



Agenda

Ordinary Meeting of Council

Wednesday 24 March 2021 at 7:00pm

Queenscliff Town Hall

Distribution

Councillors

Cr Ross Ebbels – Mayor

Cr Susan Salter

Cr Donnie Grigau

Cr Fleur Hewitt

Cr Michael Grout

Officers

Martin Gill – Chief Executive Officer

Phillip Carruthers – General Manager Organisational Performance & Community Services

Johann Rajaratnam – General Manager Planning & Infrastructure

Connor Parker – Coordinator Community Engagement & Communications

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

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

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



Council Vision

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

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

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



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Appendices

Appendix	Title	Agenda Item	Distribution
Appendix 1	CP009 Gifts, Benefits & Hospitality	15.1 Review of Council Policies	Under separate cover
Appendix 2	Meeting Minutes extract, item 15.3 Point Lonsdale Lighthouse Reserve Master Plan, from Ordinary Meeting of Council held on 24 January 2019	15.2 Point Lonsdale Lighthouse Reserve Development – Stage 1	Under separate cover
Appendix 3	Response to Public Question Taken on notice at Ordinary Meeting of Council held on 17 February 2021	ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UPDATE	Under separate cover



1. OPENING OF MEETING

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

The Meeting opened at:

2. PRESENT & APOLOGIES

Present:

Apologies:

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES

Councillors must disclose a conflict of interest in accordance with Section 130 of the Local Government Act 2020.

Councillors:

Officers:

4. LEAVE OF ABSENCE OF COUNCILLOR

Nil



5. PUBLIC QUESTION TIME

5.1 Public Questions Status Update

No public questions outstanding.

5.2 Public Questions

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

6. CONFIRMATION OF COUNCIL MEETING MINUTES

6.1 Ordinary Meeting of Council – 17 February 2021

A copy of the previous Minutes of the Ordinary Meeting of Council held on 17 February 2021 was distributed to Councillors under separate cover.

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 17 February 2021, as distributed, be confirmed as an accurate record.



7. RECORD OF ASSEMBLY OF COUNCILLORS

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

- 16 February 2021 – Assembly Meeting
- 17 February 2021 – Assembly Meeting
- 24 February 2021 – Councillor Induction tour of the Borough
- 3 March 2021 – Queenscliff Football Netball Club tour
- 3 March 2021 – Assembly Meeting
- 3 March 2021 – Meeting with Libby Coker MP
- 10 March 2021 – Assembly Meeting
- 17 March 2021 – Assembly Meeting

OFFICER RECOMMENDATION

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



8. NOTICE OF MOTION

8.1 Notice of Motion Status Update

No Motions on Notice outstanding.

8.2 Motion on Notice

No Notices of Motion were received.

9. PETITIONS AND JOINT LETTERS

9.1 Petitions and Joint Letters

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

9.1.1 Petition: Petition against the proposed Bike park on the old high school site

File: QG320.02.04

Council received 87 petitions addressed to the Mayor and Councillors of the Borough of Queenscliffe. Consistent with Division 9 of the Governance Rules, the petitions have been tabled for Council's information.

The 87 petitions have been dealt with as a group because each petition uses the same pro-forma as its base document. It is unclear, however, who has produced and circulated the pro-forma or if the collection of signatures was coordinated.

The pro-forma reads as follows:

PETITION AGAINST THE QUEENSCLIFFE BOROUGH COUNCIL'S PROPOSAL TO DEVELOP A BIKE PARK ON THE OLD HIGH SCHOOL SITE

To the Mayor and Councillors Borough of Queenscliffe Council. We the undersigned residents, ratepayers and friends of Queenscliffe question the presumption that a bike park should be located at the old High School site and request the Council reconsider the project.

OUR REASONS FOR THIS REQUEST INCLUDE:

- *One of Queenscliff's key characteristics is its low-key historic profile which is important to residents, visitors and businesses alike. This attribute differentiates the town from other Bellarine and Surf Coast destinations and it should be carefully maintained and encouraged.*
-



A bike park at the primary entry point to the township does not enhance Queenscliff's acknowledged heritage values.

- *The High School site forms an iconic entrance to Queenscliff, with important vistas through to Swan Bay and eastward along the Avenue of Honour and Memorial Garden. A bike park at this site does not align with the ongoing work to restore and promote these two heritage memorials.*
- *The Council has already undertaken extensive community consultation about the High School site resulting in a 2014 grant funding application to make the area into parkland with community gardens. This is the Council resolution which is still valid.*
- *Much of the site is located within 200m of Swan Bay so the Victorian Government's Marine and Coastal Policy will apply. This Policy clearly states that unless a facility needs to be located close to the coast, it should not be. Open space adjacent to the coast is under constant pressure and the bike park proposal would contribute to the loss of undeveloped land, whereas the Policy encourages the remediation of landscapes where possible. The proposal appears to lack any environmental impact assessment despite Swan Bay's high environmental values.*
- *The proposed bike park is very close to houses and, if the facility becomes an attraction, it will be difficult to manage amenity problems such as noise, parking and traffic (particularly over the peak summer season).*
- *The Council has not established a budget nor undertaken any options analysis which establishes the underlying need for a bike park and evaluates alternatives within agreed parameters. As such, the project should be reconsidered to examine the drivers for the bike park and, should this be proven, further community consultation to determine an appropriate location.*

DISCUSSION

At the point when the Council agenda was finalised for the February Ordinary Council meeting, which corresponded with the end of the formal consultation period about a potential bike park, on 12 February 2021, Council had received 42 petitions using the pro-forma which contained a cumulative total of 101 signatures.

An additional 45 petitions were received following this date with an additional 111 signatures. The last petition was submitted on 3 March 2021.

The total number of signatures across the 87 petitions was 212.

A review of the petitions against the results of the survey Council conducted about the potential bike park, and individual submissions from residents who raised concerns about the use of the Old High School site for a bike park, indicated that 88 of the people who signed a petition had participated in the survey or made an individual submission.



The text in the pro-forma which formed the base document for the 87 petitions asked Council to reconsider the project to develop a bike park on the Old High School site.

Council will take this request and include it as part of the broader consideration of the feedback received through the survey and the individual submissions.

OFFICER RECOMMENDATION

That Council:

- 1. Notes that 87 petitions were received with a cumulative total of 212 signatures, asking Council reconsider the use of the Old High School site for a bike park.**
 - 2. Notes that 88 people who signed or submitted a petition also participated in the Council consultation process.**
 - 3. Considers the feedback received through the petitions when determining the next steps in any further investigation into the development of a bike park in the Borough of Queenscliffe.**
 - 4. Receives a report from Council officers setting out the framework for an investigation into the development of bike park in the Borough of Queenscliffe at its Ordinary Council meeting in July 2021.**
-



10. FUNCTIONS ATTENDED

Council was represented at the following meetings and functions between 11 February and 18 March 2021:

Date	Function Attended
11 February 2021	Telephone conference with Sarah Henderson (CEO & Cr Ebbels)
11 February 2021	CACE – Council Plans and Emergency Climate Action for Councillors Webinar (Cr Hewitt)
15 February 2021	Tourism Greater Geelong and the Bellarine Board Meeting via videoconference (Cr Ebbels)
16 February 2021	G21 Transport Pillar Meeting (Cr Grout)
18 February 2021	BSW Local Government Waste Forum (Cr Hewitt)
19 February 2021	Meeting with Libby Coker (Cr Ebbels)
19 February 2021	Meeting with Queenscliffe Community Association (CEO & Cr Ebbels)
21 February 2021	Queenscliffe Climate Action Group meeting (Cr Hewitt)
22 February 2021	BRACE meeting with Powercor (Cr Hewitt)
22 February 2021	Tourism Greater Geelong and the Bellarine Board Planning Day (Cr Ebbels)
24 February 2021	Geelong Sustainability community information forum on VIVA floating gas terminal planned for Corio Bay (Cr Grigau)
24 February 2021	Bellarine Community Safety Group Meeting (Cr Grigau)
25 February 2021	G21 Arts, Heritage & Culture Pillar (Cr Grigau)
25 February 2021	G21 Economic Development Pillar Meeting (Cr Ebbels)
25 February 2021	Geelong Regional Library Corporation Board Meeting (Cr Salter)
26 February 2021	G21 Board Meeting (CEO & Cr Ebbels)
26 February 2021	PLCA Public Meeting on Sustainability (Cr Grout)
6 March 2021	AFL Community Celebration (CEO & Cr Ebbels)
8 March 2021	Queenscliff Volunteer Coast Guard Meeting (Cr Grigau)
10 March 2021	MAV Mayoral Briefing (Cr Ebbels)
10 March 2021	Barwon Water Mayor's Dinner (Cr Ebbels)



Date	Function Attended
11 March 2021	Sacred People, Sacred Earth Event (Cr Ebbels & Cr Grigau)
11 March 2021	Meeting with David Morris MP (CEO, Cr Ebbels & Hewitt)
18 March 2021	Geelong Heritage Centre Collection Advisory Committee (Cr Grout)
18 March 2021	PLonQ Meeting (Cr Ebbels)

OFFICER RECOMMENDATION

That the Functions Attended report be received.



11. COMMUNITY WELLBEING

No reports to consider.

12. LOCAL ECONOMY

No reports to consider.

13. ENVIRONMENTAL SUSTAINABILITY

No reports to consider.



14. PLANNING & HERITAGE

14.1 Planning Permit Activity Report

File: QG290.01.02

Author: Planning Program Leader

Portfolio: Planning & Heritage

Portfolio Holder: Cr Grout

PURPOSE

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

EXECUTIVE SUMMARY

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

CATEGORY	TALLY
Current applications	17
Applications on hold at request of applicant	3
Applications finalised since last report	8
New applications received since last report	9
Total number of permit applications under consideration	24
Development Plan Summary Report	0
Planning Scheme Amendment Summary Report	1

OFFICER RECOMMENDATION

That the Planning Permit Activity Report be received.



(a) Current applications

App. No	Date Received	Address	Proposal	Status
**2018/079	23/08/2018 (Amended 07/02/2019 & 8/05/2019)	81 Nelson Road Queenscliff	Subdivision of land into seven (7) lots, removal of vegetation and works associated with the subdivision	Under consideration as part of planning scheme amendment queenC33)
2019/065	01/10/2019	The Promenade Point Lonsdale Road Point Lonsdale	Removal of native vegetation	Referred to DELWP
2020/003	31/01/2020	Point Lonsdale Lighthouse Reserve (Crown Allotments 2002 & 2009)	Removal of native vegetation	Referred to DELWP & Heritage Victoria
2020/046	11/08/2020	61-75 Murray Road Queenscliff	Subdivision of the land into thirteen (13) lots	Under consideration
**2020/059	06/10/2020	25 Alexander Crescent Point Lonsdale	Construction of a two storey dwelling	Notice of decision to grant a permit issued VCAT appeal lodged by objector VCAT hearing 4 October 2021
**2020/061	08/10/2020	11 Jacqueline Court Point Lonsdale	Construction of two dwellings (two storey) and subdivision of the land into two (2) lots	Notice of decision to grant a permit issued



App. No	Date Received	Address	Proposal	Status
2020/066	21/10/2020	51 Mercer Street Queenscliff	Alterations and extensions to an existing dwelling individually listed in a Heritage Overlay	Public notification
2020/071	17/11/2020	1 Hesse Street Queenscliff (JL Jordan Boat Ramp)	Building and works associated with the redevelopment of the Queenscliff boat ramp, including additional car parking areas, and removal of vegetation	Notice of Decision to Grant a Permit issued
**2020/072	18/11/2020	82A & 82B Glaneuse Road Point Lonsdale	Construction of one dwelling and removal of native vegetation at 82A Glaneuse Road (lot 2), and construction of one dwelling, and removal of native vegetation at 82B Glaneuse Road (lot 1) and boundary re-alignment (subdivision)	Under consideration
2020/074	03/12/2020	14 Crows Nest Place Queenscliff	Construction of a two storey dwelling	Public notification
**2020/077	16/12/2020	18 Cheshunt Street Point Lonsdale	Construction of a two storey dwelling, removal of native vegetation and variation to the site coverage requirements of Design and Development Overlay – Schedule 4	Under consideration (Note: proposed site coverage 43%)
2021/002	05/01/2021	30 Cheshunt Street Point Lonsdale	Alterations and extensions to an existing dwelling	Further information requested 19 January 2021
2021/003	08/01/2021	17 Bowen Road Point Lonsdale	Alterations to an existing dwelling and carport	Further information requested 19 January 2021
2021/004	15/01/2021	38 Ward Road Queenscliff	Construction of a two storey dwelling	Public notification



App. No	App. No	App. No	D:	App. No	Date Received	Address	Proposal	App. No	Date Received	Address
2021/008	22/01/2021	134 Hesse Street Queenscliff					Buildings and works associated with the demolition of an existing building and construction of an outbuilding (amenities block) and fence and lopping of vegetation		Under consideration	
2021/010	27/01/2021	1/11 Queen Street Queenscliff					Extensions to an existing dwelling		Public notification	
V 2021/011	03/02/2021	44 King Street Queenscliff					Alterations to an existing outbuilding		Under consideration	

(b) Applications on Hold at Request of Applicant

App. No	Date Received	Address	Proposal	Status
2019/040	01/07/2019	28-30 Buckleys Road Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	On hold pending further instruction from applicant
**2020/070	28/10/2020	34 Kirk Road Point Lonsdale	Construction of two double storey dwellings, subdivision of the land into two (2) lots and removal of native vegetation	On hold pending further instruction from applicant
2021/006	15/01/2021 (Amended 03/02/2021)	134 Hesse Street Queenscliff	Buildings and works associated with the relocation of a structure (coaches box)	On hold pending further instruction from applicant



(c) Applications Finalised Since Last Report

App. No	Date Received	Address	Proposal	Status
**2020/039	14/07/2020	6 Beach Street Queenscliff	Demolition of outbuildings (garage and shed), removal, repositioning, restoration and painting of an outbuilding (former fisherman's cottage), construction of side and rear boundary fences and construction of a double vehicle crossover in a Heritage Overlay area	Notice of Decision to refuse a permit issued as per Council Resolution 17/02/2021
**2020/058	06/10/2020	31 Point Lonsdale Road Point Lonsdale	Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell and consume alcohol (Restaurant and Café Licence)	Permit issued
**2020/069	28/10/2020	24 Glaneuse Road Point Lonsdale	Alterations and extensions to an existing dwelling and variation to the site coverage requirements of Design and Development Overlays – Schedule 4	Permit issued
2020/078	23/12/2020	8 Swanston Street Queenscliff	Alterations and extensions to an existing dwelling	Permit issued
2020/079	23/12/2020	11 Kirk Road Point Lonsdale	Buildings and works associated with the construction of a pergola and associated landscaping works (outdoor furniture, raised garden beds) associated with the existing Place of Assembly use	Permit issued
2021/001	05/01/2021	38 Wharf Street Queenscliff	Alterations and extensions to an existing dwelling and fence and variation to the site coverage requirements of Design and Development Overlay – Schedule 6	Permit issued



App. No	Date Received	Address	Proposal	Status
2021/007	20/01/2021	49-55 Hesse Street Queenscliff	Trimming of trees in a Heritage Overlay where tree controls apply	Permit issued
V 2021/012	04/02/2021	16B King Street Queenscliff	Construction of a verandah	Permit issued

(d) New Applications Received Since Last Report

App. No	Date Received	Address	Proposal	Status
2021/013	03/02/2021	22 Cheshunt Street Point Lonsdale	Extensions to an existing single storey dwelling	Public notification
2021/014	16/02/2021	9 Girvan Grove Point Lonsdale	Construction of a single storey dwelling	Further information requested 16 February 2021
2021/015	22/02/2021	1/24 Golightly Street Point Lonsdale	Alterations and Additions to an existing dwelling	Under consideration
V 2021/016	22/02/2021	30 Flinders Street Queenscliff	Construction of a Shed for Storage	Under consideration



App. No	Date Received	Address	Proposal	Status
2021/017	22/02/2021	71 Bellarine Highway Point Lonsdale	Change of use from residential to leisure and recreation/restricted recreation facility (yoga studio)	Further information requested 24 February 2021
2021/018	25/02/2021	134 Hesse Street Queenscliff	Installation of Telstra telecommunication tower	Initial assessment
2021/019	03/02/2021	61 Buckleys Road Point Lonsdale	Construction of a dwelling	Initial assessment
2021/020	12/03/2021	1/85 Point Lonsdale Road Point Lonsdale	Alterations and extensions to an existing dwelling and removal of native vegetation	Initial assessment
2021/021	15/03/2021	7 Bowen Road Point Lonsdale	Alterations to an existing dwelling	Initial assessment

(e) Development Plan Summary Report

App. No	Address	Proposal	Status
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NO APPLICATIONS TO REPORT



(f) Planning Scheme Amendment Summary Report

Amend. No.	Address	Proposal	Status
queenC33	81 Nelson Road, Queenscliff	Rezone the land at 81 Nelson Road, Queenscliff to Neighbourhood Residential Zone – Schedule 1 (NRZ1) and General Residential Zone – Schedule 1 (GRZ1), apply Design and Development Overlay – Schedule 3 (DDO3) and Design and Development Overlay – Schedule 5 (DDO5), delete Development Plan Overlay 1 (DPO1) and subdivide the land into seven (7) lots.	Under consideration

LEGEND

** Objections received

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

Bold Officer delegation removed

V VicSmart application



15. GOVERNANCE & PERFORMANCE

15.1 Review of Council Policies

File: Q055.01.12

Author: Executive Project Officer

Portfolio: Governance & Performance

Portfolio Holder: Cr Salter

PURPOSE

The purpose of this report is to consider a revised CP009 Gifts, Benefits & Hospitality policy which is required by the *Local Government Act 2020* to be adopted by 24 April 2021.

EXECUTIVE SUMMARY

This report responds to a number of objectives and strategies contained in the 2017–2021 Council Plan, particularly Strategic Objective 5 Governance and Performance to ‘provide transparent and accountable governance and meet all legislative requirements’.

The policy must make provision for the maintenance of a gift register and any matters in the regulations, including a minimum value of gifts that must be disclosed. Councils must also ensure their policy complies with the public transparency principles.

OFFICER RECOMMENDATION

That Council adopt the following revised Council policies as presented:
- CP009 Gifts, Benefits & Hospitality



REPORT

BACKGROUND

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

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

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

DISCUSSION

CP009 Gifts, Benefits & Hospitality– Revised

This policy was first adopted by Council on 18 October 2011 and last reviewed on 24 April 2019. The purpose of this policy is to address the offer, received or declined, of gifts or hospitality to Councillors or to Council officers by ensuring that:

- a high standard of probity and accountability is maintained;
- legislative requirements and community expectations are met;
- Council activities are not influenced, or perceived to be influenced, by the receipt of gifts, benefits or hospitality; and
- gifts that are received or declined are properly disclosed and managed.

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

Section	Proposed amendment(s)
Title	No amendment
Context	Update reference from 1989 Act to 2020 Act
Purpose	No amendment
Definitions	'Gift' update definition in accordance with 2020 Act. Insert new definition for 'Gift Disclosure Threshold' in accordance with 2020 Act
Policy 3. Prohibited Gifts	Insert new section 137 of the Local Government Act 2020, 'Anonymous gifts are not to be accepted'.
Former 8. Remote or insignificant interest	Remove reference to section 77a(4) of the Local Government Act 1989, section not relevant.
New 8. Reporting	Remove reference to Local Government Act 1989



	Rename 'Ordinary Return' to 'Personal Interests Return' in accordance with the 2020 Act. Update reference from Local Government Regulations from, 2015 to 2020.
Continuous Improvement	An amendment
Other References	Update references to new Acts and Regulations accordingly.

Options

Option 1 – adopt the revised policies as presented.

Option 2 – make further amendments to the policy at the meeting and adopt accordingly.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



The community engagement process is to 'inform' the community and the adopted policy will be published on Council's website under the 'council – publications, strategies and reports' tab and will be communicated internally to all staff.

Collaboration

Council officers have been involved with Engage Victoria and have participated in workshops and have been provide with examples of other Council policies via their website.

GOVERNANCE CONTEXT

Relevant Law

Local Government Act 2020

Local Government (Governance and Integrity) Regulations 2020

Charter of Human Rights

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

Regional, State and National Plans and Policies

Not Applicable

Council Plan Alignment

This report responds to the following strategic objective contained in the 2017-2021 Council Plan:

- Strategic Objective 5 Governance and Performance 'provide transparent and accountable governance and meet all legislative requirements'.



Legal and Risk Implications

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

Related Documents

- Council Policy – CP005 Councillor Code of Conduct
- Council Policy – CP008 Fraud Prevention
- Standard Operating Procedure – SOP006 Staff Code of Conduct

Disclosure of Interest

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

CONSIDERATIONS

Environmental Sustainability

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

Financial and resource implications

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

Innovation and Continuous Improvement

Not applicable.

IMPLEMENTATION

Operational Impacts

The tasks associated with the policy are within the normal program area responsibilities and it is not envisioned to impose any additional operational impact.

Implementation Process

Not applicable.

ATTACHMENT

1. CP009 Gifts, Benefits & Hospitality (Appendix 1)
-



15.2 Point Lonsdale Lighthouse Reserve Development – Stage 1

File: QG052.03.2018/02
Author: Chief Executive Officer
Portfolio: Governance & Performance
Portfolio Holder: Cr Salter

PURPOSE

The purpose of this report is to seek Council endorsement of a request to vary the grant agreement between Regional Development Victoria and the Borough of Queenscliffe, which provides funding for works at the Point Lonsdale Lighthouse Reserve.

This report also seeks Council support to amend the Council resolution made at the Ordinary Council Meeting on 24 January 2019, to align the previous Council decision on the works in the Point Lonsdale Lighthouse Reserve, with the request for variation.

EXECUTIVE SUMMARY

The Point Lonsdale Lighthouse Reserve Development – Stage 1 furthers the following strategy under the Planning and Heritage portfolio in the 2017 – 2021 Council Plan:

‘preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage’

Request for variation to the grant agreement

The request for variation is required because planning approval cannot be issued for one of the key activities identified in the grant agreement.

In making the variation to remove the activity it is proposed that another key activity is included.

The request for variation has been prepared on the following basis:

- The DDA compliant ramp could not be realised as part of Stage 1 works;
- The removal of asbestos and interim restoration of the P1 huts would promote the heritage value of the area and improve the overall amenity of the site.

Amending the Council resolution

The inclusion of the P1 huts as an activity in the grant agreement requires Council to amend the Council resolution from 24 January 2019 which included the following direction about the P1 huts:

- Replace the northern building with, or redevelopment as, a shelter as part of a picnic / BBQ area, utilising or replicating elements of the existing building;
-



- Demolish of the western building and installation of signage or other minor, low scale interpretative element in this location;
- Demolish of the southern building and installation of a sculptural or other creative interpretative element in this location;

It is recommended to amend part 3 of the resolution made by Council on 24 January 2019 to recognise that all the P1 huts will be retained.

OFFICER RECOMMENDATION

That Council:

- 1. Endorses the Request for Variation to the grant agreement for the Point Lonsdale Lighthouse Reserve – Stage 1 Project, funded through the RIF Rural Development – Infrastructure Grant program, which includes the following activities:**
 - Removal of weed infestation
 - Clean up of Lighthouse surrounds, including hard and soft landscaping
 - Restoration of the P1 Huts
 - Improving interpretative signage
 - Installation of a sculptural element that recognises the Wadawurrung Traditional Owners historical presence at the site
- 2. Amend the Council resolution on the Point Lonsdale Lighthouse Reserve – Stage 1 Project made on 24 January 2019:**
 - a) to remove the following bullet points in part 3 of the resolution;**
 - **3b. Replacement of the northern building with, or redevelopment as, a shelter as part of a picnic / BBQ area, utilising or replicating elements of the existing building;**
 - **3c. Demolition of the western building and installation of signage or other minor, low scale interpretative element in this location;**
 - **3d. Demolition of the southern building and installation of a sculptural or other creative interpretative element in this location**
 - b) to include the following new bullet point;**
 - **3b. Retain and restore the three P1 huts known as the northern building, the western building, and the southern building**
 - c) to renumber the remaining bullet point in part 3 of the resolution**



REPORT

BACKGROUND

Request for Variation

The current RDV grant agreement includes the following conditions:

Stage 1 will involve:

- a. removal of weed infestation;
- b. landscaping
- c. repair and redevelopment of access arrangements including boardwalks and pathways including those for disabled;
- d. improve interpretative signage: and
- e. additional works in line with the site Masterplan and includes a sculptural component that observes the aboriginal historical significance of the site

In October 2019 Council commenced a development approval process to implement Stage 1 of Landscape Master Plan for the lighthouse reserve adopted at the Ordinary Council meeting in January 2019.

In December 2019 an amendment to the Victorian Heritage Register introduced greater heritage controls across the site, including increased controls to protect cultural heritage values.

A combination of the work required to assess the complex cultural heritage layers of the site and the impacts of COVID-19 meant that very little progress was made through the approvals process during 2020.

However, during the assessment work, and through the consultation that did occur with the consultants and relevant authorities, it was made clear to Council that there were concerns about a number of the major components of the Landscape Master Plan, and in particular the location and potential environmental impact of the DDA complaint timber ramp identified as an activity in the funding agreement.

Terra Culture, the consultant preparing the Cultural Heritage Management Plan (CHMP) for Council, provided the following advice to Council in early 2020:

One previously registered Aboriginal place is located within the activity area and it is likely that further Aboriginal archaeological material is present, particularly in the form of shell middens and low-density artefact distributions. There is also the possibility of Aboriginal ancestral remains (burials) to exist within the activity area. As a result, the CHMP must proceed to a Standard Assessment according to Section 62 of the Regulations.

In January 2021, Terra Culture provided the following advice after completing the standard assessment:

... the activity area includes areas that are relatively undisturbed and are located on a highly sensitive landform (proposed location of DDA ramp) which is likely to contain Aboriginal



cultural heritage. Therefore, under Regulation 64(1) the assessment proceeded to a Complex Assessment.

In January 2021 the Wadawurrung Traditional Owners Aboriginal Corporation was able to undertake its first on-site inspection as part of the work required to undertake the Complex Assessment and provide advice for the Cultural Heritage Management Plan (CHMP).

The feedback from the Wadawurrung traditional owners following the site visit confirmed the concerns held by Terra Culture, Heritage Victoria and DELWP and went as far as to say that they would not support any sub-surface testing or vegetation removal at the site to undertake the further investigation required to complete the Cultural Heritage Management Plan which would be required to approve the DDA ramp.

This meant that the major activity nominated in the masterplan and subject to the funding agreement could not proceed because a planning permit application could not be assessed or issued.

As a result the request is being made to vary the current funding agreement to remove this activity.

When considering a replacement activity Council was cognisant of the ongoing concerns in the community about a lack of progress on P1 Huts. Council had previously resolved to remove three of the four P1 huts at the Point Lonsdale site, primarily due to the presence of asbestos in the structures. The amendment to the Victorian Heritage Register in December 2019 changed the name of the area from Point Lonsdale Lighthouse Reserve to the Point Lonsdale Maritime and Defence precinct for the purposes of the heritage citation. The updated citation was also expanded to include the follow statement:

WHAT IS SIGNIFICANT?

The Point Lonsdale Maritime and Defence Precinct including all buildings, structures, objects, ruins and archaeological features and deposits related to the location's strategic role in both defence and maritime navigation and rescue.

A specific reference to the P1 huts was also included

The Point Lonsdale defence camp was erected consisting principally of P1-type huts, which initially accommodated the 7 Australian CRE (Works)

In discussion with the Point Lonsdale Lighthouse Reserve reference group following the advice that approval to construct the DDA ramp was unachievable, Council requested a list of other work the reference group would like to see undertaken if Council could successfully vary the grant agreement. The restoration of the P1 huts was nominated as a top four priority.

In addition to the community support, Council has nominated the restoration of the P1 huts as a potential activity in a revised grant agreement because of the presence of asbestos in the P1 huts. While Council has health risk mitigation measures in place, the measures detract from the heritage



values of the area and the P1 huts. Removal and restoration of the huts would eliminate the health risk and improve the overall amenity of the site.

The changes included in the request for variation are summarised in the following table:

	Existing Activity	Retain	Change	New	Revised Activity List
1	Removal of weed infestation				Removal of weed infestation
2	Landscaping				Clean up Lighthouse surrounds, including hard and soft landscaping
3	Repair and redevelopment of access arrangements including boardwalks and pathways including those for disabled				Restoration of P1 Huts
4	Improve interpretative signage				Improve interpretative signage
5	Additional works in line with the site Masterplan and includes a sculptural component that observes the aboriginal historical significance of the site				Additional works in line with the site Masterplan and includes a sculptural component that observes the aboriginal historical significance of the site

Amending the Council resolution

The inclusion of the P1 huts as an activity in the grant agreement requires Council to amend the Council resolution from 24 January 2019 to ensure Council is not undertaking work contrary to a previous decision of Council.

The remainder of the 24 January 2019 resolution is still relevant but will be subject to review if the request for variation is successful.

Options

Option 1 – Council can elect to modify or amend the recommendation

Option 2 – Council can elect to withdraw the request for variation

COMMUNICATIONS AND ENGAGEMENT



Community Engagement



The project has been subject to a range of different engagement stages including the consistent input from a project reference group which included residents and non-permanent residents.

Collaboration

Council has worked with the local community, the project reference group and the Wadawurrung Traditional Owners Aboriginal Corporation during the development and assessment of the design for the site.

GOVERNANCE CONTEXT

Relevant Law

Local Government Act 2020

Charter of Human Rights

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

Regional, State and National Plans and Policies

Not Applicable

Council Plan Alignment

The Point Lonsdale Lighthouse Reserve project furthers the following Strategic Objectives of Council, set out in the 2017 – 2021 Council Plan:

- Community Wellbeing - Enhance community wellbeing by providing a safe environment where people are involved, healthy and active in recreation, arts and culture.
- Environmental Sustainability – Play our part in protecting the local, national and globally significant values within our natural environment for future generations.
- Planning and Heritage – Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.

Legal and Risk Implications

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

Related Documents

Meeting Minutes, Ordinary Meeting of Council held 29 April 2015
Meeting Minutes, Ordinary Meeting of Council held 23 August 2018
Meeting Minutes, Ordinary Meeting of Council held 24 January 2019



Disclosure of Interest

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

CONSIDERATIONS

Environmental Sustainability

Improvement of the Point Lonsdale Lighthouse Reserve will improve the local environment. Planning for protection of key flora species, managing fire risk, and clearance of weed and other infestations will protect, restore and enhance the ecological significance of the site.

Financial and resource implications

Not applicable

Innovation and Continuous Improvement

Not applicable

IMPLEMENTATION

Operational Impacts

There are no changes to the current operational impacts if Council is successful in securing a variation to the current grant agreement.

Implementation Process

Should Council resolve to adopt the recommendations in the report the record of the Council resolution for the Point Lonsdale Lighthouse Reserve – Stage 1 Project made on 24 January 2019 will be amended to reflect the changes.

ATTACHMENTS

1. Meeting Minutes extract, item 15.3 Point Lonsdale Lighthouse Reserve Master Plan, from Ordinary Meeting of Council held on 24 January 2019 (Appendix 2)
-



16. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS

No reports to consider.

17. QUESTIONS WITHOUT NOTICE

17.1 Questions Without Notice Status Update

No Questions Without Notice outstanding.

17.2 Questions Without Notice

18. LIST OF COUNCIL MEETINGS

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

PLANNING REVIEW MEETING

Wednesday 14 April 2021 at 7:00pm (if required)

COUNCIL MEETING

Wednesday 28 April 2021 at 7:00pm



19. CLOSED SESSION OF MEETING

Time: _____pm

OFFICER RECOMMENDATION

That, in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public for the consideration of the following confidential items:

19.1 Confirmation of 17 February 2021 Confidential Council Meeting Minutes

This agenda item is deemed to contain confidential information as per section 3(1)(h) of the Local Government Act 2020 as it contains confidential meeting information, being the records of meetings closed to the public under section 66(2)(a). This ground applies as the Council minutes being confirmed are for matters that have previously been deemed confidential.

19.2 Community Grants Reference Group Extension of Term

This agenda item is deemed to contain confidential information as per section 3(1)(f) of the Local Government Act 2020 as it contains confidential information, being the personal information of the Community Grants Reference Group members. This ground applies because the release of this information would result in the unreasonable disclosure of information about the Reference Group members.

Time: _____pm

OFFICER RECOMMENDATION

That Council reopen the meeting and resume standing orders.

20. RATIFICATION OF CONFIDENTIAL ITEMS

OFFICER RECOMMENDATION

That the decisions made in camera be ratified by Council.

21. CLOSE OF MEETING

The meeting closed at:



ADJUNCT TO 7 – RECORD OF ASSEMBLY OF COUNCILLORS

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

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

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

Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures
Assembly Meeting – Tuesday 16 February 2021				
Videoconference (Zoom)				
Cr Ross Ebbels - Mayor Cr Fleur Hewitt Cr Michael Grout Martin Gill, CEO	Nil	3:00pm – 3:45pm	1. Borough of Queenscliffe Active Transport Plan	Nil
Assembly Meeting – Wednesday 17 February 2021				
Queenscliff Town Hall				
Cr Ross Ebbels - Mayor Cr Donnie Grigau Cr Fleur Hewitt Cr Michael Grout Cr Susan Salter Martin Gill, CEO Johann Rajaratnam, GMPI Phillip Carruthers, GMOP&CS	Nil	2:30pm – 5:35pm	1. Draft Climate Emergency Response Plan 2. Bike Park community consultation feedback 3. Bike Park petition 4. Confidential Item – Councillors remuneration 5. Victorian Local Government Grants Commission 6. Proposed Actions Register	Councillors acknowledged that they may have a potential conflict of interest with respect to item 4 Councillors remuneration, however there was no alternative in considering this item as it is a requirement of the <i>Local Government Act 2020</i> . However, regulation 7(1)(g) of the <i>Local Government (Governance and Integrity) Regulations 2020</i> provides



Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures
Rebecca Petit-Bramwell CERP Connor Parker, CCEC		2:30pm – 3:24pm 3:25pm – 4:52pm		an exemption from conflict of interest requirements for the purposes of the payment of allowances to the Mayor, Deputy Mayor or Councillors as provided for under section 39(6) of the <i>Local Government Act 2020</i> .
Councillor Induction tour of the Borough – Wednesday 24 February 2021				
Queenscliff Town Hall & various site visits				
Cr Fleur Hewitt Cr Michael Grout Cr Ross Ebbels Cr Donnie Grigau Martin Gill, CEO Johann Rajaratnam, GMPI Phillip Carruthers, GMOP&CS Peter McLean, RIE Stuart Hansen, SPO Dinah O’Brien, PPL Shannon Maloney, ECDPL Carly Douglas, ECDO Abbey Tatterson, EAGMPI Leanne Stein (driver) Shane Poulter (driver)	Cr Susan Salter	9:00am – 4:55pm 9:00am – 11:00am 10:00am – 4:30pm 3:00pm – 4:30pm 1:30pm – 4:30pm 1:30pm – 5:00pm 9:00am – 1:30pm	1. Councillors visited key strategic sites and projects around the Borough and received briefings by the relevant council officers.	Nil



Assembly Meeting – 3 March 2021				
Queenscliff Football Netball Club				
Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures
Cr Donnie Grigau Cr Fleur Hewitt Cr Michael Grout Cr Ross Ebbels Martin Gill, CEO Johann Rajaratnam, GMPI Phillip Carruthers, GMOP&CS Rowan Martin, QFNC Peter Callahan, QFNC Matt Toohey, QCC	Cr Susan Salter	9:00am – 10:00am	1. Tour of the Queenscliff Football Netball Club. 2. Netball court maintenance 3. Lift	Nil
Assembly Meeting – 3 March 2021				
Queenscliff Town Hall				
Cr Fleur Hewitt Cr Michael Grout Cr Ross Ebbels Cr Susan Salter Martin Gill, CEO Johann Rajaratnam, GMPI Phillip Carruthers, GMOP&CS Gihan Kohobange, MFS Alex Tonkin, BSA Fiona Kerney, RC	Nil	2:17pm – 6:05pm 2:17pm – 4:05pm 2:17pm – 4:05pm 2:17pm – 4:05pm	1. Rating & Revenue Plan 2. Planning Briefing a) 2020/072 – 82A & 82B Glanuse Rd, Point Lonsdale b) 2020/077 – 18 Cheshunt St, Point Lonsdale c) 2016/034 – 71 Hesse St, Queenscliff 3. Caravan Park Management 4. Aged Care Review	Nil



Dinah O'Brien, PPL Shannon Maloney, ECDPL		4:10pm – 5:05pm 4:55pm – 5:35pm		
Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures
Assembly Meeting – 3 March 2021				
Circa1902				
Cr Donnie Grigau Cr Fleur Hewitt Cr Michael Grout Cr Ross Ebbels Cr Susan Salter Martin Gill, CEO Phillip Carruthers, GMOP&CS Libby Coker MP	Johann Rajaratnam, GMPI	6:30pm – 9:00pm	1. Queenscliffe Hub 2. Aged Care reform 3. Election Cycle 4. Climate Change	Nil
Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures
Assembly Meeting – 10 March 2021				
Queenscliff Town Hall				
Cr Donnie Grigau Cr Fleur Hewitt Cr Ross Ebbels Martin Gill, CEO Johann Rajaratnam, GMPI Phillip Carruthers, GMOP&CS	Cr Michael Grout Cr Susan Salter	12:30pm – 1:08pm	1. Council Plan & Councillors role	Nil



Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures
Assembly Meeting – 17 March 2021				
Queenscliff Town Hall				
Cr Donnie Grigau Cr Fleur Hewitt Cr Michael Grout Cr Ross Ebbels Cr Susan Salter Martin Gill, CEO Johann Rajaratnam, GMPI Phillip Carruthers, GMOP&CS Peter McLean, RIE Shannon Maloney, ECDPL Dinah O’Brien, PPL Michael Everett, DELWP Mia Davison, DELWP Terry Fogg, QLTG Lyn Houldcroft, QLTG Connor Parker, CCEC	Nil	2:30pm – 7:40pm 2:30pm – 6:50pm 3:15pm – 5:50pm 4:00pm – 4:50pm 4:50pm – 5:00pm 2:30pm – 3:15pm 2:30pm – 3:10pm 2:30pm – 3:10pm 2:30pm – 3:10pm 3:15pm – 4:00pm 3:15pm – 4:00pm 6:55pm – 7:40pm	1. Bellarine Distinctive Areas & Landscapes (DAL) 2. Queenscliff Theatre Lighthouse Group Red Shed proposal 3. Lend Lease contract 4. Murray Road shared path 5. Hesse Street Pedestrian Strategy 6. Community Grants Reference Group 7. Aged Care Review 8. Gifts Policy 9. Risk Register 10. Point Lonsdale Light House Reserve and Regional Development Victoria Grant 11. Draft Climate Emergency Response Plan	Nil

CEO - Chief Executive Officer	GMOP&CS General Manager, Organisational Performance and Community Services	GMPI – General Manager Planning & Infrastructure
ADO – Arts Development officer	BSA – Business Services Accountant	CCEC – Coordinator Community Engagement & Communications
CERP – Projects Officer, Climate Emergency Response Plan	CSC – Community Services Coordinator	EA – Executive Assistant to the CEO, Mayor and Councillors



EAGMPI – Executive Assistant General Manager Planning & Infrastructure	EAHR&CGC – Executive Assistant & HR and Corporate Governance Coordinator	ECDO – Economic & Community Development Officer
ECDPL – Economic & Community Development Program Leader	EPO – Executive Projects Officer	MFS – Manager Financial Services
ODCS – Organisational Development Customer Service & ICT services	PPL – Planning Program Leader	RC – Rates Coordinator
RIE – Roads & Infrastructure Engineer	SLEO – Senior Law Enforcement Officer	SPO - Special Projects Officer
TPTL – Tourist Park Team Leader (Acting)		



ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UPDATE

Date	Question	Action	Status
17 February 2021	<p>Public question 4 from the QCA</p> <p>Preamble No doubt Council have been the recipient of many pieces of correspondence on the proposed Bike Park sited at the High School site (as per Council information and survey). It is the community understanding Council Motions supporting a Botanical Gardens are still endorsed and questions relate to why Council or its officers have promoted another project in contravention of the existing council motions, the widespread community support for open space and a powerful restatement of such goals and visions in the just completed engagement on the new Coastal Management Plan.</p> <p>Question Can it be explained who authorised the new project initiative and how much council staff time and costs have been incurred in scoping this project and, whether any councillors have participated in assisting to action or support this proposal?</p> <p>Second Question Is there scope to remove the project as specifically defined and detailed from the Council website in order to follow due process and due diligence on other possible locations within or beyond the Borough?</p>	Second question taken on notice	Response sent on 23 February 2021 <i>see Appendix 2</i>



ADJUNCT TO 8.1 – NOTICE OF MOTION STATUS UPDATE

No Motions on Notice outstanding.

ADJUNCT TO 17.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE

No questions without notice outstanding.
