all other sections of the park.***
- ***Allow dogs in the park if confined to a vessel and under control.***
- ***Continue to prohibit horses from the park to protect the natural values of the park."***

#### Current Initiatives on Protection of the Hooded Plover

Borough officers have been working with officers from the City of Greater Geelong and Birds Australia in relation to the better protection of the Hooded Plover in areas such as Point Lonsdale, Ocean Grove and Breamlea, particularly during the nesting period and when immature chicks are on the beach from August to March each year.

In conjunction with the City of Greater Geelong and Birds Australia the following initiatives are in progress and agreed:

- The current laws on the City of Greater Geelong beaches adjacent to Point Lonsdale are that dogs are permitted off leash year round except when nesting Hooded Plovers are present. At
-



those times dogs must be kept on the lead. It is acknowledged that better education is required regarding the change during the breeding season August to March. It is acknowledged by all parties that better education of dog owners is required.

- New signs will be installed at access paths to the beach which will indicate when nesting Hooded Plovers are present and the necessity of having dogs on the lead.
- A public awareness campaign is to be developed including a media campaign, commencing in August 2010.
- A brochure is being produced bearing the Borough logo and that of Birds Australia and City of Greater Geelong with information about the Hooded Plover.
- A mailout is to occur to residents in Breamlea, Ocean Grove and Point Lonsdale with the brochure and map showing areas affected.
- The City of Greater Geelong is going to alter the 'dog control' map which is distributed by the council and available on the internet. The map is to more clearly show the area where dogs must be on the lead during the Hooded Plover nesting season.
- The City of Greater Geelong and the Borough of Queenscliffe have agreed to co-ordinate scheduled patrols of the relevant beaches to enforce the dog on lead requirement. Currently our local laws officers have authorisation within the City of Greater Geelong to enforce local laws. The same does not apply in reverse, so steps are in place to commence the process to authorise City of Greater Geelong officers to undertake enforcement of the dog regulations on the Borough beaches.

### **Council Plan**

One of Council's Strategic Directions is:

*"2.1 Work in partnership with the community and other organisations to protect and restore the local environment and promote sustainable practices".*

Council's work with the City of Greater Geelong and other agencies on joint issues such as protection of the Hooded Plover is consistent with this strategic direction.

### **Financial**

The initiatives outlined in this report have no financial cost to Council apart from officer time. The brochure/flyer to be produced will include the Borough logo but no financial input is required.

Greater enforcement of dog regulations may require a slight increase in operational costs but this will be alleviated by co-ordination of resources with the City of Greater Geelong.

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## **Social**

As stated in the Notice of Motion at the December 2009 Council meeting, dogs are companion animals which play an important role in the community and can enhance people's health and well being. Encouraging people to walk their dogs and take exercise is a positive.

However, enjoyment of the natural environment and the protection of habitat and wildlife are also important factors to consider in the management of public spaces. From an economic perspective, tourists are also attracted to the region due to the environmental values that can be enjoyed.

Birds Australia promotes a policy of shared spaces and the co-existence of human activity and bird conservation. The benefits of this approach includes raising public awareness on vulnerable species/issues and the promotion of environmental objectives.

## **Environmental**

The Hooded Plover is designated as a Vulnerable species in Victoria and populations are declining. Vulnerable is defined as being at risk of extinction. Biodiversity is an important Federal and State policy which essentially means that the genetic diversity of flora and fauna is preserved. As the Committee of Management for the Point Lonsdale foreshore and the public land manager Council has an obligation to consider animal management on the foreshore beaches and environmental issues.

## **Conclusion**

The results of community consultation show significant opposition to the ban of dogs on the Point Lonsdale back beach. Existing controls which require dogs to be on leash and banning dogs from 8am to 8pm during the summer are consistent with Birds Australia's preferred option and it is considered that these controls are adequate.

To ensure the effectiveness of current controls, enforcement of the regulations to ensure compliance is critical. To that end, the Borough of Queenscliffe is working with the City of Greater Geelong on a co-ordinated approach to enforcement of the existing controls. Initiatives in relation to public education are also in progress with the City of Greater Geelong and Birds Australia.

It is considered that a ban on dogs on the Point Lonsdale back beach is not necessary, and other strategies have commenced which better protect the Hooded Plover.

---



**Councillors: Burgess/Davies**

**That Council:**

1. **Maintain existing local laws on dog regulation which require dogs on leash on the Point Lonsdale back beach and banned from 8am to 8pm December 1 to February 28.**
2. **Continue to progress the new initiatives with the City of Greater Geelong and Birds Australia as outlined in this report, including an education programme, and a coordinated approach with the City of Greater Geelong to enforcement and compliance on coastal beaches during the breeding period.**
3. **Monitor the results of the new initiatives over the breeding season (August 2010 to March 2011) and report back to council on the success of the programme prior to the end of the financial year, including statistics on compliance with the dog regulations.**

**Carried**

**Cr Mitchell requested a division:**

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

**Against: Cr Mitchell**



## Appendix 4

### Excerpt from Management Strategies: Port Phillip Heads National Marine Park

## *Management Plan*

### *Dogs and horses*

*The Point Lonsdale and Swan Bay sections of the park are adjacent to urban areas, and many local residents and other visitors enjoy walking and exercising their dogs on the beaches in the park. Dog walking was permitted on beaches in the park at specified times prior to the proclamation of the park. The Borough of Queenscliffe's by-laws require dogs to be on a lead at all times and prohibit dogs from all sandy intertidal beach areas between 8.00 am and 8.00 pm from 1 December to 28 February. However, the Borough allows dogs to be walked off-lead, but under effective control, at an approved dog beach outside the park, along the northern beach of Lonsdale Bay.*

*It is an offence for a dog to harass or injure people or wildlife under the Feral and Nuisance Animals Act 1994 (Vic.) and the Wildlife Act.*

*Dogs are considered incompatible with the aims and objectives of areas managed under the National Parks Act such as the park, and are generally prohibited from these areas. However, a number of parks have areas set aside to allow dogs provided they are leashed, under control and restrained from causing annoyance to people and wildlife or damage to property.*

*Horses are not permitted on any beach in the Borough of Queenscliffe including the beaches that are now in the park. The beaches in the park are not suitable for riding horses because of conflicts with other visitors. In the past horses and other domestic animals have strayed from farms adjoining Swan Bay into the fragile saltmarsh vegetation. Fencing of all intertidal areas managed by Parks Victoria and most other areas has reduced this problem (section 4.6).*

### *Aims*

- Provide opportunities for walking dogs in the park where compatible with the protection of natural values.*
- Minimise conflicts with other visitors and impacts on park values from dogs and horses.*

### *Management strategies*

- Continue to permit walking and exercising of dogs in the Point Lonsdale section of the park provided:*
    - they are on a lead and on the sandy intertidal beach area, including adjacent sandy areas with shallow water, except between 8.00 a.m. and 8.00 p.m. from 1 December to 28 February (consistent with existing adjacent foreshore management arrangements)*
    - people in charge of dogs remove their dog's droppings from the park.*
  - Exclude dogs from the intertidal reef areas of Point Lonsdale and all other sections of the park.*
  - Allow dogs in the park if confined to a vessel and under control.*
  - Continue to prohibit horses from the park to protect the natural values of the park.*
-



- *Provide information to visitors regarding dog access and regulations through Marine Notes, information signs and ranger patrols (section 6.1).*
- *Engage with the Borough of Queenscliffe to encourage an integrated approach to dog management in the foreshore reserve adjacent to the park, in particular the exclusion of dogs from the foreshore areas around Swan Bay.*

*The Port Phillip Heads Marine National Park protects important roosting and feeding areas for resident and migratory sea and shorebirds, including species listed for protection under the Flora and Fauna Guarantee Act (FFG Act) and by international JAMBA and CAMBA agreements.*

*Dogs can have serious impacts on bird populations and other wildlife (Kirby, Clee & Seager 1993) through trampling, predation, disturbance and faecal pollution. Their presence, scent and noise may disturb birds, leading to reduced species numbers, lower numbers of returning birds and low weight in migratory birds. Some visitors, particularly small children, may be annoyed or intimidated by unrestrained dogs.*

### ***Relevant Hooded Plover Management Information***

*The coastline between Lorne and Queenscliff supports 4.5% of the total adult Hooded Plover population occurring on land managed by Parks Victoria ; making it the eighth most important site for Hooded Plovers in the state. The coastline has also been assessed as having the highest risk to Hooded Plover conservation of all Parks Victoria managed sites in Victoria, based on the total risks evident at each site (Weston 2003).*

***The following statistics highlight the need to protect Hooded Plovers during the breeding season:***

#### ***Breeding success***

*A study by Dowling and Weston (1999) notes that 40% of Hooded Plover clutches on beaches with no dog access on the Mornington Peninsula were successful, compared to only 12.2% on beaches where dogs were permitted at all times except between 9am and 5pm and 0% on beaches where dogs were permitted at all times.*

*On the central Victorian coast, joggers with dogs caused incubating Hooded Plovers to stop brooding and leave their nest in 44.4% of cases, compared with 25% of cases when joggers were not accompanied by dogs. Walkers with dogs off lead caused incubating Hooded Plovers to stop brooding and leave their nests in 38.4% of cases, compared with 21.1% of cases when dogs were on a lead (Weston & Elgar 2007).*

*Hooded Plovers leave their nests less frequently than expected in response to walkers without dogs. For the Hooded Plover, the types of human stimuli that cause the highest frequencies of nest absences involve dogs (Weston & Elgar 2007).*

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## ***Compliance with Regulations***

*Dog walker compliance with on lead regulations is generally very low. On the Mornington Peninsula, only 12% of walkers obeyed dog lead regulations. Following 7 years of intensive communication and education campaigns, this level of compliance rose to only 22% (Dowling & Weston 1999). Similarly, less than one third of walkers obeyed on lead regulations in a buffer area beside a Ramsar wetland in urban Melbourne (Weston et al. 2009). On Victorian beaches, 82% of dogs remain unleashed (Williams et al. 2009).*

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**11. BUSINESS & TOURISM**

No reports





## 12. COMMUNITY DEVELOPMENT

### 12.1 2010/11 Community Grants Policy and Community Grants Program Guidelines

**File:** QG100-01-14

**Responsible Officer:** Tourism & Community Development Coordinator

#### Introduction

The purpose of this report is to present to Council a revised Community Grants Policy (**Appendix 5**) and Community Grants Program Guidelines (**Appendix 6**) for consideration and adoption.

#### Background

Each year the Community Grants Program (known in the past as the Community Development and Arts & Cultural Grants Scheme) aims to assist local community groups and organisations to increase community involvement, provide opportunities for Council and the community to work together, and support community, art and cultural projects and activities.

Council's Internal Auditor, recently audited the 2009/10 Community Development and Arts & Cultural Grants Program, and made the following recommendations to Council's Audit Committee:

- It is recommended that Council review the guidelines and either delete the reference to no Capital or ongoing maintenance work not being funded or be more diligent on scrutinising the applications at the time of issuing the grants as currently there is a clear non compliance with the guidelines which needs to be addressed.

*Action: Reference to Capital has been removed in the draft 2010-11 Community Grants program.*

- It is recommended that Item 9 in the guidelines "How will the Applications be assessed?" be amended.

*Action: The 2010-11 Guidelines have been amended to read: 'Applications are assessed by Council Officers and final decisions are formally endorsed by Council'.*

- It is recommended that the Community Development & Arts and Cultural Grants subcommittee record decisions made at their meetings by keeping minutes signed by the chairperson.

*Action: Applications are to be assessed by Council Officers and an assessment proforma will be developed and kept as a record of the decision process.*

The draft Guidelines address the Internal Auditors recommendations.

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## **Council Plan**

The Borough of Queenscliff Council Plan identifies the Strategic Direction for Community Development to 'Work in partnership with the community to build a strong, safe, inclusive and connected community'. The strategies for 2010-2013, include 'Support and encourage community projects'. It is a Business Plan Priority Action for 2010-2011 to 'Support local community initiatives through the Council's Community Grants program'.

## **Financial**

Council has allocated a total of \$20,000 in the 2010/11 Budget for Community Grants (nominally \$10,000 for Arts Grants and \$10,000 for Community Development Grants).

## **Social**

The Community Grants Program aims to:

- To encourage and assist common interest groups to take an active involvement in the life of their community for the overall benefit of that community and its members.
- To help communities to help themselves to become stronger, more economically, environmentally and socially sustainable.
- To enhance leadership and other civic skills within communities so as to enhance the capacity of those communities to address local issues and challenges and to build vibrant, healthy places.
- To develop a sense of community spirit, pride, ownership and identity within communities.

## **Environmental**

There are no negative environmental impacts although local projects may extend to improve the local environment.

## **Risk Management**

Adoption of the revised Community Grants Policy and Community Grants Program Guidelines will minimise Council's risk as it addresses the recent recommendations made by Council's internal auditor.

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## **Discussion**

### ***Changes to Community Grants Policy and Guidelines***

A review of the 2009/10 Community Development and Arts & Cultural Grants Scheme has recently been undertaken to ensure best practice, and while the key features of the scheme remain the same, a number of minor changes have been recommended to the Policy and Guidelines informing the 2010/11 Community Grants Program. Those changes include:

- Review of the Community Grants Policy to provide a clearer role and focus for Council's community grants program. It should be noted that the policy has not been reviewed since December 1998 and makes reference to an abolished Council Committee.
- Review the Community Grants Guidelines to clarify eligibility and simplify the application process.

### ***Implementation Timelines***

The proposed timetable of 2010/11 Community Grants Program is:

- August - Applications Open
- September - Applications Close
- October - Outcome of application
- November - Presentation Ceremony

It is appropriate for future implementation of the Community Grants Program to be brought in line with Council's budget process, with the following dates proposed for 2011/12:

- February - Applications Open
- March - Applications Close
- April - Assessment of application and inclusion in draft budget
- June - Outcome of application
- July- Presentation Ceremony
- July onwards - Implementation of grant funded projects

### ***Grants to Individual Organisations***

Council also provides grants and donations to a number of individual organisations and a review of these funds allocated to individual organisations will be conducted as part of the 2011/12 budget process with the aim of developing one all inclusive grants program.

### ***Working with other organisations in the Borough***

There are a number of other organisations in the Borough of Queenscliffe (Queenscliff Market, Queenscliff Lonsdale Community Enterprise, Lions Clubs, etc) that provide grants to local organisations or funds to assist the development of specific projects. During 2010/11 Council

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Officers will work to improve the coordination and administration of grants to achieve the best outcome for the Borough community.

### **Conclusion**

The changes to the Community Grants Policy and Community Grants Program Guidelines improve the clarity of purpose and the grant application process. The changes also address recommendations made by Council's Internal Auditor to Council's Audit Committee.

#### **Councillors: Burgess/Butler**

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

- 1. Adopt the Community Grants Policy and associated Community Grants Program Guidelines;**
- 2. Commence advertising of the 2010/11 Community Grants Program in August 2010 with a view to allocate grants in November 2010;**
- 3. Implements the future Community Grants Program for 2011/12 onwards over the February - April period each year such that the timing informs the budget preparation process;**
- 4. Requests officers to undertake a review all current Council grants and donations to individual organisations and provide a report to Council as part of the 2011/12 budget preparation process.**

**Carried Unanimously**

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## Appendix 5

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### POLICY # COMMUNITY GRANTS PROGRAM

#### BACKGROUND

The Community Grants Program is a valuable tool for the Borough of Queenscliffe enhancing good governance and strengthening communities. This is achieved by empowering individuals and community organisations to respond collectively to community needs.

The Community Grants Program aims to enable community groups to further meet the needs of the wider community in a partnership relationship with Council.

The Community Grants Program is based on community development principles focusing on community building and strengthening. This is achieved by assisting community groups and organisations to deliver practical community building outcomes at the local level.

#### POLICY PRINCIPLES

Council has the discretion to decide the amount of funds allocated yearly to the Community Grants Program.

#### Priorities For Funding

The priorities for funding are shaped by Council's Vision and Objectives and are further identified through Council's various planning processes. Projects must fit within one of the following priorities:

- Projects that increase opportunities for particular population groups –young people, older adults, people with disabilities.
- Projects that improve communities' access to information about local and regional services, programs and events.
- Projects that improve community facilities.
- Projects that increase the range of community, recreation, sport, arts, heritage or cultural activities.
- Projects that protect and enhance the natural environment.

#### Funding Categories

Funds will be provided for projects and activities that fall into the following broad categories:

- Community Support and Inclusion  
eg. Projects, events or activities that address social isolation, accessibility and/or provide community celebrations or events..





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- Leisure and Recreation  
eg. Projects or activities that promote recreation, physical activity and participation.
- Minor Equipment  
Priority will be given to groups that demonstrate access for all, shared use of community facilities and equipment.
- Arts & Culture  
Priority will be given to projects that strengthen participation in arts activities and contribute to the cultural life of our community.

#### Eligibility

- Organisations must be a not for profit group and able to match the grant amount on a \$ for \$ basis, either in cash and/or through in-kind labour and/or materials.
- Religious organisations are eligible to apply for program grants only where the program is accessible to members of the community.

#### Conditions Of Funding

- Individual organisations can only apply for one grant each and that Council reserves the right to consult with the Committee of Management at multi use facilities to assist in determining the priority of projects.
- Organisations must sign a funding agreement and adhere to the conditions contained in that agreement.
- While the maximum grant will be \$2,000, Council reserves the right to consider funding larger projects.

ADOPTED BY COUNCIL

REVIEW DATE FEBRUARY 2014





## Appendix 6



# 2010/11 Community Grants Program Guidelines

## Application Information

### What do we want to achieve through the Community Grants Program?

The Borough of Queenscliffe Community Grants Program is provided:

- To encourage and assist common interest groups to take an active involvement in the life of their community for the overall benefit of that community and its members.
- To help communities to help themselves to become stronger, more economically, environmentally and socially sustainable.
- To enhance leadership and other civic skills within communities so as to enhance the capacity of those communities to address local issues and challenges and to build vibrant, healthy places.
- To develop a sense of community spirit, pride, ownership and identity within communities.

The Borough provides grants to community organisations that support community, art and cultural projects and activities that enhance the well-being and quality of life of residents living in the Borough of Queenscliffe.

### Is your project and organisation eligible?

If you answer YES to all the following criteria then you are eligible to apply for a grant:

The project will

- Be managed through a legal entity such as an incorporated association.
- Benefit Borough of Queenscliffe residents.
- Commence after 1 July 2010.
- Be completed by 30 May 2011.

Your organisation is

- A not for profit group.
- Able to match the grant amount on a \$ for \$ basis, either in cash and/or through in-kind labour and materials.
- Submitting only one application.

(Please note that multiple components to the project are permitted.)

***Please note that while the maximum grant amount will be \$2,000, Council reserves the right to consider funding larger projects.***

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### **Who cannot apply?**

- Individuals (you will need to approach an organisation to auspice your project).
- For profit organisations.
- Any Committees of the Borough of Queenscliffe, including advisory committees and committees of management.
- Organisations based outside the Borough, unless the project can be proven to be of benefit to Borough of Queenscliffe residents.
- Organisations that have commenced projects prior to the allocation of funds.
- Organisations applying for recurrent funding or operational costs.
- Organisations who have not submitted a Community Grant Acquittal Form for projects that have received prior funding.
- Religious organisations cannot apply for capital works projects, however applications can be made for programs that can be accessed by members of the wider community.

### **How will your project be assessed?**

Applications are assessed by Council Officers and final decisions are formally endorsed by Council. Your project will be assessed according to the following criteria:

1. The project fits within at least one of the following funding categories;
  - Projects that increase opportunities for particular population groups –young people, older adults, people with disabilities.
  - Projects that improve communities' access to information about local and regional services, programs and events.
  - Projects that improve community facilities.
  - Projects that increase the range of community, recreation, sport, arts, heritage or cultural activities.
  - Projects that protect and enhance the natural environment.
2. The project effectively meets identified community need.
3. The project has clear and achievable objectives and outcomes.
4. The project demonstrates community involvement in its planning and implementation. Where applicable, projects that are included in your community plan will be given a higher priority.
5. The project demonstrates that it is inclusive for people of all abilities.
6. The project has been accurately costed.
7. The organisation has the capacity to implement the project.

***Individual organisations can apply for one grant only. While multiple components to the project are permitted, Council reserves the right to consult with Committees of Management at multi-use facilities to determine the priority of projects.***

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### What are the conditions of the grant?

If your organisation is successful in obtaining a community grant you will be required to sign a funding agreement stating that your organisation will adhere to the following conditions while undertaking the funded project:

- Grants are allocated specifically for the project funded and cannot be used for any other purpose without prior formal written agreement from Council.
- Funds are required to be expended by 30 May 2011, (to allow Council sufficient time to prepare for annual reporting). Funds not expended by this date are to be returned to the Borough of Queenscliffe unless written permission is obtained from Council for an extension to the project.
- Grant funds allocated to the organisation are GST inclusive.
- Organisations are required to meet relevant government legislative requirements (e.g. Occupational Health & Safety Issues, Equal Opportunity, Workcover, planning and building permits as needed).
- Organisations are required to ensure volunteers are adequately covered by insurance.
- A Community Grants Acquittal Form and brief evaluation of the project must be submitted to Council one month after completion of the project.

*Please note that organisations will be ineligible for further grants if the Community Grants Acquittal process is incomplete. Council staff will be undertaking random audits of projects throughout the year.*

### How will you be notified about the results of the funding program?

All applicants will receive an acknowledgement of receipt of their application within 1 week of receipt. All applicants will be notified of the outcome of their application by mail within 4 weeks of the close of applications. Successful applicants will be required to sign a funding agreement that outlines the conditions of the grant. A Community Grants Presentation Ceremony will be conducted to recognize all successful grant recipients.

|                                                                                                                                                                                              |                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Dates to Remember</b><br><b>August</b> - Applications Open<br><b>September</b> - Applications Close<br><b>October</b> - Outcome of application<br><b>November</b> - Presentation Ceremony | <b>Need Assistance?</b><br>Please contact the:<br>Community Development Coordinator OR<br>Arts Officer on Ph: 5258 1377<br>or email <a href="mailto:info@queenscliffe.vic.gov.au">info@queenscliffe.vic.gov.au</a> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*If your application does not fit the eligibility criteria but you think it is worthy of consideration for funding, please contact the Community Development Coordinator or Arts Officer, on 52581377, or by email at [info@queenscliffe.vic.gov.au](mailto:info@queenscliffe.vic.gov.au), to discuss the merits of your project.*

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## **12.2 Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group – Draft Terms of Reference**

**File:** QG240-13-02

**Responsible Officer:** Tourism and Community Development Coordinator

### **Introduction**

The purpose of this report is to enable Council to review and adopt the Terms of Reference for the Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group.

### **Background**

Council commissioned Hansen Partnership and Context Conybeare Morrison to prepare the Point Lonsdale Shopping Village and Foreshore Areas Urban Design Framework which was completed in July 2002. As reported to this Council in September 2009, this Urban Design Framework was not endorsed by the Borough of Queenscliffe Council of the day.

At this meeting on 16 September 2009, Council resolved *'that Council request the CEO to:*

- 1. Contact the original Community Representatives involved in the preparation of the Point Lonsdale Shopping Village and Foreshore Areas Urban Design Framework 2002 to participate in a Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group, and*

**Comment:** This action was taken however some difficulties were experienced in coordinating meetings of this group and the planning activities were suspended pending the outcome of VicRoads application for funding for improvements to traffic management in Point Lonsdale Road. This initial funding application by VicRoads was unsuccessful.

- 2. Prepare a draft Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group Terms of Reference for consideration and adoption by Council.'*

**Comment:** This report addresses the outstanding action related to this resolution.

As Council is keen to progress planning for the Point Lonsdale Activity Centre it is important that Council finalise the Terms of reference of the Reference Group and re-commence consultation with community representatives regarding the programming and implementation of such works.

Council officers have also been advised that VicRoads will continue to seek funding opportunities that will contribute to traffic calming in the Point Lonsdale Road shopping precinct.

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## **Council Plan**

The Borough of Queenscliff Council Plan identifies the Strategic Direction for Community Development to "Work in partnership with the community to build a strong, safe, inclusive and connected community" and the Strategic Direction for Planning, Heritage and Community Assets is "Striving to ensure development sustains and enhances the character of the natural and built environment."

It is a Business Plan Priority Action for 2010-2011 to "Construct traffic calming devices in Point Lonsdale Shopping Centre precinct."

## **Financial**

The cost to Council for the facilitation of this Reference Group would be minimal and would consist of Officer time.

## **Social**

The formation of a Reference Group provides an opportunity for members to be actively involved in communicating to others the programming and implementation any works for the overall benefit of that community and its members.

## **Environmental**

Not applicable.

## **Risk Management**

There are no obvious risk management issues.

## **Discussion**

Draft Terms of Reference for the Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group have been developed for Council's consideration and are presented in **Appendix 7**.

## **Conclusion**

The Terms of Reference clearly state the intention and role of the Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group.

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**Recommendation:**

**That Council adopt the Terms of Reference for the Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group, as presented in Appendix 7.**

**Councillors: Mitchell/Butler**

**That Council adopt the Terms of Reference for the Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group, with the following amendments to Appendix 7:**

**Membership**

The Reference Group will consist of the original three Community Representatives involved in the preparation of the Point Lonsdale Shopping Village and Foreshore Areas Urban Design Framework 2002, Council Officers, an additional nomination from Point Lonsdale Civic Association and Cr Helene Butler & Cr Lloyd Davies.

**Role and Purpose**

Delete the line "*(within the limitations of VicRoads guidelines, standards and safety requirements)*".

**Carried Unanimously**

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## Appendix 7



# Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group

## Terms of Reference

### Introduction

As works are planned for the Point Lonsdale Activity Centre it will be important that Council consult with community representatives regarding the programming and implementation of such works.

### Role and Purpose

The role of the Point Lonsdale Activity Centre Development and Progression of Works Community Reference Group is to:

- Facilitate consultation between the community and Council regarding the development and progression of works in the Point Lonsdale Activity Centre.
- to ensure works that are programmed are consistent with the Point Lonsdale Shopping Village Urban Design Framework Plan and subsequent Point Lonsdale Structure Plan (within the limitations of VicRoads guidelines, standards and safety requirements).

### Membership

**The Reference Group will consist of the original three Community Representatives involved in the preparation of the Point Lonsdale Shopping Village and Foreshore Areas Urban Design Framework 2002, Council Officers and at least one Councillor.**

### Meetings

The Reference Group is likely to meet on an as needs basis. Reference Group members will be notified of meeting dates not less than one week prior to each meeting. Minutes of each meeting will be kept and distributed to each Reference Group member not more than one week after each meeting.

The appointment of this Reference Group and its membership will be reviewed in 12 months time.

### Contact

Community Development Coordinator  
Borough of Queenscliffe  
PO Box 93  
QUEENSLIFF VIC 3225

Phone: (03) 5258 1377  
Email: [info@queenscliffe.vic.gov.au](mailto:info@queenscliffe.vic.gov.au)

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### 13. PLANNING, HERITAGE & COMMUNITY ASSETS

#### 13.1. Planning Permit Activity Report

##### 13.1 (a) Summary Report

| App. No    | Date Received | Address                                 | Proposal                                                                                                                                                                                   | Status                                                                                      |
|------------|---------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 2009/064   | 29/05/2009    | 6 Simpson Street<br>Point Lonsdale      | Construct decking                                                                                                                                                                          | Public notification (in progress)                                                           |
| **2009/140 | 16/11/2009    | 23 Henry Street<br>Queenscliff          | The development of a dwelling (two storey up to 8.5 metres) and variation to the setback requirements of the DDO1                                                                          | Permit issued<br>VCAT Appeal lodged by applicant<br>VCAT mediation scheduled 4 October 2010 |
| **2009/150 | 11/12/2009    | 46 Flinders Street<br>Queenscliff       | Alterations and extensions (up to 7.5 metres) to an existing dwelling, the development of garage and front fence and variation to the front setback requirements of DDO1.                  | Refer agenda                                                                                |
| 2009/154   | 16/12/2009    | 34-36 Kirk Road<br>Point Lonsdale       | Subdivision of the land into two (2) lots                                                                                                                                                  | Under consideration                                                                         |
| 2010/004   | 07/01/2010    | 29 Flinders Street<br>Queenscliff       | The construction of a shadesail structure                                                                                                                                                  | Public notification                                                                         |
| **2010/018 | 19/02/2010    | 1 Cheshunt Street<br>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 Appeal lodged by objector<br>VCAT hearing date yet to be finalised                     |
| **2010/025 | 3/03/2010     | 9 Nicholas Court<br>Point Lonsdale      | Alterations and extensions (two storey up to 8.5 metres) to an existing dwelling, variation to the front setback requirements of the DDO4                                                  | Notice of decision issued                                                                   |
| **2010/031 | 16/03/2010    | 56 Flinders Street<br>Queenscliff       | The development of a dwelling (two storey up to 7.8 metres) and garage                                                                                                                     | Under consideration                                                                         |
| **2010/034 | 26/03/2010    | 109 Bellarine Highway<br>Point Lonsdale | The development of a second dwelling and subdivision of the land into two lots                                                                                                             | Refer agenda                                                                                |



| App. No    | Date Received | Address                                 | Proposal                                                                                                                                                                                                                          | Status                                                                                    |
|------------|---------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| **2010/037 | 16/04/2010    | 47 Learmonth Street<br>Queenscliff      | The demolition of an existing outbuilding, development of an outbuilding on a site within a Heritage Overlay and variation to the site coverage and setback requirements of Design and Development Overlay Schedule 1             | Notice of decision issued                                                                 |
| 2010/041   | 28/04/2010    | 24 Buckleys Road<br>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<br>Queenscliff      | Alterations (windows) to an existing dwelling on a site individually listed in the Heritage Overlay                                                                                                                               | Public notification<br>Referral to Heritage Advisor                                       |
| 2010/050   | 18/05/2010    | 13 Learmonth Street<br>Queenscliff      | Extensions (deck) to an existing dwelling on a site individually listed in the Heritage Overlay                                                                                                                                   | Under consideration                                                                       |
| **2010/051 | 31/05/2010    | 53 Winterley Road<br>Point Lonsdale     | Alterations and extensions to an existing dwelling and outbuilding, development of a front fence, variation to the side setback requirements of Schedule 4 of the Design and Development Overlay and removal of native vegetation | Notice of decision issued                                                                 |
| 2010/052   | 4/06/2010     | 9 Bailey Street<br>Point Lonsdale       | The development of a two storey dwelling and removal of native vegetation                                                                                                                                                         | Public notification                                                                       |
| 2010/054   | 7/06/2010     | 10 Alexander Crescent<br>Point Lonsdale | Alterations and extensions to an existing dwelling and variation to the side setback requirements of Schedule 4 of the Design and Development Overlay                                                                             | Under consideration                                                                       |
| 2010/055   | 11/06/2010    | 3 Werry Road<br>Point Lonsdale          | Subdivision of the land into two (2) lots                                                                                                                                                                                         | Under consideration                                                                       |
| 2010/056   | 15/06/2010    | 103 King Street<br>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                                      | Public notification                                                                       |
| **2010/057 | 15/06/2010    | 1/11 Anderson Street<br>Point Lonsdale  | Alterations and extensions (two storey) to an existing dwelling                                                                                                                                                                   | Public notification                                                                       |
| **2010/058 | 18/06/2010    | 1 Beach Street<br>Queenscliff           | Demolition of buildings within a Heritage Overlay ("Fisherman's Wharf")                                                                                                                                                           | Waiting on advice from applicant.<br>Application scheduled for September Council meeting. |



| App. No  | Date Received | Address                                      | Proposal                                                                                                                                                         | Status                                 |
|----------|---------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 2010/059 | 2/07/2010     | Unit 4/4 Wharf Street<br>East<br>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) | Public notification                    |
| 2010/060 | 2/07/2010     | Unit 8/4 Wharf Street<br>East<br>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)              | Public notification                    |
| 2010/061 | 8/07/2010     | 71 Hesse Street<br>Queenscliff               | The development of business signage in a Heritage Overlay                                                                                                        | Under consideration                    |
| 2010/062 | 5/07/2010     | 16 Bowen Road<br>Point Lonsdale              | The development of a two storey dwelling and rainwater tank (10,000 litres)                                                                                      | Public Notification<br>Referral to CFA |

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

| App. No    | Date Received                                                   | Address                                                             | Proposal                                                                                                                          | Status                |
|------------|-----------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| **2009/086 | 15/07/2009<br>(Amended plans lodged 11/12/2009 and 4 June 2010) | 130 Fellows Road<br>Point Lonsdale                                  | The development of a second dwelling, subdivision of the land into two lots with common property and removal of native vegetation | Permit issued         |
| 2010/007   | 18/01/2010                                                      | 1 Wharf Street East<br>Queenscliff                                  | Alterations to an existing building                                                                                               | Permit issued         |
| **2010/040 | 21/04/2010                                                      | 56 Gellibrand Street<br>Queenscliff                                 | The development of outbuildings (garage, carport and shed)                                                                        | Permit issued         |
| 2010/042   | 3/05/2010                                                       | 14 Roddick Grove<br>Queenscliff                                     | The development of a dwelling and garage                                                                                          | Permit issued         |
| 2010/046   | 7/05/2010                                                       | Gellibrand Street<br>(between Stokes and King Streets), Queenscliff | The removal of vegetation in the road reserve (Gellibrand Street between Stokes and King Streets)                                 | Application withdrawn |
| 2010/063   | 14/07/2010                                                      | 3 Egerton Street<br>Point Lonsdale                                  | Alterations to an existing dwelling                                                                                               | Permit issued         |



### 13.1(c) Summary Report: New Applications Received Since Last Report

| App. No  | Date Received | Address                              | Proposal                                                                                                                                                                   | Status                                       |
|----------|---------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 2010/063 | 14/07/2010    | 3 Egerton Street<br>Point Lonsdale   | Alterations to an existing dwelling                                                                                                                                        | Permit issued                                |
| 2010/064 | 16/07/2010    | 15 Swanston Street<br>Queenscliff    | Removal of vegetation on a site individually listed in a Heritage Overlay                                                                                                  | Under consideration                          |
| 2010/065 | 19/07/2010    | 87 Glaneuse Road<br>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     | Further information requested 28 July 2010   |
| 2010/066 | 23/07/2010    | 6 Jacqueline Court<br>Point Lonsdale | The development of a dwelling and variation to the setback and wall height on boundary requirements of Design and Development Overlay - Schedule 4                         | Public notification                          |
| 2010/067 | 02/08/2010    | 92 Bellarine Highway<br>Queenscliff  | The development of two dwellings, subdivision of the land into two (2) lots and variation to the site coverage requirements of Design and Development Overlay - Schedule 5 | Further information requested 10 August 2010 |
| 2010/068 | 02/08/2010    | 30 Hobson Street<br>Queenscliff      | Alterations and extensions (pergola) to an existing dwelling                                                                                                               | Further information requested 10 August 2010 |
| 2010/069 | 03/08/2010    | 13 Laker Drive<br>Point Lonsdale     | The installation of a rainwater tank and construction of a front fence                                                                                                     | Further information requested 10 August 2010 |

#### Legend:

**\*\* Objections received.**



**Councillors: Mitchell/Davies**

**That the report be noted.**

**Carried Unanimously**

**Councillors: Mitchell/Davies**

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

**Application 2010/64 - 15 Swanston Street, Queenscliff**

**Application 2010/65 - 87 Glaneuse Road, Point Lonsdale**

**Application 2010/67 - 92 Bellarine Highway, Queenscliff**

**Carried Unanimously**

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### **13.2 109 Bellarine Highway, Point Lonsdale**

**File:** QP340-10900

**Responsible Officer:** Senior Planner

#### **Introduction**

- The subject site is located on the southern side of Bellarine Highway, Point Lonsdale, between the intersections with Nelson Road and Old Geelong Road.
- The site has a total area of approximately 788m<sup>2</sup>, with a frontage to Bellarine Highway of 16.76 metres.
- It is proposed to retain the existing dwelling and carport, demolish the associated outbuildings to the rear of the existing dwelling, and construct a single storey dwelling to the rear of the site. The application includes a 2 lot subdivision.
- The application was advertised and two (2) objections have been received.
- The application was forwarded to the Corangamite Catchment Management Authority (CCMA), a non statutory referral agency, for comment and this authority did not support the proposal based on issues surrounding sea level rise.
- Sea Level Rise issues in relation to the site are addressed in detail in this report. The site has been identified as part High Risk and part Medium Risk of flood hazard by the CCMA by the year 2100.
- The site is located in the Residential 1 Zone and is subject to Design and Development Overlay 5 and Vegetation Protection Overlay 1. A permit is triggered by the Residential 1 Zone for the subdivision of the land into two (2) lots, and for the construction of a second dwelling.
- There is no planning permit triggered under the Vegetation Protection Overlay as no native or indigenous vegetation is being removed, or the Design and Development Overlay as the proposed dwelling is single storey and less than 6.0 metres in height.
- The application has been assessed against the relevant provisions of the planning scheme (state planning policy framework, local planning policy framework, zoning provisions, Clause 55 (ResCode) and Clause 56 (Residential Subdivision) which apply to the site. A second dwelling which is modest in scale and is designed to be sympathetic to the dwellings in the surrounding area is considered to be appropriate.
- It is recommended that Council issues a planning permit for the construction of a second dwelling, and the subdivision of the land into two (2) lots with common property.

#### **Issues**

- Accordance with local planning policies.
  - Compliance with Clause 55 (ResCode).
-



- Compliance with Clause 56 (Residential Subdivision)
- Concerns raised by the objectors.
- Sea Level Rise and Corangamite Catchment Management Authority advice.

## Discussion

### **Subject site and surrounds**

The subject land is located on the south side of Bellarine Highway, Point Lonsdale, between the intersection with Nelson Road and Old Geelong Road. The subject site is regular in shape, with a street frontage to Bellarine Highway of 16.76m, a maximum depth of approximately 46.995m, and an overall site area of 788m<sup>2</sup>. The subject site is relatively flat.

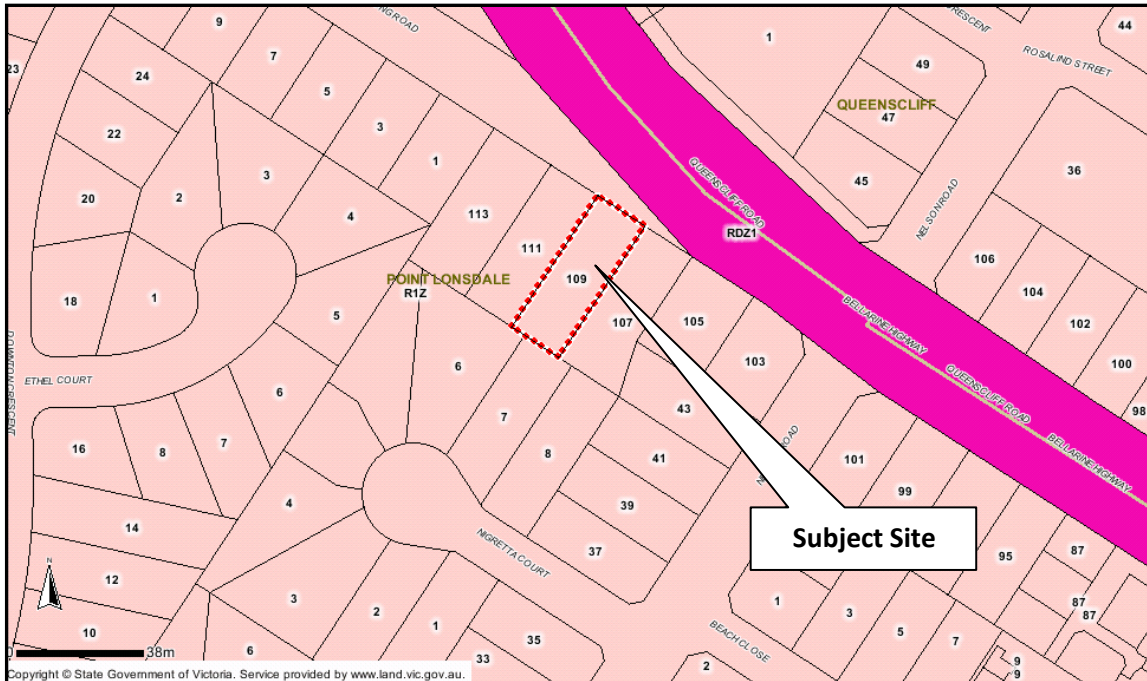
The subject site currently comprises a single storey timber clad dwelling with a pitched tiled roof, located toward the front of the site. Vehicular access to the site is via a single width crossover located in the eastern corner of the sites Bellarine Highway frontage, and a single-width carport located between the dwelling and the front boundary of the site accommodates one car parking space beneath it. There are two (2) garden sheds in the front setback abutting the site's western (side) property boundary (one of which is abutting the site's front boundary), as well as an unspecified number of outbuildings to the rear of the existing dwelling. There is an existing brush fence aligning the site's Bellarine Highway frontage, approximately 2.0 metres in height.

The applicant has advised that there is a lemon tree to be removed on the site, however this is to be done in accordance with the 10/30 rule, pursuant to Clause 52.43 of the Queenscliffe Planning Scheme - Interim Measures for Bushfire Protection. While the removal of the lemon tree doesn't trigger the need for a planning permit under the Vegetation Protection Overlay - Schedule 1, Council considers it appropriate for the matter of landscaping for the overall development to be addressed by the provision of a landscape plan, which is to be required as a condition of any permit issued.

The immediately surrounding area comprises predominantly single storey detached dwellings. The typical urban character of the area comprises dwellings constructed of face brickwork with pitched tiled roofs. The predominant "character" of the area is considered to comprise dwellings of brick construction with pitched concrete tiled roofs, however there are examples of different styles of construction ranging from rendered brickwork to timber cladding as well as pitched and skillion colorbond roofing.

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### Locality Plan



Source: [www.land.vic.gov.au](http://www.land.vic.gov.au) - 06.08.2010

### Proposal

It is proposed to retain the existing dwelling on the site, demolish the outbuildings to the rear of the existing dwelling, and construct a dwelling to the rear of the site. The proposed dwelling is to be single storey and will comprise three (3) bedrooms, one (1) bathroom and en suite, and an open plan kitchen/meals/living area. The private open space area is proposed to be located between the dwelling and the site's west (side) property boundary, measuring in excess of 55m<sup>2</sup> in area. The proposed dwelling is to be constructed of face brickwork, with a 23° pitched tiled roof. Car parking is to be provided within a double garage, located abutting the site's eastern (side) property boundary.

The proposed single storey dwelling would have a maximum height of 5.0 metres.

The existing dwelling comprises three (3) bedrooms, a single bathroom, a kitchen/dining/living area and a laundry. Private open space for the existing dwelling is to be provided in the space between the dwelling and the site's western (side) property boundary, measuring approximately 51.85m<sup>2</sup> in area. Car parking for the existing dwelling is to be provided within the pre-existing single carport located in the site's front setback area. As the existing dwelling comprises three (3) bedrooms, a second car space will be provided in the form of a tandem space to the carport.

### Site History

Application for Planning Permit 2009/018 for the subdivision of the land into two (2) lots with common property lapsed on 19th August, 2009.



### **Planning Scheme controls**

The site is located in the Residential 1 Zone (R1Z), and is subject to Vegetation Protection Overlay - Schedule 1 (VPO1), and Design and Development Overlay - Schedule 5 (DDO5).

Pursuant to Clause 32.01-2 - Residential 1 Zone - of the Queenscliffe Planning Scheme, a planning permit is required to subdivide land.

Pursuant to Clause 32.01-4 - Residential 1 Zone - of the Queenscliffe Planning Scheme, a planning permit is required to construct a dwelling if there is at least one dwelling existing on the lot.

Pursuant to Clause 42.02-2 - Vegetation Protection Overlay - of the Queenscliffe Planning Scheme, a planning permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay. Schedule 1 to the Vegetation Protection Overlay (VPO1) specifies that a planning permit is required to remove, destroy or lop all native or indigenous vegetation, including Moonah, Tea Tree and Coastal Heath. The applicant has advised that no native or indigenous vegetation is to be removed as part of this application, however it is considered appropriate to require a landscape plan as condition of any permit issued to demonstrate how landscaping is to be incorporated into the development.

Pursuant to Schedule 5 of the Design and Development Overlay, contained at Clause 43.02 of the Queenscliffe Planning Scheme, a planning permit is required to construct a two storey building or a single storey building of more than 6 metres in height. As the proposed buildings and works are single storey in nature and do not exceed 6.0 metres in height, there is no trigger for a planning permit under the DDO5.

### **Referrals and Sea Level Rise Issues / Consideration**

No statutory referrals are required for this application under Section 55 of the Planning and Environment Act 1987.

#### *Corangamite Catchment Management Authority (CCMA)*

The application was forwarded to the Corangamite Catchment Management Authority (CCMA) for comment in accordance with Section 52 of the Planning and Environment Act, as the CCMA is the floodplain manager and are an affected party. Seeking the advice of the CCMA is consistent with the direction from Minister Holding that CMAs have a role in the provision of advice on sea level rise. It is also consistent with the General Practice Note "Managing Coastal Hazards and the Coastal Impacts of Climate Change" which states that "For guidance on whether a coastal process or coastal hazard vulnerability assessment is required for developments along the Victorian coast, and the key elements of a hazard assessment, advice should be sought from the appropriate flood plain management authority and the Department of Sustainability and Environment".

As a floodplain manager the CCMA has undertaken extensive modelling in relation to sea level rise and flooding. At the present time the CCMA have the most current information in relation to sea level rise affecting Queenscliffe and their work is informing the State Government's Future Coasts programme.

The site is noted as being part "High Risk" and part "Medium Risk" pursuant to the flood risk maps prepared by the CCMA.

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This application was forwarded to the CCMA on two (2) separate occasions. The first response from the CCMA received by Council on 17th May, 2010, advising that the CCMA had determined a preliminary 1% Annual Exceedance Probability (AEP) tidal surge flood level of 1.75m Australian Height Datum (AHD) for the property. This level takes into account the likely effect of a rise in sea level of 0.8 metres by 2010. The CCMA goes on to advise that:

*"a flood peaking at 1.75 metres AHD on the property at 109 Bellarine Highway will result in flooding of approximately 600mm at the proposed dwelling site, and 450mm along the egress for the proposed rear lot.*

*According to best practice guidelines for the development of flood prone land (Floodplain Management in Australia. Best Practice Principles and Guidelines CSIRO Publishing 2000), land that is subject to flooding 600mm deep is subject to a 'medium' to 'high' hazard.*

*Residential development is appropriate for areas of 'low' hazard - that is areas subject to a depth of flooding not exceeding 300mm. However, if residential buildings are appropriately designed and constructed to limit likely damage to acceptable levels, residential use may also be appropriate for medium hazard areas. The cost of repair and clean up after a flood should be considered for residential development - a dwelling on flood prone land should be designed to reduce the risk of habitable rooms being flooded. Best practice would recommend that the finished floor level should be a minimum 300mm above the applicable flood level."*

These comments indicate that the CCMA has concerns with the proposed development, however identifies some scope for residential use to be conducted on the site. Council wanted to clarify the stance of the CCMA, specifically in regard to whether they support the proposal or not, and a secondary response was provided by the CCMA on 9th July, 2010. This correspondence from the CCMA advised that:

*"A flood peaking at 1.75 metres AHD will result in flooding approximately 600mm deep at the dwelling site, and 450mm along egress paths. According to the draft guidelines, land that is subject to this depth of flooding is subject to a medium to high flood hazard. Based on this, subdivision of dual occupancy should not be permitted.*

*However, the guidelines also advise that each proposal be assessed on its merits. For example:*

- *Are there any local government policies or issues that may support the proposal?*
- *Is it possible to address the flood risk without impacting on others? Can lots be filled, or can safe egress to high ground be provided?*

*To provide the nominal flood protection freeboard of 300mm above the applicable flood level, the floor of the dwelling would need to be constructed at 2.05 metres Australian Height Datum, which is at least 800mm above the existing ground level. The Corangamite CMA suggests that construction of a fill pad to provide an elevated platform for the dwelling would not be expected to unreasonably increase flood levels on surrounding properties.*

*If the dwelling can be elevated, the issue of providing safe egress during a flood needs to be addressed. In the case of 109 Bellarine Highway, assuming a flood level of 1.75 metres, the nearest high ground is approximately 150 metres to the west along Bellarine Highway. Reaching the*

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*highway would involve negotiating flood water 450mm deep, which may be hazardous particularly in dark conditions.*

*Based only on the Authority's current understanding of the flood hazard that will be applicable to the property by the year 2100, the Corangamite CMA would recommend against approval of the proposal."*

The above comments and recommendation of the CCMA have been taken into consideration in assessing the application against the issue of sea level rise, specifically in regard to the level of threat to the proposed dwelling in the context of the surrounding area. Having regard to the comments of the CCMA relating to the required finished floor level of the dwelling in order to satisfy their requirements for 300mm freeboard above the flood level, it is considered that appropriate measures can be undertaken in order to provide for a suitable floor level to protect the dwelling from flood hazards.

Furthermore, it is considered relevant to put the threat of a storm surge at the subject site into context. The flood threat identified for the site is based on a combination of a sea level rise of 0.8 metres by the year 2100, and the occurrence of a storm surge with 1% Annual Exceedance Probability. While the accuracy of the technical advice provided by the CCMA in relation to sea level rise is not being questioned, it is not considered appropriate that the proposed dwelling be refused on the basis of sea level rise when the property does not directly abut a waterway, and it is unlikely that the issue of sea level rise would not be addressed in the context of the Queenscliff and Point Lonsdale townships to ensure the longevity of its residents and the properties in which they reside.

Aside from this, it is considered appropriate that the floor level of the proposed dwelling be increased to a height in accordance with the advice provided by the CCMA so as to have regard to the threat of sea level rise and provide the dwelling with the nominal flood protection freeboard of 300mm above the applicable flood level.

*Department of Sustainability and Environment (DSE)*

The application was referred to the Department of Sustainability and Environment (DSE) on 7 May, 2010, for comment in accordance with Section 52 of the Planning and Environment Act 1987. No response to this referral was received by Council.

**General Practice Note: Managing Coastal Hazards and the Coastal Impacts of Climate Change**

The State Government released the above practice note in December 2008 at the time that the Victorian Coastal Strategy was released. The practice note advises that planning assessments should be based on (1) Risk Avoidance (2) Integrated Coastal Planning and (3) Adopting a Precautionary Approach. Under "Assessing Applications for Planning Permits" the practice note advises the following:

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|                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Existing urban and non-urban areas<br/>Situation</b></p> <p>Permits for buildings and works such as replacement of an existing dwelling or construction on a vacant allotment.</p> | <p><b>Existing urban and non-urban areas<br/>Consideration</b></p> <p>Assessment of impacts may be advisable for sites immediately adjacent to the coast or near an existing floodplain. Location specific information may be required to inform a localised coastal vulnerability assessment and the development of appropriate land suitability, set back or design responses.</p> <p>The relevant flood plain manager or a suitably qualified coastal engineer or hydrology expert can provide relevant advice as required.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The advice of the 'relevant floodplain manager' in accordance with the above direction has been sought and the CCMA has provided specific comment in regard to providing an additional dwelling on the site with appropriate floor levels. The design of the building in relation to access points allows safe egress from the dwelling in event of sea level rise of 0.8m. A minimum floor level of 2.05 metres AHD will raise the building 300mm above the applicable flood level. The CCMA have confirmed that the minimum finished floor level requirement is applicable to only the habitable area of the development. Therefore, the garage for the proposed dwelling is not required to meet the finished floor level requirement as set out by the CCMA.

The concern of the CCMA related to the flood levels 150 metres to the west along Bellarine Highway, which would require negotiating waters 450mm deep. However, from a strategic planning perspective it is considered that the flooding of the highway and land nearby would be a matter that would need to be addressed not only for this property but for the whole township of Point Lonsdale and Queenscliff.

#### Flood Study for Point Lonsdale and Future Coasts

The CCMA has received funding to complete a detailed flood study for Point Lonsdale which will consider the effect of sea level rise and flooding on the township. The CCMA has suggested that this application should be delayed until that study is complete. However, previous legal advice to Council on this matter has advised that decision-making should not be delayed based on future strategic work.

The CCMA flood study and the newly announced flooding for a "Third Pass" study of the Bellarine Peninsula by Future Coasts will greatly inform Council's future decision-making on planning applications. The Future Coasts funding has the potential to consider mitigation, adaption and priorities. For these reasons, it is considered that the approval of a 2 lot subdivision/second dwelling would not be inappropriate due to the small scale of the development.

#### State Planning Policy Framework

Clause 15.08 of the Planning Scheme states that planning authorities must:

*"Plan for sea level rise of not less than .8 metres by 2100 [emphasis added], and allow for the combined effects of tides, storm surges, coastal processes and local*



*conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.*

*Apply the precautionary principle to planning and management decision-making when considering the risks associated with climate change.*

*Ensure that new development is located and designated to take account of the impacts of climate change on coastal hazards such as the combined effects of storm tides, river flooding, coastal erosion and sand drift.*

*Ensure that land subject to coastal hazards are identified and appropriately managed to ensure that future development is not at risk.*

*Avoid development in identified coastal hazard areas susceptible to inundation (both river and coastal) erosion, landslip/landslide, acid sulphate soils, wildfire and geotechnical risk."*

It is considered that sea level rise has been adequately taken into account in the assessment of this application to ensure that the proposed dwelling is appropriately designed to address the impact of sea level rise on the property and the overall risk is managed.

State Planning Policy regarding climate change needs to be balanced against a number of other State Government policies and planning objectives including the following:

Clause 12.01: A More Compact City, and Clause 16.01: Residential development for single dwellings:

State Government policy encourages residential development which is cost-effective in infrastructure provision and use and takes advantage of existing settlement patterns. Another objective of Clause 16.01, which is of particular relevance to this application, is "to encourage opportunities for increased residential densities to help consolidate urban areas".

It is considered that the portion of land making up the rear of the subject site presents an appropriate opportunity for residential development to help consolidate the surrounding urban area. Additionally, it is noted that the siting of the proposed dwelling allows easy access to services currently enjoyed by adjoining properties.

### **Coastal Climate Change Advisory Committee Issues and Options Paper February 2010**

In 2009 the Minister for Planning appointed an Advisory Committee under Section 151 of the Planning and Environment Act to investigate the current Victorian Planning System and how it can best support the Victorian Government's policy on managing the coastal impacts of climate change. The above paper is a well-researched and documented paper addressing all current planning issues on coastal planning and climate change.

Section 12.2 raises a relevant point in relation to minor development. The report discusses whether "minor development" should be permitted without the need to consider Coastal Hazard

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Vulnerability Assessments for the site or whether some general exemption should exist. The Committee recommends that *"a better approach is to require consideration of all proposals to intensify use and development in vulnerable areas, with some exemptions for development that does not result in "intensification of occupation", that is, it does not increase the number of people potentially subject to hazard"*.

In the case of 109 Bellarine Highway, Point Lonsdale, it was considered that a revised finished floor level would be an adequate method to address the concerns of the CCMA in regard to flood mitigation for the property, given their earlier comments regarding the development. Accordingly, there was no need for a Coastal Hazard Vulnerability Assessment to be provided by the applicant.

Much debate has occurred around the definition of "intensification" of occupation. In the case of 109 Bellarine Highway only one additional dwelling is being added to the property. The average household size for Queenscliffe is 1.1 persons. This development is considered minor and will not lead to a significant intensification of population.

### **Legal Advice**

In January 2010, Council sought legal advice from Maddocks Lawyers in relation to sea level rise. The legal advice considered, amongst other things, Council's position in relation to the CCMA and the potential use of Section 173 agreements. That advice was provided in full to Council in final form in April 2010.

The author of the advice, Maria Marshall, briefed Council and elaborated in detail on the legal advice on April 19 2010 at a Councillor Assembly.

In this particular case, the CCMA has advised Council that they do not support the proposal due to the addition of extra people resident on the land, and the flooding of the Bellarine Highway.

The legal advice received in April this year considered the circumstances when the CCMA did not support a proposal. One option for council is to refuse the application. The legal advice then goes on to say:

*"It is equally open to council to approve such an application, having appropriately documented the reasons for this decision, and in doing so, addressing the merits of the CCMA's objection and any permit conditions able to be imposed to address the issue of climate change vulnerability"*.

In this case a planning assessment has been made, and an appropriate condition specifying a floor level raising the dwelling above the flood level is recommended. This report documents in detail the reasoning behind this recommendation.

In addition, the legal advice provided to council documents the work still to be done at State Government level in relation to climate change. As stated elsewhere in this report, this work by the Future Coasts programme and others will eventually include mitigation and adaption options and priorities. It is certain that this work will be completed well before 2040, which is the time that the more serious effects of sea level rise will be impacting on this property and many others in North Point Lonsdale.

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## **Conclusion - Sea Level Rise**

It is considered that Council has adequately considered climate change issues as required by State Government Policy. Council has liaised with the CCMA and "planned for" future sea level rise and the mitigation of risk, including the increase in the finished floor level height on amended plans submitted by the applicant in accordance with the CCMA advice.

## **Assessment**

### **State Planning Policy Framework**

Clause 15.08 - Coastal Areas

Clause 16.01 - Residential development for single dwellings

Clause 16.02 - Medium Density Housing

As discussed earlier within this report, the application is considered to be in accordance with the State Planning Policy Framework and has given appropriate regard to the issues contained within these policies.

### **Local Planning Policy Framework**

Clause 21.05– Settlement

Clause 21.05-2– Urban Character

Clause 21.05-3– Housing

Clause 22.04-2– Point Lonsdale

It is considered appropriate that the development allows for an additional dwelling to be constructed within the municipality which has the potential to provide permanent residential accommodation.

A significant portion of the planning policy framework is focussed on design and character and ensuring that new development maintains, enhances and harmonises with the prevailing character of the area. This is a theme which is emphasised in the local planning policy framework and ultimately reflected in planning controls which apply to the site.

Clause 22.04-2 relates to all land in the Point Lonsdale Natural Coastal and Point Lonsdale Contributory Areas, and seeks to ensure that appropriate development occurs within these areas. The clause sets out a list of objectives and design standards applicable to properties within the policy area which proposed developments are to be assessed against. It should be noted that the subject site is located within the Point Lonsdale Contributory Area

In assessing the application against the provisions and policies of Clause 22.04-2, it is necessary to identify which elements of the local policy are of relevance to the subject site in the Contributory Area, and which elements are in relation to properties in the Natural Coastal Area. It is noted that the following policies of Clause 22.04-2 only apply to properties within the Natural Coastal Area:

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- Maximum site coverage of 40%, and minimal hard surface areas in the Point Lonsdale Natural Coastal Area;
- Minimum permeable area on a site of 30% of the total site area in the Point Lonsdale Natural Coastal Area; and
- A front setback which matches or is greater than the setback of adjoining buildings or where the setbacks are different, a front setback which is between the setbacks of adjoining buildings, or equal to the average setback of buildings in the street, whichever is the lesser of the two (Point Lonsdale Natural Coastal Area only);

Having regard to the policies and design standards which do apply to the subject site, it is considered that the proposed dwelling at the rear of the subject site is in accordance with the objectives of the local policy and appropriate to the area.

A response to Clause 22.04-2 is set out below indicating where amendments should be made to the design to better address the objectives and policy of the overlay:

#### *Site layout*

- The site layout is considered to be responsive to the opportunities and constraints presented by the site, namely by retaining as much vegetation as possible, by providing north facing indoors and outdoors living areas for the proposed dwelling, and allowing substantial site permeability of 63% for the overall subject site.
- As the proposed dwelling is to be single storey, there is to be no impact on the views enjoyed by adjoining properties as a result of the proposed development.
- The proposed building is not visible from the street or any other public areas.
- The proposed dwelling does not impact on the existing vegetation along the site's Bellarine Highway frontage.

#### *Building design*

- The construction of the proposed dwelling results in the removal of a single lemon tree, which is not considered to hold any significance in regard to vegetation within the Point Lonsdale area..
  - The design style of the proposed building utilises northern exposure to habitable areas, and aims to reduce energy use as well as being responsive to the surrounding character of the area; and
  - The proposed dwelling, by virtue of being a single storey, should not result in any unreasonable overlooking into adjoining properties. However, it is noted that the floor level of the dwelling is to be raised to approximately 800mm above the natural ground level of the site, which may result in potential for overlooking from inside the proposed dwelling to the private open space areas of adjoining properties. This matter has been discussed with the applicant and it has been agreed that a condition is to be placed on any permit issued requiring screening measures to be undertaken (e.g. screening/obscure glazing to windows, fence extension etc.) in accordance with the overlooking requirements of Clause 55.04-6 - Overlooking Objective (Standard B22) - of the Queenscliffe Planning Scheme.
-



### *Building height and setback*

- The roof height of the proposed dwelling is in keeping with the single storey nature of the surrounding area;
- As the proposed dwelling is to be constructed to the rear of the existing dwelling, there is no issue in regard to front setback; and
- The proposed dwelling is not to be built from boundary to boundary, and shows some articulation across all facades.

### *Fencing, driveways and landscaping*

- The specific surface material of the driveway accessing the dwelling to the rear of the site is not nominated on the plan, however it is considered appropriate to include a condition on any permit issued to require this driveway to be of gravel construction; and
- There is an existing brush fence running along the site's Bellarine Highway frontage, approximately 2.0 metres in height, which is to be retained as part of the proposed development.

It is considered that the application responds appropriately to the direction of the local policy.

### Zoning

The subject site is located within a Residential 1 Zone. Pursuant to the decision guidelines of the zone, the responsible authority must consider the objectives and standards of Clause 56 for the subdivision element of the proposal, and the objectives, standards and decision guidelines of Clause 55 for the construction of the second dwelling.

### Overlays

#### *Vegetation Protection Overlay - Schedule 1 (VPO1)*

This overlay triggers the need for a planning permit when a development includes the removal of native vegetation.

The applicant has provided documentation and declared that no native vegetation is to be removed as part of this development. Therefore, there is no need for a planning permit under the requirements of the VPO1.

#### *Design and Development Overlay - Schedules 5*

The subject is affected by Schedule 5 to the Design and Development Overlay (DDO5). Under the provisions of the DDO5, a planning permit is not required to construct a building that is not more than 1 storey or 6 metres above natural ground level. As the proposed development only involves the construction of a single storey dwelling which is to be below 6 metres in height, there is no trigger for a planning permit under this overlay and, therefore, the requirements of the overlay (building height and site coverage) are not applicable to this proposal.

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### Particular Provisions

#### *Clause 52.01 Public Open Space Contribution*

Pursuant to Clause 52.01 of the Queenscliffe Planning Scheme, a subdivision is exempt from a public open space requirement, in accordance with Section 18(8) of the Subdivision Act 1988, if it subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

As the proposed subdivision results in Lot 1 and Lot 2 having site areas of 328.3m<sup>2</sup> and 394.9m<sup>2</sup>, respectively, it is considered unlikely that the properties will be subdivided any further, especially considering a second dwelling is to be constructed at the rear of the existing dwelling.

#### *Clause 55 (ResCode)*

The application has been assessed against the standards and objectives of Clause 55. It is considered that the proposal is in accordance with the requirements of Clause 55 (ResCode) of the Queenscliffe Planning Scheme. The following areas of non-compliance were identified:

Standard B13 - Landscaping - The application was not provided with a landscape plan showing the provision of planting throughout the site. It is considered that a landscaping plan should be required as a condition of any permit issued so as to address this matter and to ensure that an appropriate level of planting and landscaping is provided throughout the site.

Standard B14 - Access - The plans provided with the application failed to show an internal radius of at least 4m at changes of direction within the accessway. It is considered appropriate to require these measurements to be shown on the plans as a condition of any permit issued.

Standard B22 - Overlooking - The matter of overlooking would not generally be considered an issue in the construction of single storey dwellings. However, the finished floor level of the proposed dwelling is required to be raised to approximately 800mm above natural ground level to address the issue of sea level rise. Consequently, there is a risk of residents in the proposed dwelling being able to look into the private open space areas of the adjoining dwellings, and therefore impacting on the privacy of those neighbours. It is therefore considered appropriate that the ground floor windows/glass doors be provided with overlooking treatment in accordance with Standard B22 - Overlooking - of ResCode. This issue has been raised with the applicant who has agreed to a condition to be placed on any permit issued to require this change to the plans.

Standard B25 - Accessibility - Due to the floor level of the dwelling being raised to approximately 800mm above natural ground level, this therefore means that there is an issue in providing an entry to the dwellings that is accessible or able to be made easily accessible to people with limited mobility. It is considered appropriate to include a condition on any permit issued to require this matter to be addressed.

Standard B30 - Storage - The plans fail to nominate the provision of 6m<sup>3</sup> of externally accessible, secure storage space for the new dwellings. It is noted that there are two (2) existing garden sheds located in the front setback of the site behind the brush fence. It is considered appropriate to

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include a condition on any permit issued to require a storage shed with a minimum of 6m<sup>3</sup> capacity to be provided for the new dwelling.

Standard B31 - Design Detail - It is considered appropriate that the proposed dwelling be fitted with a minimum of 400mm eaves in order to show respect to both the existing and preferred neighbourhood character of the area. This can be required as a condition of any permit issued.

### **Further Information Requested by Councillors**

At the request of Councillors at the Planning Review Meeting, the applicant has provided site coverage calculations for the development in regards to the overall property, the subdivided lot with an entitlement of common property included and without the entitlement of common property included. The overall site coverage of the proposed development which includes the existing dwelling, carport and 2 garden sheds and the proposed new dwelling to the rear is 42.7% (the 2 garden sheds were omitted from the original calculations). The new proposed Lot 1 will have a site coverage of 47.7% excluding within the calculations any entitlement to the common property, and a coverage of 43.7% including within the calculations half of its entitlement to the common property. The new proposed Lot 2 will have a site coverage of 45.5% excluding within the calculations any entitlement to the common property, and a coverage of 42.1% including within the calculations half of its entitlement to the common property.

NB: The site coverage standard for this development under Clause 55 of the Planning Scheme is 60%.

### *Clause 56 (Residential Subdivision)*

The proposed subdivision has been assessed against the objectives and standards contained within Clause 56 - Residential Subdivision - of the Queenscliffe Planning Scheme. It is considered that the subdivision as proposed by this application for planning permit is appropriate for the site and satisfies all the objectives of Clause 56. Furthermore, many of the objectives contained within Clause 56 match those objectives contained within Clause 55 of the Scheme which, as discussed above, the proposed development is generally in accordance with.

### **Public notification**

In accordance with Section 52 of the Planning and Environment Act 1987, the application was required to be advertised by sending a set of the proposed plans by registered post to adjoining property owners, maintaining a notice on site for fourteen (14) days and erecting a public notice in the municipal offices for fourteen (14) days. As a result of the advertising two (2) objections were received. The objections are summarised and commented on as follows:

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| Objection                   | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Overdevelopment of the site | <p>The objectors have both raised concern that the construction of a second dwelling on the site will result in the site becoming overdeveloped and overcrowded. It is noted that there are currently a number of outbuildings existing on the site, both towards the rear of the site and within the front setback area. Aerial images of the subject site confirm this, and it is considered that the proposed development presents an opportunity for Council to require the removal of the excessive number of outbuildings on the site, particularly toward the rear of the dwelling where the proposed dwelling is to be located. It should be noted that there is no ability for Council to require the removal of the garden sheds at the front of the site as part of this application, as those sheds have been constructed legally and in accordance with the planning controls for the site.</p> <p>It is further noted that the proposed dwelling has been assessed under the relevant provisions of the Queenscliffe Planning Scheme, and it is considered that the proposed development of the site for a second dwelling is in accordance with the local planning policies and zoning provisions for the site. Consequently, the proposed development is not considered to be an overdevelopment of the site and, rather, is considered appropriate and warrants support.</p> |
| Parking                     | <p>One of the objectors has raised the issue of parking as a concern with the proposal. Under the requirements of Clause 55, both dwellings are required to provide a minimum of two (2) car parking spaces, one of which must be under cover. This requirement has been satisfactorily met. It is considered unlikely that the proposed additional dwelling will create a parking/traffic problem in the area due as the provision of car parking on site has been done in accordance with the requirements of the Planning Scheme.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Devaluation in property     | <p>The objectors have raised a concern that the proposed development, if approved and constructed, would reduce their property's market value. This is not a planning consideration and cannot be taken into consideration in the assessment of the proposal. Accordingly, this aspect of their objection has not been taken into account.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

### Council Plan

Planning applications are assessed with due consideration to the strategic direction identified in the 2010-2013 Council Plan. The following strategic objective is considered to be of relevance to the assessment of this application: *"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 proposed assessment is in accordance with this strategic objective and warrants support.



## **Financial**

There are no financial implications for Council. This is the development of privately owned land and any costs will be borne by the landowner.

## **Social**

The development will result in an additional dwelling being established in the municipality which has the potential to add to the number of permanent residents living in the town.

## **Environmental**

There are no environmental implications associated with the development.

## **Risk Management**

All matters set out under Planning and Environment Act 1987 have been considered in the assessment of the application. As discussed earlier within this report, the risk associated with Sea Level Rise has been addressed in the design of the building and can be further addressed via conditions to be placed on any permit issued.

## **General Comment**

The applicant is required to enter into a Section 173 Agreement with Council for the development of the rear lot as the development creates Lot 1 and Lot 2, both of which are greater than 300m<sup>2</sup> in size.

## **Conclusion**

The development allows for the construction of a second dwelling to the rear of the site. While the dwelling design is considered to be respectful of the setting of the site and appropriate for the site's urban surrounds, it is considered suitable to include conditions on any permit issued to address specific elements of the design which will complement the character of the area. Specifically, these conditions will address detail on the plans provided, the provision of a landscape plan, the matter of overlooking from the new dwelling, accessibility to the new dwelling, the provision of a storage shed for the proposed dwelling, the provision of a water tank for each dwelling, as well as the incorporation of eaves into the design of the proposed dwelling.

It is considered that the application accords with the State and Local Planning Policy Framework.

It is recommended that Council determines to issue a Notice of Decision to Grant a Permit for the proposed second dwelling and two (2) lot subdivision with common property.

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**Councillors: Burgess/Butler**

That Council having caused notice of Planning Application No. 2010/034 to be given under Section 52 of the Planning and Environment Act 1987 and the Queenscliffe Planning Scheme, and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 resolves that the application be approved and that a Notice of Decision to Grant a Permit be issued for the development of the site for two (2) dwellings and the subdivision of the land into two (2) lots with common property at No. 109 Bellarine Highway, Point Lonsdale, subject to the following conditions:

**Development Conditions**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a) The provision of a landscape plan, to be prepared by a suitably qualified landscape professional, clearly identifying all vegetation to be retained and removed as part of the development and demonstrating that no native or indigenous vegetation is to be removed as part of this development;
  - b) The existing dwelling nominated as dwelling 1 and the second dwelling hereby permitted nominated as dwelling 2;
  - c) An overall site plan including floor plans for dwelling 1 and dwelling 2, as well as nominating setbacks of both dwellings from the site's boundaries;
  - d) The finished floor level of dwelling 2 nominated as being a minimum of 2.05 metres AHD;
  - e) The maximum height of the proposed building nominated as being no greater than 6.0 metres;
  - f) All ground floor windows to be treated with screening/glazing, in accordance with Standard B22 of ResCode (an extension to the fence height adjacent to the windows may also be permitted, but only in the case where written consent has been provided by the adjoining neighbour);
  - g) Turning circles with a minimum 4 metre diameter shown for both the existing and proposed dwellings, demonstrating an ability for all vehicles to be able to enter and egress from the site in a forwards direction;
  - h) The provision of a minimum 400mm eaves for the proposed dwelling;
  - i) The provision of a water tank clearly nominated for each dwelling;
  - j) Details of all internal fencing;
  - k) The provision of an externally accessible secure storage shed for dwelling 2 with a minimum capacity of 6m<sup>3</sup>; and
  - l) The provision of a colours/materials/finishes schedule, including samples, for all elevations.



2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Prior to the occupation of dwelling 2 hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
4. Prior to the occupation of dwelling 2 hereby permitted, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
5. Prior to the occupation of dwelling 2 hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a) Constructed to the satisfaction of the Responsible Authority.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Surfaced in accordance with the endorsed plans under this permit.
  - d) Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

6. The site must be drained to the satisfaction of the responsible authority and no storm water, sullage, sewerage or polluted drainage may drain or discharge from the land to adjoining properties.
7. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
8. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
  - a) The development is not started within two (2) years from the date of permit issue.
  - b) The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

#### Subdivision Conditions

9. Before the subdivision starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show all bearings, distances, levels, street names, lot numbers, lot sizes, reserves, easements and entitlements to common property, in accordance with the lot boundaries shown on the endorsed plans for the development.



10. Before the plan of subdivision can be Certified, the Owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the development of the created lots in accordance with Planning Permit 2010/034 issued by the Borough of Queenscliffe. All costs associated with the Agreement will be borne by the owner.
11. Each lot shown on the endorsed plans must be drained to the satisfaction of the responsible authority.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
14. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
15. The time limit for the commencement of the subdivision hereby approved is two years from the date of issue of this permit and it must be completed within five years of the date of the subdivision plan.

Note (1) : Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note (2) : The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

Carried

Cr Mitchell requested a division:

For: Crs Butler, Burgess & Merriman

Against: Crs Davies & Mitchell



### **13.3 46 Flinders Street, Queenscliff**

**File:** QP050-4600

**Responsible Officer:** Senior Planner

#### **Introduction**

- The subject site is located on the north side of Flinders Street (Bellarine Highway), Queenscliff, approximately 80 metres west of the intersection with King Street.
- The subject site has a total site area of approximately 1011m<sup>2</sup>.
- It is proposed to construct alterations and additions to the existing double storey weatherboard dwelling, comprising a part demolition to the ground floor footprint, an extension at both ground floor and first floor level, the construction of a double garage within the front setback of the site, and the construction of a 1.8 metre high front fence.
- The subject site is located in the Residential 1 Zone and is subject to the Design and Development Overlay - Schedule 1 (DDO1). A permit is triggered under the provisions of the DDO1.
- The application was advertised and one objection was received by Council in respect of this application on the basis of loss of privacy.
- There are a number of elements of the proposed design which do not comply with the requirements of the DDO1, however it is considered that these matters can be addressed via conditions to be placed on any permit issued.
- The siting of the garage within the front setback was a concern of Council officers, however it is understood that the applicant was acting under earlier advice from Council officers which did not highlight this matter as fatal to the application.
- The proposed design of the garage, including the pitched gable roof form fronting Flinders Street, and the use of materials which are in keeping with the existing dwelling, is considered to be respectful to the Flinders Street streetscape. Accordingly, the siting of the garage within the front setback area is considered appropriate in this instance, subject to conditions to be placed on any permit issued.
- It is recommended that Council issue a Notice of Decision to Grant a Planning Permit for the proposal, subject to the conditions included later within this report.

#### **Key Issues**

- Neighbourhood character
  - Setbacks
  - Privacy
  - Compliance with DDO1
-



## Discussion

### **Subject site and surrounds**

The subject site is located on the north side of Flinders Street (Bellarine Highway), Queenscliff, approximately 80 metres west of the intersection with Henry Street. An inspection of the site and the surrounding area has been undertaken.

The site is regular in shape, with a frontage to Flinders Street of 20.43 metres, a maximum depth of 50.44 metres, and a total site area of 1011m<sup>2</sup>.

The site currently contains a double storey weatherboard dwelling. There appears to be two (2) outbuildings to the rear of the main dwelling, as well as some vegetation within the rear private open space area.

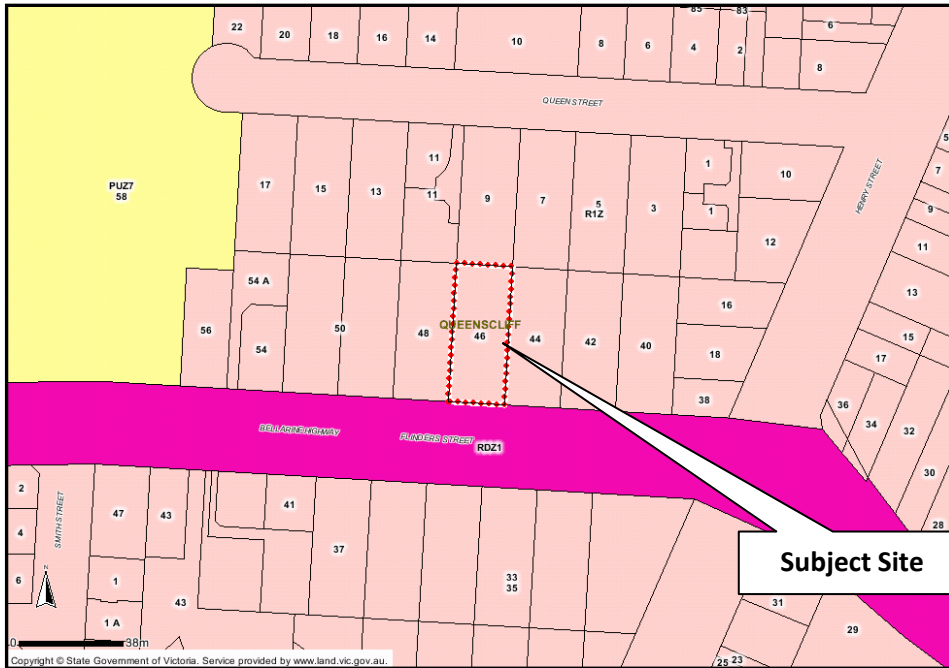
The surrounding area is predominantly used for residential purposes, however the "Santa Casa" convent is located on the opposite side of Flinders Street. The old Queenscliff High School site (now vacant) is located approximately 100 metres to the west of the subject site.

The adjoining property to the east (No. 44 Flinders Street), contains a very modest sized single storey dwelling of timber construction. The dwelling is set back approximately 17 metres from the site's Flinders Street frontage. There is a tree within the front setback area, however there does not appear to be any significant vegetation on the site. The adjoining property to the west (No. 48 Flinders Street) comprises a single storey brick clad dwelling with pitched concrete tiled roof. The dwelling is setback 11.718 metres from the Flinders Street frontage.

The surrounding residential area comprises a mix of urban form, with no obvious predominant character to the area. A couple of the houses to the west of the subject site show examples of combination pitched roofs and verandahs to the front, which is similar to the style of dwelling currently on the subject site, while there is a large vacant lot to the west of the subject site at No. 50-52 Flinders Street. The most notable characteristic of this section of Flinders Street is the large Cypress trees which line the nature strip along the northern side of Flinders Street.

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## Locality plan



## Proposal

Planning permission is sought to allow the construction of alterations and additions to the existing dwelling, comprising an extension to the first floor footprint, extensions to the rear of the dwelling, construction of a garage within the front setback and the erection of a 1.8 metre high front fence. The internal alterations to the dwelling at ground floor are focused on creating a more open-plan layout, as well as relocating the master bedroom and the kitchen/living area to complement and utilise the decking area to be built to the rear of the dwelling.

There is a spa proposed to be built within the decking area at ground floor level, and access to the first floor deck from the ground floor via an external staircase.

The first floor footprint is being extended towards the rear of the site to allow for an additional bedroom as well as a shared bathroom and separate water closet. The decking area to the rear is accessed from the relocated family room, and is fitted with 1700mm high privacy screens along the western wall to protect the privacy of the adjoining property at No. 48 Flinders Street.

The garage is proposed to be built on the site's western (side) property boundary for a length of 7.18 metres. The height of this wall has not been specified on the drawings. The setback of the dwelling at first floor level to the site's east and west (side) property boundaries is remaining unchanged, however the stairwell between the ground floor and first floor decking area encroaches into this setback by approximately 1.0 metre, and is therefore located approximately 2.85 metres from the site's western (side) property boundary.

A single garage currently exists in the site's north-west corner, and another outbuilding is located to the immediate rear of the main dwelling, against the site's eastern (side) property boundary. It appears that these outbuilding are both proposed to be removed as part of this application.



The application also proposes the construction of a 1.8 metre high front fence to be constructed of steel posts with horizontal timber infill.

Materials and Colours:

- |                     |   |   |                                                     |
|---------------------|---|---|-----------------------------------------------------|
| <i>Walls</i>        | : | - | New weatherboards (to match existing)               |
| <i>Windows:</i>     |   | - | Aluminium windows thermally improved double glazing |
| <i>Garage Door:</i> |   | - | Detail not provided                                 |
| <i>Roof:</i>        |   | - | Corrugated iron. Colour "woodland grey"             |
| <i>Front Fence:</i> |   | - | 1800mm Painted posts with horizontal timber infill  |

The provision of a materials and colours schedule, including samples, can be included as a condition of any permit issued.

**Site History**

There is no planning permit history for this site.

**Planning Scheme Controls**

*Zoning*

The subject site is located within the Residential 1 Zone.

Pursuant to Clause 32.01-3 of the Residential 1 Zone, there is no planning permit required to construct or extend a single dwelling on a lot greater than 500m<sup>2</sup>.

*Overlay*

The subject site is affected by the Design and Development Overlay - Schedule 1 (DDO1).

Pursuant to the provisions of the overlay, a planning permit is required for all buildings and works which are not routine or preventative maintenance to existing structures.

**Referrals**

No statutory referrals were required for this application.

**Council Plan**

The application is consistent with the Council plan which has a strategy to protect, conserve and add value to the unique natural, built and heritage values of the Borough, 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 this private development on private property.

## **Social**

The proposed development will provide for an improved level of comfort for the existing occupants of the site, without compromising the livability of occupants of adjoining/nearby dwellings.

## **Environmental**

The development does not include the removal of any vegetation on the site and, accordingly, there are no environmental concerns with the proposal.

## **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 encourages new opportunities for infill development such that good use is made of existing infrastructure and urban sprawl is avoided. However, the framework also emphasises the importance of neighbourhood character and providing an appropriate response to neighbourhood character. The most pertinent strategies in this instance relate to encouraging energy efficient building design and built form outcomes that aspire to high standards of architecture. Both principles are considered to have been achieved as the layout provides for passive solar design and is respectful of the built form outcomes encouraged by policy.

### **Local Planning Policies**

#### ***The Local Planning Policy Framework (LPPF)***

Clause 22.04-1 - Urban Character Policy "Queenscliff"

The application has been assessed against the abovementioned local policy. It is considered that, while the proposed development is generally in accordance with the objectives and design

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standards outlined within the policy, there are some areas of non-compliance which needs to be addressed. The areas of non-compliance are as follows:

**Building Heights and Setbacks:**

*New development should meet the following design standards:*

- *A front setback that matches the front setback of adjacent buildings or if these are different, a front setback which is between the front setbacks of adjacent buildings or equal to the average front setback of buildings in the street, whichever is the greater of the two;*
- *The highest point of the roof is not greater than the highest point of the roof of any adjacent buildings or the prevailing height of buildings within the street, whichever is the lesser of the two;*
- *The height of the street elevation facade of infill development is no higher than the lower of the facade height of the adjacent buildings;*

Having regard to the abovementioned requirements of Clause 22.04-1, the proposed garage will have a front setback of 7.216 metres, which is below the technical requirement of 14.381 metres, as set out by the average of the existing adjoining dwellings. The garage has been designed to respect and replicate the type of built form currently existing on the site, through the use of materials to match the construction of the existing dwelling, as well as the roof form of the proposed garage is to replicate the gable frontage and pitch of the roof to the eastern side of the dwelling.

It is noted that the applicant went through a pre-application process with Council's Senior Planner in late 2009. It is understood that the garage was previously proposed to be located on the eastern side of the property, within the front setback area. The planning officer advised the applicant to relocate the garage to the western side of the site, as this would enable the garage to be set back further from the site's frontage, as well as creating an opportunity for the roof form of the garage to replicate the type of built form demonstrated on the eastern side of the property's Flinders Street facade.

Having regard to these comments previously provided by Council, which have been confirmed with the planning officer acting at the time, as well as the design of the garage and the overall streetscape character of Flinders Street, it is considered that the siting of the proposed garage is appropriate for the site, and should not significantly detract from the overall character and built form significance of the building at No. 46 Flinders Street, or the broader streetscape area.

**Fencing, Driveways and Landscaping:**

*New development should meet the following design standards:*

- *Retain established trees and vegetation on the site that are visible in the streetscape, public areas and adjoining properties wherever possible;*
  - *Provide a low front fence, which is transparent and constructed of traditional fencing materials and no higher than 1200mm;*
-



- *Provide for straight, narrow driveways which continue the pattern of formal grid streets and unmade verges into private driveways which lead to outbuildings or the side of buildings;*
- *Outbuildings which are designed in keeping with the style and form of the main building on the land and located to the side or rear of the main building, not abutting the street frontage.*

It is considered that the proposed 1.8 metre high front fence is in contrast to the above design standards of the local policy. Furthermore, it is noted that the front setback area is not to be utilised for private open space and, therefore, there does not appear to be any substantial justification for a high front fence. It is acknowledged that this section of Flinders Street is a Road Zone - Category 1, however the local policy does not make any exception in regard to front fence height on properties abutting roads in a Road Zone - Category 1.

Accordingly, it is considered appropriate that the height of the proposed front fence be reduced. It is considered that a condition be placed on any permit issued that requires the height of the front fence to be reduced from 1.8 metres in height to 1.5 metres, so as to still provide some protection from the noise generated by the Flinders Street (Bellarine Highway) traffic.

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

*Zoning*

As the subject site is greater than 300m<sup>2</sup> in size, no planning permit is triggered by any of the provisions of the Residential 1 Zone to undertake the proposed works. As no permit is required, there is no assessment of the proposal against the objectives or standards of Clause 54 of the Planning Scheme (ResCode).

*Overlays*

The subject site is located on land designated within the Design and Development Overlay - Schedule 1 (DDO1). A planning permit is required for all buildings and works, including a front fence, which is not routine or preventative maintenance to existing structures.

The proposed development has been assessed against the relevant provisions of the DDO1, specifically in relation to building height, building setbacks, landscaping, front fence, site coverage, and proximity to properties located in a Heritage Overlay. An assessment of the proposal against the requirements is best shown in the table below:

|                          | <i>Requirement</i>                                           | <i>Proposed</i>                                                                                                    | <i>Compliance</i> |
|--------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------|
| <i>Building Height</i>   | Maximum two storey and 8.5 metres above natural ground level | Current dwelling is double storey. Proposed extensions will have a maximum building height of 7.448 metres         | Complies          |
| <i>Building Setbacks</i> | The minimum front setback for the proposed                   | The existing dwelling has a setback of 13.856 metres to the front wall of the dwelling. The proposed double garage | Does not comply   |



|                                       | <i>Requirement</i>                                                                                                                                 | <i>Proposed</i>                                                                                                                                                                                                                                              | <i>Compliance</i>                                |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
|                                       | development should be 14.381 metres (average of adjoining properties at No's 44 and 48 Flinders Street).                                           | is to be constructed 7.216 metres from the Flinders Street frontage.                                                                                                                                                                                         |                                                  |
|                                       | Side setback minimum of 1.0 metres for single storey and 1.92 metres for double storey.                                                            | The eastern wall of bedroom 4 on the first floor appears to be approximately 1.45 metres at its closest point. While this is not in accordance with the Overlay, it is an existing circumstance.                                                             | Complies                                         |
|                                       | Buildings should not be built on side and rear boundaries unless this is a dominant feature of buildings in the street.                            | The double garage is proposed to be built on the sites western (side) property boundary for a length of 7.18 metres.                                                                                                                                         | Does not comply                                  |
| <i>Landscaping</i>                    | At least 50% of the required private open space should be "soft landscaping" (i.e. vegetation). Hardstand areas should consist of porous surfaces. | The plan states that there will be a total amount of hardstand coverage of 43.6%. This in turn results in a total amount of site area of 56.4% for "soft vegetation". This needs to be clarified on a landscape plan to be submitted as condition of permit. | Complies, but needs condition for clarification. |
| <i>Front Fence</i>                    | No higher than 1.3 metres in height.                                                                                                               | 1.8 metres                                                                                                                                                                                                                                                   | Does not comply.                                 |
| <i>Site Coverage</i>                  | Maximum 40%                                                                                                                                        | 34.8%                                                                                                                                                                                                                                                        | Complies                                         |
| <i>Adjacent to a heritage overlay</i> | Does not adjoin a property in a heritage overlay                                                                                                   | N/A                                                                                                                                                                                                                                                          | N/A                                              |

As shown above, there are some elements of the proposal which are not compliant with the requirements of the DDO1. While the location of the garage seems problematic in terms of compliance with the overlay, given the previous advice of Council officers as detailed earlier within this report, it is considered appropriate for the garage to remain in its currently proposed location within the front setback and abutting the site's western (side) property boundary. It is further considered that the proposed materials of construction of the garage, including the roof form, will assist in blending the garage into the existing Flinders Street streetscape. Additionally, it is noted that the Cypress trees which exist along the nature strip between the site and Flinders Street further reduce the visual impact of the garage. Accordingly, it is considered appropriate to grant a



variation to the side setback requirements of the DDO1 to allow the garage to be built in the location currently proposed.

As the setback of the first floor bedroom to the site's eastern (side) property boundary is an existing circumstance, it is not considered appropriate to require the increase of this setback in order to satisfy the side setback requirement of the DDO1.

The height of the front fence is considered excessive, and is not in accordance with the provisions of the DDO1. As discussed earlier within this report under the assessment against the local planning policy, this section of Flinders Street (Bellarine Highway) is a Road Zone Category 1. While it is considered that a 1.8 metre high front fence is excessive, it is considered appropriate to allow a variation to the overlay requirements for a 1.5 metre high front fence due to the site fronting a road in a Road Zone - Category 1. This can be required as a condition of any permit issued.

As discussed, it is considered that there are no elements of the proposal which are strongly in contrast to the DDO1, with the other elements of the proposal to be altered are to be shown on amended plans to be submitted pursuant to Condition 1 of any permit issued. Furthermore, a landscape plan should be requested to confirm the amount of "soft vegetation" provided as part of the proposal.

### Community Consultation

In accordance with Section 52 of the Planning and Environment Act 1987, the application was required to be advertised by registered post to adjoining property owners, a notice on site for 14 days, a public notice erected in the municipal offices, and a small advertisement placed in the local ECHO newspaper. As a result of the advertising five (5) objections were received, the objections are summarised and commented on as follows:

| Objection                     | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Overlooking / loss of privacy | <p>While the decision guidelines under the planning controls affecting this site does not dictate the need for the proposal to be assessed against Clause 54 (ResCode) of the Planning Scheme, it is considered appropriate to address the concern of the objector.</p> <p>While there is already a 1.7 metre high privacy screen located along the western wall of the first floor decking area, the window of the family room has a sill height of only 1.535 metres as nominated on the plans. It is considered appropriate to require the increase in the sill height of this window to 1.7 metres above the finished floor level directly below the window so as to address the concerns and protect the privacy of the adjoining neighbour.</p> |



## Conclusion

The proposed development has been assessed against the State and Local Planning Policies contained within the Queenscliffe Planning Scheme. It is considered that the development is consistent with these policies and the zoning and overlay provisions which trigger the need for a planning permit. The development provides for an extension to an existing dwelling in an established residential setting which may assist in attracting more permanent residents to the municipality. Therefore it is recommended that Council resolves to issue a Notice of Decision to Grant a Planning Permit for the development.

### Councillors: Butler/Burgess

**That Council having caused notice of Planning Application No. 2009/150 to be given under Section 52 of the Planning and Environment Act 1987 and the Queenscliffe Planning Scheme, and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 resolves that the application be approved and that a Notice of Decision to Grant a Permit be issued under the provisions of Schedule 1 to Clause 43.02 - Design and Development Overlay - of the Queenscliffe Planning Scheme for the construction of alterations and additions to the existing dwelling, construction of a garage and front fence, and variation to the front setback requirement of the Design and Development Overlay - Schedule 1, at No. 46 Flinders Street, Queenscliff, in accordance with plans to be submitted pursuant to condition 1 hereof, and subject to the following conditions:**

- 1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the full set of plans submitted to Council on 11th December, 2009, and the amended elevation plan submitted to Council on 9th April, 2010, but modified to show:**
  - a) The internal dimensions of the garage nominated as being a maximum of 6.0 metres in width and 6.0 metres in length, with the setback of the garage to the site's Flinders Street frontage increased accordingly;**
  - b) The front fence reduced in height from 1.8 metres to a maximum of 1.5 metres, including the vehicular and pedestrian gates;**
  - c) The provision of a landscape plan and associated planting schedule for the site, prepared by a suitably qualified landscape professional, demonstrating a minimum of 50% of the total site area being utilised for "soft landscaping" (i.e. vegetation);**
  - d) The sill height of the west facing first floor family room window nominated as being a minimum of 1.7 metres above the finished floor level directly below it; and**
  - e) The privacy screen along the western wall of the first floor balcony and stairwell nominated on the plan as having timber louvers, a maximum of 15mm apart,**



angled to allow daylight to penetrate but to prevent horizontal vision, with a maximum of 25% openings.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
3. Provision must be made for the drainage of the site to the satisfaction of the responsible authority.
4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
5. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
6. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
7. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
8. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
  - a) the development and use is/are not started within two years of the date of this permit.
  - b) the development is not completed within four years of the date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

- Note (1): The requirements of Part 4 - Siting - of the Building Regulations have not been taken into consideration in the granting of this Planning Permit.
- Note (2): Prior to the commencement of the development you are required to obtain the necessary Building Permits.
- Note (3): The applicant/owner must provide a copy of this Planning Permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the Planning Permit.

Carried

Cr Mitchell requested a division:

For: Crs Butler, Burgess & Merriman

Against: Crs Davies & Mitchell



### 13.4 Nankervis Parade Traffic Investigation

**File:** QS160  
**Responsible Officer:** Projects & Contracts Engineer

#### Introduction

The purpose of this report is to provide Council with information received by Council in response to the resolution made by Council at the May 2010 Ordinary Meeting of Council regarding traffic management in Nankervis Parade, Queenscliff and to assess the objectives of the introduction of traffic management controls in Nankervis Parade.

#### Key issues

##### Traffic Management

The issues raised through correspondence from residents in the local area include:

- Driver behaviour at the Nankervis Parade, Swanston Street and Dodd Street intersection
- Through traffic in Nankervis Parade. Specifically vehicles seeking an alternate route to the ferry service and tourist coaches.
- Speeding vehicles in Nankervis Parade.

#### Background

A report was presented to Council at the May 2010 Ordinary Meeting providing an update to the investigations into traffic management in Nankervis Parade being undertaken in response to resident concern relating to driver behaviour in Nankervis Parade specifically at the intersection of Nankervis Parade, Swanston Street and Dodd Street. In this report Council was provided with the results of the traffic data collected between 5 March 2010 and 18 March 2010. At the May 2010 meeting Council resolved:

1. *That Council receives the Road Treatment described in the Exhibit marked A dated 19 May 2010 describing a traffic island at the intersection of Nankervis Parade, Swanston and Dod Streets, Queenscliff.*
  2. *That Council inform the residents of Nankervis Parade of the Road Treatment described in the exhibit.*
  3. *If Council considers that the residents of Nankervis Parade are in broad agreement with the Road Treatment described in the exhibit, a public notification and consultation process informing the broader community of the Road Treatment described in the exhibit be undertaken over a minimum of two months.*
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4. If Council considers that the public responses warrant progressing the Road Treatment described in the exhibit, an application be made to Vic Roads to trial the Road Treatment described in the exhibit.

Residents of Nankervis Parade and adjacent residents in Swanston Street, Dodd Street, King Street, Stokes Street and Bethune Street were notified in writing in accordance with the resolution of Council to inform them of the traffic management design as presented by Councillors. The notified residents were requested to forward their views of the proposal to Council.

## **Discussion**

### Officers Comments in Relation to Traffic Management Devices

The introduction of traffic management devices in local streets is undertaken to control specific driver (problem) behaviour in most instances to slow traffic, discourage through traffic or to prevent illegal traffic movements. It is essential to be clear on what is expected to be achieved with the introduction of a traffic management device in order to effectively meet the objective with minimal risk of creating new traffic management problems or instances of undesirable driver behaviour.

Correspondence to Council has indicated that Nankervis Parade resident concerns revolve around 1) through traffic in Nankervis Parade, 2) speeding vehicles in Nankervis Parade and 3) driver behaviour at the Nankervis Parade, Swanston Street and Dodd Street intersection.

Traffic data collected through a peak period and non peak period between 5 March 2010 and 18 March 2010 was reported to Council at its Ordinary Meeting of May 2010. The traffic data collected indicated that the weekday average traffic volume over this period was no higher than 186 vehicles per day with the weekend average during the Labour day long weekend recorded at 309 vehicles per day with no higher than 1.9% of vehicles greater than 5.5m in length. Traffic volumes recorded in Nankervis Parade are typical of an access street and not considered excessive.

The prescribed speed limit in Nankervis Parade is 50 Km/h. The 85<sup>th</sup> percentile speed recorded in the collection period was below 46 Km/h with a maximum speed recorded of 72.2 Km/h. During the week 12 March to 18 March 2010 7.1% of vehicles exceeded the prescribed speed limit, 6.1% of vehicles were travelling at a speed within the 50-60 km/h range indicating the majority of speeding vehicles exceeded the limit marginally. High range speeding was recorded as isolated instances only.

Driver behaviour at the intersection of Nankervis Parade, Swanston Street and Dodd Street has been anecdotally reported to Council over an extended period. The concern of driver behaviour is supported by evidence of continued historical damage to the existing traffic management devices. The existing traffic management devices were installed at the intersection to prevent vehicles travelling at speed along Nankervis Parade through the area of the intersection by assigning right of way between Swanston Street and the east branch of Nankervis Parade. It is evident that drivers travelling west along Nankervis Parade short cut the corner that has been created by the existing traffic management devices.

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In consideration of traffic data collected, the anecdotal evidence of driver behaviour and the history of vehicle damage of the existing traffic management devices it is the officers professional judgement that the objectives of the introduction of altered traffic management in Nankervis Parade are 1) to reduce speed at the location of the intersection of Nankervis, Swanston and Dodd Streets and 2) to prevent illegal vehicle movements.

It is the officers professional judgement that a traffic management solution, or selection of solutions should be developed in accordance with all relevant standards and requirements by a professional in the area of traffic management to achieve the objectives of reducing speed at the location of the intersection of Nankervis Parade, Swanston and Dodd Streets and preventing illegal vehicle movements.

Several options, including the Councillor designed proposal, are considered in the Options section of this report.

#### Resident Feedback in Relation to Councillor Designed Proposal

Feedback was received in the form of 14 written responses from the 40 addresses that were written to inviting comment. Seven of the 14 responses received expressed support for the Councillor designed proposal. The remaining 7 responses were not supportive of the Councillor designed proposal, however were supportive of Council undertaking some form of traffic management action in Nankervis Parade. In particular it was noted that there was an interest in preventing 'common driving abuses' at the (Nankervis Parade, Swanston Street and Dodd Street) intersection.

The residents that responded supporting some form of traffic management expressed some points of concern with respect to the Councillor designed proposal. Concerns common to multiple submissions sighted that the design would direct traffic into Swanston Street increasing traffic in the street and the Swanston Street – Flinders Street intersection. Concerns were raised about vehicles performing illegal turns from Swanston Street to Dodd Street and illegal U turns being performed in Swanston Street by vehicles travelling west along Nankervis Parade wishing to continue along Nankervis Parade. One resident also expressed concern about potentially increasing traffic in Dodd Street.

### **Options**

#### Councillor designed Proposal (Option 1)

The option designed and presented by a Councillor at the May 2010 Ordinary Meeting of Council consists of a traffic island situated at the intersection of Nankervis Parade, Swanston and Dodd Street. The design designates Nankervis Parade as a single direction of travel from east to west. The traffic island configuration is designed to restrict traffic travelling through the western branch of Nankervis Parade from the eastern branch of Nankervis Parade. This design effectively closes Nankervis Parade to the west only allowing access from Swanston Street.

It is anticipated, in consideration of current driver behaviour, that vehicles will persist in shortcutting the island when travelling along Nankervis Parade with the intention of continuing to travel along Nankervis Parade. The design will also encourage vehicles wishing to travel the length of Nankervis Parade to perform a U turn around the island in Swanston Street. It is also possible

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vehicles travelling north along Swanston Street wishing to travel east on Nankervis Parade will make what will be an illegal turn right into Dodd Street. The proposed design will also redirect traffic from Nankervis Parade to Swanston Street and perhaps to a very minor extent Dodd Street.

If this option were to be explored further several ancillary issues would need to be considered in detail. Treatment at the intersections at both ends of Nankervis would be required to compliment/enable the facilitation of the single direction of traffic. Drainage implications of the installation of the traffic island would need to be addressed. Detailed design is required to determine the extent and cost of works associated with drainage. In addition, as with all local area traffic management treatments the appropriate level of illumination must be considered.

This proposal will address the objective of reducing speed through the intersection and reducing traffic volume in Nankervis Parade at the expense of diverting traffic to Swanston Street. It is not considered that this proposal will address the objective of preventing illegal vehicle movements at this location.

#### Option 2

Reducing the speed at the intersection and eliminating the illegal vehicle movements could be achieved by reverting Nankervis Parade to having right of way through the intersection terminating Swanston Street with a stop sign. This would be accompanied with speed humps or appropriately designed slow points on Nankervis Parade either side of the intersection satisfying the objective of slowing traffic through the intersection area. Illegal traffic movements would be eliminated as traffic would be able to move in the desired direction at an appropriate speed. Traffic entering Nankervis Parade from Swanston Street would also have to negotiate the speed humps or slow points either side of the intersection thereby controlling their speed. Additional speed humps or slow points may be deemed necessary at other points on Nankervis Parade approaching the intersection area.

Consideration to Dodd Street would be required. This may involve investigating the potential realignment of the end of Dodd Street to remove the conflict of the current location intersecting with Swanston Street and Nankervis Parade simultaneously.

Impact on drainage is required to be considered when designing the installation of speed humps or slow points. Adequate illumination will also be a design consideration.

#### Option 3

Engage a professional in the area of traffic management to prepare concept plans of potential solutions that address the identified objectives of the proposed traffic management in Nankervis Parade. The most appropriate design that is accepted by the community would be selected to develop a detailed design for the purpose of costing and construction to enable consideration for funding in the 2011/2012 financial year budget process.

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## Council Plan

5.5 Enhance traffic management.

### Financial

Estimated cost for detailed design of the desired option is estimated to be in the range of \$5,000 - \$7,000.

Accurate evaluation of the complete costs associated with the preferred option will be enabled by detailed design.

#### Indicative cost range for Councillor Designed Proposal (Option 1)

With consideration to the road island treatment as presented in the proposal and required intersection treatments at either end of Nankervis Parade the indicative cost range is \$30,000 - \$80,000 depending on lighting requirements and drainage requirements

#### Indicative cost range for Option 2

With consideration of two speed humps or slow points, one either side of the intersection of Nankervis Parade, Swanston Street and Dodd Street, and potential alteration of the entry/exit point of Dodd Street the indicative cost range for Option 2 is \$30,000 - \$60,000 depending on lighting requirements and drainage requirements.

#### Indicative cost range for Option 3

An indicative cost range for the development of concept designs is \$2,000 - \$3,000 depending on the number of designs and the amendments required due to feedback.

It is estimated that the cost of developing a detailed design which would include survey of the area would be in the range of \$5,000 - \$7,000. Detailed design would be required regardless of which proposal is accepted.

#### Budget Implications

No budget has been specifically allocated in the 2010/2011 budget for the design or implementation of traffic management works in Nankervis Parade.

Undertaking a capital works project costing \$30,000 and upward within the current 2010/2011 financial year would require redirecting the majority of funds for major road renewal works such as the reseal program which has a total budget of \$60,800.

Undertaking the design process would require the rationalisation of some programmed road maintenance/renewal however detailed design would allow an accurate costing of the works required to be obtained enabling Council to make an informed decision regarding funding during the budget process for the 2011/2012 financial year.

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## **Risk Management**

Correct design process is required to be undertaken by a professional in the area of traffic management to mitigate any existing risk, avoid the creation of new public safety risks and ensure financial risks are avoided.

## **Conclusion**

In order to ensure that a solution is actioned that addresses the identified objectives of 1) to reduce speed at the location of the intersection of Nankervis, Swanston and Dodd Streets and 2) to prevent illegal vehicle movements, it is essential that designs for any proposed traffic management treatment are developed to reflect all relevant standards and requirements by a professional in the area of traffic management. Detailed design will enable accurate costing that is able to be considered in the budget process for the 2011/2012 financial year.

### **Recommendation:**

#### **That Council:**

- 1. Engage a professional in the area of traffic management to prepare concept designs of potential traffic management treatments to achieve the objectives of 1) reducing speed at the location of the intersection of Nankervis, Swanston and Dodd Streets and 2) preventing illegal vehicle movements in Nankervis Parade.**
- 2. Commission an engineered design of the preferred solution by a professional in the field of traffic management to determine accurate costs associated with the necessary civil works**
- 3. Consider the implementation of the engineered design against other road improvement priorities in the Borough of Queenscliffe as part of the capital works budget for the 2011/2012 financial year.**

### **Councillors: Mitchell/Davies**

#### **That Council defer the recommendation and :**

- 1. Consult the remaining two residents to obtain their view and bring back to Council, then**
- 2.. Advertise the road treatment to the wider community.**

**Carried**



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

Nil

**15. QUESTIONS WITHOUT NOTICE**

Nil

**16. LIST OF COUNCIL MEETINGS**

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

PLANNING REVIEW MEETING

Wednesday 1 September 2010 at 7:00pm

COUNCIL MEETING

Wednesday 15 September 2010 at 7:00pm

**17. CONFIDENTIAL ITEMS**

Nil

**18. CLOSE OF MEETING**

8:35pm

Confirmed

Cr B Merriman

**MAYOR**

15 September 2010

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