

Minutes

Ordinary Meeting of Council

Wednesday 28 July 2021 at 7:00pm

Via Videoconference (Zoom)

Distribution

Councillors

Cr Ross Ebbels – Mayor

Cr Susan Salter

Cr Donnie Grigau

Cr Fleur Hewitt

Cr Michael Grout

Officers

Martin Gill – Chief Executive Officer

Johann Rajaratnam – General Manager Planning & Infrastructure

Connor Parker – Coordinator Community Engagement & Communications

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



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	Diagram of the new Borough of Queenscliffe Structure	11.1 Chief Executive Officer Report	Under separate cover
Appendix 2	Bike Park: Project Investigation Framework	12.1 Proposed Bike Park Project Investigation Framework	Under separate cover
Appendix 3a	Zoning Maps	15.2 Planning Scheme amendment C33 and Planning Permit Application 2018-079, 81 Nelson Road, Queenscliff	Under separate cover



Appendix 3b	Draft Planning Permit 2018/079	15.2 Planning Scheme amendment C33 and Planning Permit Application 2018-079, 81 Nelson Road, Queenscliff	Under separate cover
Appendix 4	Amended plans of the proposed development submitted on 21 June 2021	15.3 Planning Permit Application 2021-024, 69 Stokes Street Queenscliff	Under separate cover
Appendix 5a	CP001 Asset Management	16.1 Review of Council Polices	Under separate cover
Appendix 5b	CP011 Investment of Available Funds	16.1 Review of Council Polices	Under a separate cover
Appendix 6	2021 Community Satisfaction Survey Results	16.2 Community Satisfaction Survey Results 2021	Under a separate cover
Appendix 7a	Association of Bayside Municipalities Charter	16.3 Appointment of a Councillor Representative to the Association of Bayside Municipalities	Under a separate cover
Appendix 7b	Memorandum of Understanding 2021 – 2024	16.3 Appointment of a Councillor Representative to the Association of Bayside Municipalities	Under a separate cover
Appendix 8	Borough of Queenscliffe Instrument of Appointment and Authorisation – Environment Protection Act 2017	16.4 Instruments of Appointment and Authorisation (Environment Protection Act 2017)	Under a 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 7:04pm.

2. PRESENT & APOLOGIES

Present:

Cr Ross Ebbels – Mayor

Cr Susan Salter*

Cr Donnie Grigau

Cr Fleur Hewitt

Cr Michael Grout

Martin Gill – Chief Executive Officer

Johann Rajaratnam – General Manager Planning & Infrastructure

Connor Parker – Coordinator Community Engagement & Communications

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

Dinah O'Brien – Planning Program Leader

Brydon King – Contract Senior Planner

Stuart Hansen – Special Projects Officer

Shannon Maloney – Economic & Community Development Program Leader

*Cr Salter arrived at 7:50pm

Apologies:

Nil



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: Cr Ebbels declared a conflict of interest in respect to item 14.1 Planning Permit Activity report, application queenC33, rezone of the land at 81 Nelson Road, Queenscliff and 2020/046 for the subdivision of land at 61-75 Murray Road, Queenscliff. Cr Ebbels declared that he resides in close proximity to the subject properties. There is no decision to be taken on this item.

Cr Ebbels declared a conflict of interest in respect to item 15.2 Planning Scheme Amendment C33 and Planning Permit Application 2018-079, 81 Nelson Road, Queenscliff. Cr Ebbels declared that he would leave the chamber during that item.

Officers: Nil

Due to the current COVID-19 pandemic, for health and safety of our community this council meeting was closed to the public and made available via live streaming and for viewing via video (other than the confidential agenda items).

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.

The Mayor advised that 2 public questions had been received by Council within the prescribed timelines.

Public Question 1 from Carmen Bell

My question relates to Page 32 of the Agenda for Council Meeting 28 July 2021, specifically to Planning Application No 2021/067. Description of the Proposal for 5 Beach Street, Queenscliff states: 'Demolition of a dwelling, outbuilding and fences, construction of a dwelling and fences and variation to the site coverage requirements of Design and Development Overlay - Schedule 6'. It omits that this property is within Heritage Overlay 1 – Fisherman's Flat which is significant. Is this an inadvertent omission or deliberate to allow a building of such dimensions to progress through the planning processes of the Borough?

Response by Mayor

Thank you for your question, this is an inadvertent omission which will be corrected.

Public Question 2 from Queenscliffe Community Association

The new and latest Survey on the Tourist Parks informs the community that the tourist parks 'generate income that helps us keep rates low'. This presumes ratepayers are responsible for Crown land management and contributing financially to its maintenance and upkeep.

Can it be clearly explained by the Mayor how our rates would be higher if it was not supplemented by such Crown land incomes or whether our rates are kept lower having these tourist parks financially viable?

Response by Mayor

This question will be taken on notice.



6. CONFIRMATION OF COUNCIL MEETING MINUTES

6.1 Ordinary Meeting of Council – 23 June 2021

A copy of the previous Minutes of the Ordinary Meeting of Council held on 23 June 2021 was distributed to Councillors under separate cover.

Councillors Grout / Hewitt

That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 23 June 2021, as distributed, be confirmed as an accurate record.

Carried



7. RECORD OF ASSEMBLY OF COUNCILLORS

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

- 23 June 2021 – Assembly Meeting
- 30 June 2021 – Assembly Meeting
- 1 July 2021 – Community Grants Assessment Panel (Confidential)
- 7 July 2021 – Assembly Meeting
- 14 July 2021 – Planning Review Meeting
- 21 July 2021 – Assembly Meeting

Councillors Hewitt / Grigau

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

Carried



8. NOTICE OF MOTION

8.1 Notice of Motion Status Update

No Motions on Notice outstanding.

8.2 Motion on Notice

No Notices of Motion were received.

9. PETITIONS AND JOINT LETTERS

9.1 Petitions and Joint Letters

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

None received.



10. FUNCTIONS ATTENDED

Council was represented at the following meetings and functions between 18 June to 22 July 2021:

Date	Function Attended
20 June 2021	Australian Local Government Association Regional Forum (CEO & Cr Ebbels)
20–23 June 2021	National General Assembly (CEO & Cr Ebbels)
20 June 2021	National General Assembly Welcome Reception (CEO & Cr Ebbels)
21 June 2021	Dinner with Libby Coker MP (CEO & Cr Ebbels)
22 June 2021	National General Assembly Gala Dinner (CEO & Cr Ebbels)
23 June 2021	MAV sexual harassment training via videoconference (Crs Salter, Grigau Grout & Hewitt)
24 June 2021	G21 Arts, Heritage & Culture Pillar via videoconference (Cr Grigau)
24 June 2021	Geelong Community Foundation 2021 Grant Reception (Cr Grigau)
24 June 2021	PLonQ Meeting (Crs Ebbels, Grout & Salter)
24 June 2021	G21 Economic Development Pillar Meeting (Cr Ebbels)
25 June 2021	G21 Board Meeting via videoconference (CEO & Cr Ebbels)
25 June 2021	Point Lonsdale Lighthouse Reserve Project Control Group via videoconference (CEO & Cr Ebbels)
25 June 2021	2021 Bellarine Lighthouse Film Festival opening night (Cr Ebbels)
28 June 2021	Bellarine Railway Project Control Group Meeting (Cr Ebbels)
29 June 2021	ABC Radio Meet The Mayor segment (Cr Ebbels)
30 June 2021	Farewell dinner for Phillip Carruthers, General Manager Organisational Performance & Community Services (CEO, Crs Salter, Hewitt, Grigau & Grout)
5–8 July 2021	Refugee Alternatives Conference 2021 via videoconference (Cr Ebbels)
8 July 2021	Meeting with the Queenscliff Bowling Croquet & Tennis Club Association Inc (CEO & Cr Ebbels)
10 July 2021	Coast Guard Queenscliff Annual Dinner (Cr Ebbels)
15 July 2021	Geelong Regional Library Corporation Draft Library Plan Workshop via videoconference (Cr Salter)



Date	Function Attended
16 July 2021	Point Lonsdale Lighthouse Reserve Project Control Group Meeting via videoconference (Cr Ebbels)
19 July 2021	Meeting with Bellarine Community Health via videoconference (Cr Grigau)
19 July 2021	G21 Environment Pillar Meeting via videoconference (Cr Hewitt)
20 July 2021	Meeting with Queenscliffe Lighthouse Theatre Group via videoconference (CEO)

Officer recommendation

That the Functions Attended report be received.

Councillors Grout / Grigau

That the Functions Attended report, as amended, be received.

Carried



11. CHIEF EXECUTIVE OFFICER

11.1 Chief Executive Officer Report

PURPOSE

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

REPORT

National General Assembly

The Mayor and I attended the Australian Local Government Association (ALGA) Regional Forum and the National General Assembly (NGA) in Canberra last month.

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year.

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy, and to influence the future direction of our councils and our communities.

The theme for the 2021 NGA was *Working Together for Our Communities*.

The ALGA Strategic Plan 2020 – 2023 was presented. This document will form the basis of the key advocacy agenda for the Local Government sector in the lead up to the next Federal election. The key objectives of the plan are:

To champion a strong local government sector focusing on:

- Financial sustainability;
- Roads and Infrastructure Funding;
- Waste Reduction and Recycling;
- Stronger Community Resilience; and
- Addressing the risks of a changing climate.

The key outcomes sought by these objectives are:

- Restore Financial Assistance Grants to a level equal to 1 per cent of Commonwealth taxation revenue;
 - Achieve infrastructure capable of meeting future needs by increasing Australian Government funding to support local infrastructure provision;
 - A strong waste and recycling system and the commencement of a circular economy;
 - Australian communities that can respond to, withstand and recover from adverse situations; and
 - Action by all levels of government to mitigate climate change and adapt to unavoidable change
-



On this last point it was great to hear people speaking about the Borough of Queenscliffe's Climate Emergency Response Plan and praising Council's commitment to community involvement and participation in the preparation of the plan.

ALGA will also advocate to the Australian Government and facilitate collaboration between state and territory associations in specific areas including:

- Population, Planning and Building;
- Overcoming Indigenous Disadvantage;
- Arts and Cultural Development; and
- Tourism.

It was an eventful conference that took place in the shadow of the National Party leadership spill, and the political outfall of the pandemic. In this context, discussions about federalism and the role of State Government were contrasted by a commitment to working toward constitutional recognition for Local Government by the opposition leader Anthony Albanese.

The great success of the Assembly is that the conversations, the networking, and the presentations, remind us that, despite the unique and unequalled qualities of every individual Council, we share many common issues and aspirations, not the least being, getting better outcomes for our communities.

Climate Emergency Response Plan

The project to develop the Climate Emergency Response Plan (CERP) Implementation Plan has commenced. A methodology for analysing each action has been developed. A project plan, that will incorporate a review of resourcing implications, funding and partnership opportunities and set out the work required achieve the action outcome, will be prepared for each action

An update on Pillar 1 – Wadawurrung Country, Cultural Heritage and Values.

Pillar 1, action 3 of our CERP is developing and endorsing a Reconciliation Plan (RAP) in collaboration with the Wadawurrung Traditional Owners as a formal commitment to reconciliation from Council. After initial meetings with the Wadawurrung Traditional Owners, it was decided the Council's RAP will follow the usual, formal RAP process and will begin with a period of reflection and understanding.

This reflection process is different to the community Cultural Heritage session running on 23 August.

Deakin has provided its draft report on energy use at our caravan parks and submitted a series of recommendations highlighting areas for improvement. In particular, they have provided areas for improvement in energy use, education for campers, and other sustainability initiatives associated with infrastructure and building improvements. Council staff have provided feedback on this report and we will receive a final report from Deakin shortly.

Rebecca Petit-Bramwell (Bec) has recently been re-appointed as the Project Officer- Climate Emergency Response Plan and will now work on implementing the CERP for the next two years until July 2023.



Current Community engagement

The Draft Borough of Queenscliffe Social Housing Plan was placed on public exhibition inviting community feedback, with submissions closing on 22 July. The feedback in the submissions will be reviewed by Council and the comments and any resulting recommendations for change to the draft document will be provided to the G21 Social Housing Project Steering Committee for consideration. Councillors will receive an update at the Ordinary Meeting of Council in August.

Distinctive Areas and Landscapes

Draft Bellarine Peninsula Statement of Planning Policy

The draft Bellarine Peninsula Statement of Planning Policy has been released for public consultation. The Department of Environment, Land, Water and Planning (DELWP) has prepared it in collaboration with the Traditional Owners, the Wadawurrung, the Borough of Queenscliffe, the City of Greater Geelong, relevant government agencies and authorities, and community input.

<https://engage.vic.gov.au/distinctive-areas-and-landscapes-program/bellarine-peninsula>

Restructure

On 1 July 2021, following the retirement of Phillip Carruthers, General Manager Organisational Performance & Community Services, Council started a transition to a new operational structure.

The key change is a move from two directorates to four. The two General Manager positions will be replaced by four management positions. This group along with the CEO will make up an expanded management team and will be responsible for managing the operations of the organisation.

The restructure is likely to include the creation of some positions, including the Project Officer – Climate Emergency Response Plan.

Other changes include a redrafting of position descriptions to better align roles with strategic and operational needs.

A diagram of the new structure is included here at **(Appendix 1)**

Councillors Hewitt / Grigau

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

Carried



12. COMMUNITY WELLBEING

12.1 Propose Bike Park Project Investigation Framework

File:	QG320.02.04
Author:	Chief Executive Officer
Portfolio:	Community Wellbeing
Portfolio Holder:	Cr Grigau

PURPOSE

The purpose of this report is to present and seek endorsement of a project investigation framework for the development of a bike park in the Borough of Queenscliffe.

EXECUTIVE SUMMARY

The proposed bike park project aligns Borough of Queenscliffe Health and Wellbeing Action Plan 2017–21, Priority 1: Promoting Active Living and Supporting Healthy Eating. The specific action is to increase the level of children’s and youth participation in physical activities.

At the Ordinary Council Meeting in March 2021, Council considered a petition that called for Council to reconsider the proposed use of the Old High School as a site for a bike park. In considering the petition Council resolved the following:

That Council

- 3. Receives a report from Council officers setting out the framework for an investigation into the development of a bike park in the Borough of Queenscliffe at its Ordinary Council meeting in July 2021.***

The resolution also noted that a number of people who responded to an earlier survey regarding the location of a bike park in the Borough of Queenscliffe had reported that the current skate park and surrounds in Point Lonsdale would be a suitable site.

Council officers have held meetings with the Department of Environment, Land, Water and Planning (DELWP) and put the current skate park and surrounds as an option for investigation. DELWP advised it would support an investigation of this area and set out a number of matters it would like addressed.

Council officers have now prepared a ‘Bike Park Project Investigation Framework’ (Framework) for Council consideration. The Framework is included here at **(Appendix 2)**.

Councillors Grigau / Hewitt

That Council adopts the Bike Park Project Investigation Framework.



Carried



REPORT

BACKGROUND

In July 2020, Council closed a number of informal bike tracks to local riders to protect sensitive vegetation from damage. In February 2021, Council commenced community consultation on a bike park proposal at the old high school site at 60-70 Flinders Street, Queenscliff. Council officers presented this site based on advice from DELWP which had recommended three sites it thought were suitable:

- Point Lonsdale Lighthouse Reserve
- Land adjacent to the Point Lonsdale-Queenscliff Yacht Club on Swan Bay
- Old High School site

Submissions to this consultation closed on 14 February 2021. Council received 488 responses as well as 71 written submissions on the proposal.

While 56% of participants were supportive of the old high school site, there was a group which strongly opposed the location. There was however, strong support for a bike park that would serve local needs, and support for that facility to be located adjacent to the existing skate park at 240 Point Lonsdale Road, Point Lonsdale.

DISCUSSION

Following the Council resolution, and in discussions with Council officers, DELWP advised it would support an investigation that explored the feasibility of locating the Bike Park in an area adjacent to the current skate park in Point Lonsdale. In providing its advice, DELWP set out a number of matters it would like addressed:

- Alignment with the Borough of Queenscliffe Coastal and Marine Management Plan;
- An alternative location for the Country Fire Authority (CFA) be found in a non-coastal dependant location. The CFA lease is currently in over holding; and
- A vegetation audit be undertaken in order to ensure that any proposed design minimises the impact on significant flora.

The Framework incorporates these matters as part of the proposed investigation.

The Framework also provides for a process to develop a concept design for the bike park which includes community workshops and consultation. It is anticipated that this process will also incorporate confirmation of the need and the appropriate scale of any facility.

If Council resolves to adopt the Framework, officers will start the project by engaging a consultant to prepare a vegetation audit of the land surrounding the CFA building and the skate park.

Currently the CFA satellite station is located in the area of the proposed site. The current CFA satellite station lease expired in November 2019. In discussions with DELWP at the expiry of the lease in 2019, DELWP advised Council that the lease would not be renewed. The lease agreement with DELWP included the following tenant obligations:



The tenant acknowledges:

1. That the Queenscliffe Coastal Management Plan identifies the relocation of the facility to a non-coastal location as desirable in coastal management terms in the longer term.
2. That during the term of this lease the CFA will seek to identify an alternative site for the relocation of the facility to a non-coastal location.

Council is in discussion with the CFA regarding the lease and possible alternative locations. It is noted that this process will proceed if Council does not adopt the Framework.

If Council does adopt the framework the aim is to conduct concept designs through community workshops later this year. Any concept design would require peer review and a final concept design would go out for community consultation in December 2021.

Any final concept plan would be subject to planning permit approval process and would also require consent as per the *Marine and Coastal Act 2018*.

Options

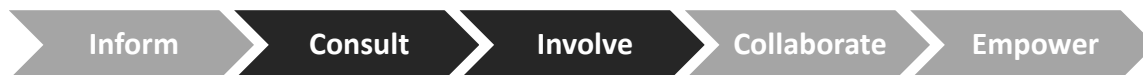
Option 1 – Council adopts the Bike Park Project Investigation Framework as presented.

Option 2 – Council requests further changes to the Bike Park Project Investigation Framework.

Option 3 – Council recommends an alternative location for the proposed bike park.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



The proposed investigation outlined in the framework includes a number of steps that will involve the community, including consultation on the draft Marine and Coastal Management Plan which will identify the area for recreation purposes, and involving the community in the development of concept design options for the bike park.

Collaboration

Council will collaborate with the DELWP throughout the investigation.

Council will also need to work closely with the Country Fire Authority.

GOVERNANCE CONTEXT

Relevant Law

Local Government Act 2020

Marine and Coastal Act 2018

Planning and Environment Act 1987



Charter of Human Rights

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

Gender Equality Act 2020

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

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report?

No; however a Gender Impact Assessment will be performed as part of the investigation framework process.

Regional, State and National Plans and Policies

Not applicable.

Council Plan Alignment

The Borough of Queenscliffe Health and Wellbeing Action Plan 2017–21 provides a framework for implementing the strategic objectives of the Municipal Health and Wellbeing Plan which is incorporated into the of the Council Plan. The priorities of the Borough of Queenscliffe Health and Wellbeing Action Plan 2017–21 include:

Priority 1: Promoting Active Living and Supporting Healthy Eating

Goal: To increase participation in physical activity and improve policies and practices designed to increase consumption of healthy food and drink.

The specific action is to increase the level of children's and youth participation in physical activities. Providing a bike park would further this goal.

Legal and Risk Implications

Not applicable.

Related Documents

Borough of Queenscliffe Health and Wellbeing Action Plan 2017–21
Bike Park: Project Investigation Framework
Stage 1 Community Consultation Feedback Report
Council Meeting Minutes 17 February 2021 – Item 9.1.1
Council Meeting Minutes 24 March 2021 – Item 9.1.1

Disclosure of Interest

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

CONSIDERATIONS



Environmental Sustainability

Not applicable.

Financial and Resource Implications

Council allocated \$20,000 for the development of the concept design for a new bike park in the 2021–22 budget.

Innovation and Continuous Improvement

Not applicable.

IMPLEMENTATION

Operational Impacts

Not applicable.

Implementation Process

The framework outlines the steps that will be followed to complete the investigation.

ATTACHMENTS

1. Bike Park: Project Investigation Framework (Appendix 2)
-



13. LOCAL ECONOMY

No reports to consider.



14. ENVIRONMENTAL SUSTAINABILITY

14.1 Waste Collection Services – Contract 2015/11

File: QG052.03.2015/11

Author: Special Projects Officer

Portfolio: Environmental Sustainability

Portfolio Holder: Cr Hewitt

PURPOSE

The purposes of this report are to inform Council of the current status of the Waste Collection Services Contract, and to seek Council's approval to exercise the option to extend the agreement.

EXECUTIVE SUMMARY

The provision of waste collection services responds to the Council Plan 2017–2021 Strategic Objective 2, Environmental Sustainability, to 'Enhance recycling and green waste and minimise waste to landfill'.

The initial term for the Borough of Queenscliffe's contract for waste collection services (Contract 2015/11) is due to expire in July 2021. The contract provides the opportunity to extend the agreement by two years by mutual agreement. In performance of the contract, Council's contractor Four Seasons Waste has met all requirements and obligations set out in the agreement. Extension of the contract would enable the potential to collaborate on the procurement of future waste collection services.

Councillors Hewitt / Grout

That Council:

- 1) Exercise its option to extend Contract 2015/11 Waste Collection Services by two years to 7 July 2023.**
- 2) Request the CEO to inform Four Seasons Waste of Council's decision and action the two year extension option in accordance with the provisions of the Contract.**

Carried



REPORT

BACKGROUND

Council resolved to award Contract 2015/11 – Waste Collection Services (the Contract) at a Special Meeting of Council held on 13 April 2016 to Four Seasons Waste for an initial period of 5 years.

The Contract commenced in July 2016 with the initial period due to expire in July 2021. The contract includes an optional contract extension period of 2 years. The contract extension can be actioned by mutual agreement of both parties. Four Seasons Waste has indicated a desire to extend the contract in accordance with this provision.

The scope of the services provided under this agreement includes:

- Garbage, Recyclables and Green Waste mobile bin based domestic kerbside collection from:
 - Residential Properties;
 - Caravan Parks; and
 - Municipal Offices
- Public Place Waste and Public Place Recyclables bin collection
- Annual Hard Waste collection from residential properties
- Transport of all material collected to the designated disposal or transfer facility nominated for the respective services.

Provision of new kerbside bins to new service addresses, and to replace damaged and lost bins is also included within this contract based on a schedule of rates.

DISCUSSION

Four Seasons Waste has in its performance of the waste collection services contract met all requirements and obligations of the agreement. The waste collection service provides a prominent service within the broader waste management activities of Council. Council's annual Customer Satisfaction Survey results against the waste management service have been favourable for the entire duration of the contract indicating that the community is satisfied with the quality of the current service provided.

The State Government's Circular Economy Policy is closely related to the waste collection services contract. The State's policy requires all Victorian council's to action a 'Kerbside Transition Plan' that would see all councils introduce a food organics, green organics (FOGO) service and a glass collection service. The extension of this contract would not inhibit Council's ability to progress a transition plan. The contract has sufficient provisions within it to facilitate the introduction of a fourth (glass) bin service.

The extension of the current contract for these services also gives rise to the possibility of collaboration with neighbouring councils on a future procurement for these services. This is discussed further in the Collaboration section of this report.



Options

Option 1 – Exercise the option to extend the Waste Collection Services contact by two years to 7 July 2023. This option would not impact Council’s ability to commence implementing a transition plan for a fourth (glass) bin as required by the State Government’s Circular Economy Policy. Extending the contract would also better align the Borough of Queenscliffe with neighbouring councils to make possible a future collaborative procurement for these services.

Option 2 – Re-tender the Waste Collection Services contract. The minimum period of contract for these services is five years to enable prospective contractors to manage asset and plant costs effectively. A five year contract would impact the Borough’s ability to work collaboratively with other councils to provide these services. This option would also result in the current contract going into over holding.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



The extension of the existing services contract is considered a procedural contractual matter. It is considered that informing the community is the appropriate level of engagement. It should be noted however that the annual Community Satisfaction Survey results for waste services from 2016 to present have been reviewed and the continued positive results were considered when forming the recommendations of this report.

Collaboration

In developing this report’s recommendations collaborative opportunities for the provision of the kerbside waste collection services were explored. Council officers have engaged with neighbouring councils and have identified a potential opportunity to participate in a joint tender process for these services following the conclusion of the existing contracts of all councils who wish to collaborate. The Borough of Queenscliff has committed to exploring the identified collaboration possibilities for services post July 2023.

The extension of the Borough of Queenscliffe’s current contract for these services facilitates the collaboration opportunities with the lowest risk to continuity of service.

GOVERNANCE CONTEXT

Relevant Law

Local Government Act (1989), specifically in relation to the provisions for procurement and section 186 of the act.



Charter of Human Rights

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

Gender Equality Act 2020

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

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report?

No; while the Kerbside waste collection service contract has a direct impact on the public, the contract extension itself is not considered sufficiently significant to require a Gender Impact Assessment.

Regional, State and National Plans and Policies

The State Government's Circular Economy Policy and the proposed transition to a four bin kerbside collection services within this policy have been considered in forming this report's recommendation.

Council Plan Alignment

The provision of waste collection services responds to Strategic Objective 2 Environmental Sustainability, to

- Enhance recycling and green waste and minimise waste to landfill.

Legal and Risk Implications

No legal or risk implications are associated with adopting the recommendation of this report.

Related Documents

Not applicable.

Disclosure of Interest

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

CONSIDERATIONS

Environmental Sustainability

The extension of the current waste collection services contract will not impact Council's ability to progress a Kerbside waste collection transition plan and the incorporation of a fourth (glass) collection bin as required by the State Government Circular Economy Policy.

Financial and resource implications

The extension of the current waste collection services contract will commit council to expenditure of \$1,136,000 inclusive of GST. Committed expenditure for the 2021 financial year is included



within the 2021/2022 financial year budget. The long term financial plan includes the required budget for the 2022/2023 financial year.

Innovation and Continuous Improvement

Not applicable.

IMPLEMENTATION

Operational Impacts

The adoption of this report's recommendation ensures the continuity of Council's kerbside waste collection services. The extension of the current contract also better aligns the Borough of Queenscliffe with neighbouring councils to enable a potential future collaborative procurement opportunity.

Implementation Process

Should Council resolve to adopt the recommendation, the Chief Executive Officer will provide formal advice to Council's Contractor, Four Seasons Waste, that Council agrees to extend Contract 2015/11 Waste Collection Services in accordance with the provisions of the contract for a period of two years until 7 July 2023.

ATTACHMENTS

Nil.



15. PLANNING & HERITAGE

15.1 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	14
Applications finalised since last report	12
New applications received since last report	16
Total number of active permit applications	28
Decisions awaiting review by VCAT	5
Development Plan & Planning Scheme Amendment Summary Report	1

Councillors Grout / Hewitt

That the Planning Permit Activity Report be received.

Carried

Councillors Grout / Grigau

That Councillors receive a briefing on the following planning application:

- 1) 2021/053 – 2/22 Bellarine Highway, Queenscliff.

Carried



(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	Refer agenda (part of planning scheme amendment - queenC33)
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)	Waiting from further information from applicant
2021/018	25/02/2021	134 Hesse Street Queenscliff	Installation of Telstra telecommunication tower	Public notification
**2021/024	19/03/2021 (Amended 21/06/2021)	69 Stokes Street Queenscliff	Construction of a two storey dwelling and front fence	Refer to agenda item 15.3
2021/025	19/03/2021	5 Lonsdale Street Point Lonsdale	Construction of a dwelling (to 8.45 metres in height)	Further information requested 30 March 2021
2021/028	01/04/2021	46 Glaneuse Road Point Lonsdale	Construction of a dwelling and outbuilding and removal of native vegetation	Under consideration
**2021/032	15/04/2021 (Amended 10/06/2021)	1 Rayleigh Avenue Queenscliff	Construction of a two storey dwelling and variation to the site coverage and setback requirements of Design and Development Overlay – Schedule 5	Under consideration (Note: proposed site coverage 43%)



App. No	Date Received	Address	Proposal	Status
**2021/037	07/05/2021	29 Swanston Street Queenscliff	Construction of a two storey dwelling and front fence	Under consideration
**2021/038	03/05/2021	63 Flinders Street Queenscliff	Alterations and extensions to an existing dwelling, construction of an outbuilding and front fence, variation to the front setback requirements of Design and Development Overlay – Schedule 3 and alteration to access to a road in a Road Zone Category 1	Under consideration
2021/043	11/05/2021	69 Learmonth Street Queenscliff	Construction of a dwelling	Under consideration
2021/045	20/05/2021	37 Cheshunt Street Point Lonsdale	Alterations and extensions to an existing two storey dwelling	Public notification
2021/048	27/05/2021	200-204 Point Lonsdale Road Point Lonsdale	Buildings and works associated with the construction of a two storey building comprising four (4) shops and twelve (12) dwellings, use of the site for commercial premises, reduction of the standard car parking requirement of Clause 52.06, alteration to and creation of access to a road in a road zone category 1	Public notification Referrals to VicRoads & Borough Engineer
**2021/053	04/06/2021	2/22 Bellarine Highway Queenscliff	Construction of a two storey dwelling	Under consideration
2021/054	08/06/2021	16 Bailey Street Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	Public notification



(b) Applications Finalised Since Last Report

App. No	Date Received	Address	Proposal	Status
2019/065	01/10/2019	The Promenade Point Lonsdale Road Point Lonsdale	Removal of native vegetation	Application withdrawn (by applicant)
2020/003	31/01/2020	Point Lonsdale Lighthouse Reserve (Crown Allotments 2002 & 2009)	Removal of native vegetation	Application withdrawn (by applicant)
**2020/070	28/10/2020 (Amended 17/03/2021 & 10/06/2021)	34 Kirk Road Point Lonsdale	Construction of two double storey dwellings, subdivision of the land into two (2) lots and removal of native vegetation	Notice of decision to grant a permit issued
2021/003	08/01/2021	17 Bowen Road Point Lonsdale	Alterations to an existing dwelling and carport	Permit issued
2021/017	22/02/2021 (Amended 06/05/2021)	71 Bellarine Highway Point Lonsdale	Change of use from residential to leisure and recreation/restricted recreation facility (yoga studio), waiver of parking required for the use (parking allocation within common property), alterations to a building associated with a section 2 use, display of business identification signage, variation to the site coverage requirements of Design and Development Overlay – Schedule 5, and alteration of access to a road in a Road Zone Category 1	Permit issued



App. No	Date Received	Address	Proposal	Status
2021/031	14/04/2021	7 Mercer Street Queenscliff	Part demolition, alterations and extensions to an existing dwelling	Permit issued
2021/040	07/05/2021	145 Point Lonsdale Road Point Lonsdale	Construction of a two storey dwelling and variation to the site coverage requirements and side setback of Design and Development Overlay – Schedule 3	Permit issued
2021/044	12/05/2021	Citizens Park 41 Gellibrand Street Queenscliff	Removal of native vegetation (between foreshore and Barwon Water storage tank)	Permit issued
2021/046	21/05/2021	8 Jacqueline Court Point Lonsdale	Alterations and extensions to an existing dwelling	Permit issued
2021/047	25/05/2021	22 Girvan Grove Point Lonsdale	Alterations and extensions to an existing dwelling	Permit issued
2021/060	23/06/2021 (Amended 15/07/2021)	58 Learmonth Street Queenscliff	Demolition and construction of an outbuilding (carport)	Permit issued
2021/062	24/06/2021	25 Golightly Street Point Lonsdale	Removal of native vegetation	Permit issued



(c) New Applications Received Since Last Report

App. No	Date Received	Address	Proposal	Status
2021/055	17/06/2021	34-38 Cheshunt Street Point Lonsdale	Construction of a two storey dwelling and front fence and re-subdivision of the land into two lots (three lots into two)	Further information requested 31 May 2021
2021/056	17/06/2021	10 Bethune Street Queenscliff	Alterations to existing dwelling and construction of a carport	Public notification
2021/057	18/06/2021	12 Cheshunt Street Point Lonsdale	Alterations and extensions to an existing two storey dwelling	Public notification
2021/058	18/06/2021	111 Hesse Street Queenscliff	Part demolition, alterations and extensions to an existing two storey dwelling and outbuilding and variation to the site coverage requirements of Design and Development Overlay – Schedule 1	Further information requested 31 May 2021 (Note: proposed site coverage 42.2%)
2021/059	22/06/2021	14 The Esplanade Point Lonsdale	Alterations and extensions to an existing three storey dwelling	Public notification
2021/060	23/06/2021 (Amended 15/07/2021)	58 Learmonth Street Queenscliff	Demolition and construction of an outbuilding (carport)	Permit issued
2021/061	23/06/2021	37 Anderson Street Point Lonsdale	Construction of a dwelling and variation to the site coverage requirements of Design and Development Overlay – Schedule 4	Public notification (Note: proposed site coverage 41.3%)
2021/062	24/06/2021	25 Golightly Street Point Lonsdale	Removal of native vegetation	Permit issued



App. No	Date Received	Address	Proposal	Status
V 2021/063	29/06/2021	32 Glaneuse Road Point Lonsdale	Construction of a carport	Further information requested 5 July 2021
2021/064	01/07/2021	24 Learmonth Street Queenscliff	Alterations and extensions to an existing dwelling and variation to the site coverage requirements of Design and Development Overlay – Schedule 1	Public notification (Note: proposed site coverage 43%)
2021/065	08/07/2021	13 Williams Road Point Lonsdale	Construction of a two storey dwelling	Further information requested 20 July 2021
2021/066	12/07/2021	55 Glaneuse Road Point Lonsdale	Alterations to an existing dwelling and construction of a carport	Further information requested 19 July 2021
2021/067	15/07/2021	5 Beach Street Queenscliff	Demolition of a dwelling, outbuilding and fences in a Heritage Overlay, construction of a dwelling and fences and variation to the site coverage requirements of Design and Development Overlay – Schedule 6	Public notification Referral to Borough Engineer (Note: proposed site coverage 53.97%)
V 2021/068	15/07/2021	28 Gellibrand Street Queenscliff	Demolition of an outbuilding and construction of an outbuilding	Further information requested 19 July 2021
2021/069	15/07/2021	12 Bowen Road Point Lonsdale	Installation of Telstra telecommunications facility (satellite dish)	Further information requested 20 July 2021
V 2021/070	19/07/2021	14 Wharf Street Queenscliff	Demolition of outbuildings and construction of an outbuilding	Further information requested 19 July 2021



(d) Decisions awaiting review by VCAT

App. No	Date Received	Address	Proposal	Status
2018/095	N/A	8 Beach Street Queenscliff	Alterations to a dwelling and front fence	Permit issued 23 November 2018 VCAT application for review lodged – waiting on further details
**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) VCAT application for review lodged by applicant VCAT hearing 22 & 23 November 2021
2020/046	11/08/2020	61-75 Murray Road Queenscliff	Subdivision of the land into thirteen (13) lots	VCAT application for review lodged by applicant (failure to determine) VCAT practice day hearing 27 August 2021 and hearing 10 & 11 February 2022
**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 application for review lodged by objector VCAT compulsory conference 28 July 2021 and hearing 4 October 2021



App. No	Date Received	Address	Proposal	Status
**2020/077	16/12/2020	18 Cheshunt Street Point Lonsdale	Construction of a two storey dwelling, removal of native vegetation and variation to the site coverage requirements of Design and Development Overlay – Schedule 4	Permit issued (as per Council resolution 28 April 2021) VCAT application for review lodged by objector VCAT compulsory conference 25 November 2021 and hearing 27 January 2022

(e) Development Plan & Planning Scheme Amendment Summary Report

Ref. 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.	Refer to agenda item 15.2

LEGEND

****** Objections received

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

Bold Officer delegation removed

V VicSmart application



Cr Ebbels declared a conflict and left the meeting at 7:33pm.

Cr Hewitt chaired the meeting in the Mayor's absence.

15.2 Planning Scheme Amendment C33 and Planning Permit Application 2018-079, 81 Nelson Road, Queenscliff

File: QG290-18-34

Author: Program Leader Planning

Portfolio: Planning & Heritage

Portfolio Holder: Cr Grout

PURPOSE

The purpose of this report is to present an assessment of a combined planning scheme amendment and planning application to rezone the land at 81 Nelson Road, Queenscliff to facilitate the subdivision of the land into seven lots.

EXECUTIVE SUMMARY

The proposal seeks to align with Strategic Objective 4 of the Borough of Queenscliffe Council Plan 2017–2021, to preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage. It does this by ensuring consistent planning controls on the land that limit development to reflect the site's location opposite Swan Bay and guide a subdivision pattern and future built form that will respond to the neighbourhood context.

The planning scheme amendment applies to 81 Nelson Road, Queenscliff which is a 4,114 square metre parcel that is currently zoned a combination of the Public Use Zone Schedule 3 (PUZ3), the Neighbourhood Residential Zone and the General Residential Zone.

The amendment proposal is for the entire site to be rezoned Neighbourhood Residential Zone – Schedule 3 (NRZ3) and apply the Design and Development Overlay – Schedule 3 (DDO3). The Development Plan Overlay – Schedule 1 (DPO1) is to be removed from the site.

The planning permit application 2018/079 component seeks to allow the subdivision of the land into seven lots and vegetation removal based on the proposed zoning changes.

The combined amendment and planning permit application is possible under the provisions of section 96A of the Act of the *Planning and Environment Act 1987*.

Ministerial Authorisation to prepare and exhibit Amendment C33 was granted on 4 September 2020.



The amendment was placed on public exhibition and generated one public supporting submission, one objecting public submission and submissions from the EPA and CFA seeking clarification. The public objecting submission has been withdrawn and the remaining submissions were subsequently resolved through discussion.

The planning scheme amendment process requires the final decision on the amendment and planning permit application to rest with the Minister for Planning. Prior to submitting the proposal for final approval however, Council, as the planning authority, has to determine whether it supports the proposal. If it does, subsequent to Council's decision on the matter, officers will submit the relevant documentation to the Minister for Planning and seek approval. Alternatively, should Council refuse support for the proposal, the amendment will end and no rights of appeal will exist for the amendment proponent.

Officers consider that the combined permit application for subdivision and changes to the Queenscliffe Planning Scheme are appropriate and facilitate a suitable level of residential subdivision on the land subject to the planning controls delivered by the amendment. Based on the above it is considered the amendment and planning application for subdivision are worthy of support.

Councillors Grout / Grigau

That Council:

- 1. Having responded to submissions received to the amendment resolves to adopt Amendment C33 to the Queenscliffe Planning Scheme related to 81 Nelson Road, Queenscliff as follows:
 - a. Rezone the land to Neighbourhood Residential Zone – Schedule 3 and apply the Design and Development Overlay – Schedule 3. The Development Plan Overlay Schedule 1 (DPO1) is to be removed from the site.****
- 2. Support the issue of planning permit 2018-079 for seven lot subdivision of the land subject to:
 - a. The conditions listed in Attachment 2 of this report which includes Condition 25, 26 and 27 in response to submissions by the EPA and CFA.****
- 3. Submit the adopted Amendment and draft planning permit with the prescribed information to the Minister for Planning for approval.**

Carried

REPORT

BACKGROUND

The subject site is currently contained within a combination of Public Use Zone – Schedule 3 (PUZ3), Neighbourhood Residential Zone – Schedule 1 (NRZ1) and General Residential Zone – Schedule 1 (GRZ1) with a Design and Development Overlay Schedule 3 and Schedule 5 (DDO3 and DDO5) – see Figure 1 below.

The subject site was previously used as an aged care facility and the building still exists on the site. The use ceased operation prior to 2005 and the site is no longer used for this purpose. Constructed in the early 1990s, the existing facility is no longer capable of meeting the current requirements and expectations of the aged care industry, and the existing structures are progressively falling into a state of disrepair.



Figure 1: Aerial photo 81 Nelson Road, Queenscliff with current mixed zoning and overlay controls

The amendment is required to enable this underutilised site, which is located within the defined settlement boundary of Queenscliff, to be re-zoned with an appropriate zone and overlay that is generally consistent with that on surrounding land. This proposed outcome and change is also consistent with recent direction in Planning Practice Note 91 Using the Residential Zones December 2019.

DISCUSSION

Rezoning of land

The proposed amendment ensures existing land within the settlement boundary of Queenscliff is appropriately re-used for residential development. The amendment applies the NRZ3 to the land to reflect its location and corrects the current Public Use Zone on the land which is no longer relevant given its private ownership. The NRZ3 is consistent with the direction provided by the Minister for Planning on the residential zones dated December 2019, and provides useful objectives to reflect the coastal context of the site.



The amendment confirms the application of the DDO3 to the entire site which is a more restrictive DDO in terms of controlling scale and siting of buildings than the DDO5 which is present on the rear portion of the site under the current planning scheme provisions. The application of the DDO3 ensures the subdivision layout and future built form outcomes will be responsive to the overall neighbourhood and coastal setting. The DDO3 also ensures any future development on each of the lots created will require separate planning permission.

A copy of the zoning and overlay maps to be delivered under the amendment are in **(Appendix 3a)**.

Combined planning permit application

The combined planning permit application includes the following detail:

- Creation of seven lots across the site with a six metre wide common property access from Nelson Street.
 - Four lots of between 527 and 556 square metres each fronting Murray Road to the north with all vehicle access from the common property access and a restriction preventing vehicle access to Murray Road.
 - Three lots south of the common property access with areas of 503 square metres, 539 square metres to 608 square metres.
- Whilst ten trees are to be removed only two trees trigger planning permission being Tree 13 (Willow Myrtle) and Tree 66 (Willow Myrtle). The other vegetation is planted, non-native or a species of exotic vegetation that does not trigger a planning permit.
- Creates easements and restrictions under Clause 52.02.

The proposed subdivision has been assessed against the relevant provisions of Clause 22.03, the NRZ3, SLO1, VPO1, DDO3 and Clause 56 Subdivision. A copy of the draft planning permit associated with the amendment is in **(Appendix 3b)**.

The proposed subdivision is considered to provide for a level of residential development within the settlement boundary of Queenscliff that responds appropriately to the environmental and character attributes of the locality.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



The application was placed on public exhibition via notices sent to surrounding properties, notice in the local newspapers and information sent to relevant State Government Ministers and their agencies.

The combined amendment and planning permit application has generated one public submission supporting the proposal, one objecting public submission and submissions from the EPA and CFA



that have sought clarification of some elements associated with the proposal. The public submission objection to the proposal was withdrawn in writing on 9 February 2021.

In relation to the EPA submission the applicant has provided additional information on the analysis of contamination risk on the land and confirmed a low risk. This information has resulted in the EPA confirming the issues raised in the EPA submission have been addressed via correspondence of 2 March 2021, subject to the following condition being included at Condition 25 of the draft permit. The EPA also requested the following notes in the draft permit:

- Addition to Condition 25
Implementation of the recommendations outlined in the detailed acid sulfate soil assessment that is required under Condition 25 of this planning permit. This may include the development of an acid sulfate management plan in accordance with the VIC BPMG, to mitigate any risks proposed by the disturbance of acid sulfate soils as a part of the proposed development and the specific construction activities planned.

Note: EPA Publication 655.1 provides guidance to landowners, developers, consultants and other people involved in the disturbance of soil, sediment, rock and/or groundwater about identifying, classifying and managing acid sulfate soils and rock.

Note: Waste acid sulfate soils and rock must be managed in accordance with the requirements of the Industrial Waste Management Policy (Waste Acid Sulfate Soils) 1999.

The issues raised by the CFA are summarised below in bold with responses that address these matters:

- **How defensible space will be provided to ensure future dwellings on the subject site will meet relevant radiant heat exposure benchmarks that equate to 12.5kw/m² of radiant heat or setbacks and construction in accordance with a BAL 12.5 construction standard?**
- **What level of reasonable assurance can be demonstrated that if defensible space is relied upon the adjoining land owner that this will occur until the site is developed and implemented on an ongoing basis into the future?**
- **How vegetation will be managed for the areas of defensible space in accordance with Table 6 of Clause 53.02?**

Response

Defensible space cannot reasonably be provided on the subject land without making subdivision of the land impractical given the size of the land. Defensible space can be provided on the adjacent land at 61-75 Murray Road via a 19 metre wide fire break. The Borough of Queenscliff owns the land at 61-75 Murray Road and is able to commit to the maintenance of the fire break until such time that the land is further developed. This outcome is to be captured via a proposed condition on the planning permit associated with the amendment that provides for a 173 agreement as follows:

Prior to the earlier of:

- *a Statement of Compliance being issued under the Subdivision Act 1988 for the subdivision permitted under this permit; or*
-



- *the transfer of land at 61-75 Murray Road, Queenscliff into new ownership, the owner of the land at 81 Nelson Road Queenscliff must enter into an agreement with the responsible authority and the owner of the land at 61-75 Murray Road, Queenscliff under section 173 of the Planning and Environment Act 1987. The agreement must:*
 - *Require the owner of the land at 61-75 Murray Road, Queenscliff to provide and maintain fire break for a width of 19 metres measured from and parallel to the south eastern boundary of the land at 61-75 Murray Road, Queenscliff in a minimum fuel condition until the land at 61-75 Murray Road, Queenscliff is developed for residential use;*
 - *Provide that the land at 81 Nelson Road, Queenscliff must not be used for dwellings unless the fire break required by the agreement is provided and maintained in accordance with the agreement;*
 - *Provide that the agreement ends when the land at 61-75 Murray Road, Queenscliff is developed for residential use.*
 - *The definition of 'developed for residential use' is when 50% of residential lots created on the land at 61-75 Murray Road Queenscliffe have a constructed dwelling in progress or completed.*

The *Planning and Environment Act 1987* allows for section 173 agreements to provide for additional agreed outcomes to be achieved and can be entered into without planning permits. There is nothing which precludes Council, being the Responsible Authority, and the owner entering into a section 173 agreement pursuant to the *Planning and Environment Act 1987*.

The use of a 173 agreement is considered an effective means to confirm the presence of the fire break in perpetuity until development at 61-75 Murray Road occurs. The use of a Section 173 agreement to provide defensible space in similar arrangements is known to have occurred in other parts of the State and is a tool that binds the provision of the fire break in a transparent and legally binding way that will be present on the titles of both parcels of land.

- **The provision of a non-combustible fence along the north west boundary of the subject site.**

Response

Condition 27 has been included in the draft planning permit to ensure a non-combustible fence is provided on the north west boundary of the subject land prior to Statement of Compliance being issued for the proposed subdivision.

- **How Clause 56.09-3 Fire hydrants objective has been met.**

Response

The proponent has confirmed that a fire hydrant exists in Nelson Road opposite the proposed common property road access as part of the subdivision which allows for a hydrant within 120 metres from the rear of the each lot.



The above responses amend the amendment and permit are considered to respond to the issues raised by the CFA consistent with Section 23 of the *Planning and Environment Act 1987* and correspondence has been received from the CFA confirming the same.

Based on the above no unresolved submissions remain in relation to the amendment and no review by an independent Panel is required.

Collaboration

Not applicable.

GOVERNANCE CONTEXT

Relevant Law

The processing and assessment of the proposal has been in accordance with the provisions of the *Planning and Environment Act 1987* and relevant provisions of the Queenscliffe Planning Scheme.

Charter of Human Rights

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

Gender Equality Act 2020

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

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report?

No; while this proposal may have a direct impact on the public, it is not considered sufficiently significant to require a Gender Impact Assessment.

Regional, State and National Plans and Policies

The relevant planning related policies have been detailed and assessed via the relevant provisions of the *Planning and Environment Act 1987* and Queenscliffe Planning Scheme.

Council Plan Alignment

The application responds to Strategic Objective 4 of the Borough of Queenscliffe Council Plan 2017–2021, Strategic Objective 4 is within the Planning and Heritage Portfolio and is as follows:

Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.

The proposal seeks to align with the above direction in the current Council Plan through ensuring consistent planning controls on the land that limit development to reflect the sites location opposite Swan Bay and guide a subdivision pattern and future built form that will respond to the neighbourhood context.



Legal and Risk Implications

Council is required to assess applications related to the amendment of the Queenscliffe Planning Scheme as the Planning Authority under the *Planning and Environment Act 1987*.

The processing of the planning scheme amendment and combined planning permit application has been undertaken in accordance with legislative processes. The final decision maker on the amendment application and combined planning permit is the Minister for Planning. Pursuant to the processes undertaken in accordance with the *Planning and Environment Act 1987* there are no legal or risk implications to Council in forming a view on the amendment as recommended in this report.

Related Documents

There are no related documents relevant to the assessment of the application.

Disclosure of Interest

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

CONSIDERATIONS

Environmental Sustainability

The amendment seeks to use existing land within the settlement boundary of Queenscliff in a more efficient manner whilst acknowledging the site's location opposite Swan Bay. Issues of solar orientation, bushfire risk and storm water management have been considered in the context of the subdivision that results from the proposed amendment to ensure appropriate best practice is achieved. Conditions on the proposed planning permit for subdivision help ensure environmental issues are managed as part of the subdivision process.

Financial and resource implications

There are no financial or resource implications associated with the proposal.

Innovation and Continuous Improvement

Not applicable.

IMPLEMENTATION

Operational Impacts

There are no operational impacts to Council as a result of the proposal.

Implementation Process

In the event the amendment is supported the final decision for approval will rest with the Minister for Planning. Where approval is granted by the Minister for Planning the relevant changes to the Queenscliffe Planning Scheme will be implemented via publishing in the Government Gazette. The planning permit for subdivision will also be granted as part of the Ministerial approval and the permit contains a standard expiry clause which grants the applicant two years to commence works



and four years to complete the works. The applicant may apply for an extension of time to the planning permit in accordance with the requirements of the *Planning and Environment Act 1987*.

ATTACHMENTS

1. Zoning Maps (Appendix 3a)
 2. Draft Planning Permit 2018/079 (Appendix 3b)
-



Cr Ebbels returned to the meeting at 7:42pm.

15.3 Planning Permit Application 2021-024, 69 Stokes Street Queenscliff

File: QP230-6900
Author: Program Leader Planning
Portfolio: Planning & Heritage
Portfolio Holder: Cr Grout

PURPOSE

The purpose of this report is to present an assessment and recommendation for a planning permit application related to 69 Stokes Street Queenscliff.

EXECUTIVE SUMMARY

The assessment aligns with Strategic Objective 4, Planning and Heritage, of the Borough of Queenscliffe Council Plan 2017–2021. The specific objectives are to conserve the Borough’s significant history, culture and heritage, and to maintain the Borough’s unique features and neighbourhood character.

At the Ordinary Meeting of Council held on 23 June 2021, Council resolved to remove officer delegation, conferred under Section 47(1) of the *Local Government Act 2020* in relation to Planning Application 2021/024, 69 Stokes Street, Queenscliff for construction of a two storey dwelling and front fence and variation to the site coverage of Design and Development Overlay – Schedule 3.

This report presents an assessment of the proposal against provisions of the Queenscliffe Planning Scheme and makes a recommendation based on the merits of the application.

Officers’ assessment of the proposal is that the proposed dwelling complies with the Design and Development Overlay Schedule 3 and Significant Landscape Overlay Schedule 1 that applies to the site. Based on the above it is considered the proposal is worthy of support via a conditional planning permit.

Councillors Grout / Grigau

That Council having caused notice of Planning Application No. 2021-024 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* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 42.03 and 43.02 of the Queenscliffe Planning Scheme in respect of the land known and described as 69



Stokes Street Queenscliff, for construction of a two storey dwelling and front fence subject to the following conditions:

AMENDED PLANS REQUIRED

- 1. Before the use and 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 amended plans submitted on 21 June 2021 with the application but modified to show:
 - a) The crossover to Nankervis Parade to be maximum of 4.5 metres wide.**
 - b) The extent of road side vegetation trimming to the southern side of the proposed crossover to Nankervis Parade to maintain sight lines in consultation with the Borough of Queenscliffe as the road manager.**
 - c) The fencing to Stokes Street and Bethune Street to be confirmed at 1.5 metres high on all plans.****

LAYOUT NOT ALTERED

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**

LANDSCAPE PLAN REQUIRED

- 3. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with amended plans submitted on 21 June 2021 and show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed**
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
 - c) details of surface finishes of pathways and driveways**
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant**
 - e) landscaping and planting within all open areas of the site****
- 4. The landscape plan must incorporate the use of some indigenous vegetation. All species selected must be to the satisfaction of the responsible authority. The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.**

COMPLETION OF LANDSCAPING

- 5. Within three months of the occupation of the dwelling the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.**



LANDSCAPING MAINTENANCE

6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

ENGINEERING

7. The site must be drained to the satisfaction of the responsible authority and an application must be made to Council for the identification of a legal point of discharge for the site. No storm water, sullage, sewerage or polluted drainage may drain or discharged from the land to adjoining properties, including public land.

VEHICULAR CROSSINGS

8. The vehicular crossing to Nankervis Parade must be constructed to the road to suit the proposed driveway to the satisfaction of the responsible authority and any existing crossing or crossing opening must be removed and replaced with nature strip to the satisfaction of the responsible authority.

COMPLETION OF DEVELOPMENT

9. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

PERMIT EXPIRY

10. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years of the issued date of this permit.
 - b) The development is not completed within four (4) years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

- Note (1) The requirements of Part 5 – Siting – of the Building Regulations (apart from street setbacks) 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 Permit(s).
- 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

REPORT

BACKGROUND

On the 19 March 2021 an application was received for development of a new dwelling at 69 Stokes Street, Queenscliff.

The subject land is located on the south west corner of Stokes Street and Bethune Street with frontage to Nankervis Parade to the west. The subject land is an irregular shaped with an overall area of 959 square metres. The subject land is currently developed with a single storey weatherboard dwelling. The site features some existing vegetation located along the boundary to Nankervis Parade. The land features slope with a change in level of over two metres from the north east corner to the south west corner of the land

An aerial photo of the subject land is detailed below:



DISCUSSION

The proposal seeks to develop a double storey dwelling on the land and associated fencing to the frontages. The original plans submitted with the application outline the following details of the dwelling:

- A proposed dwelling to be sited to the eastern side of the lot with a section of the dwelling sited adjacent the southern boundary.
- A ground level with reliance on a new double garage accessed from Nankervis Parade and a building form containing bedrooms and a living areas setback two metres from the southern boundary and 1.7 metres from the eastern boundary.
- The upper level sited to the eastern boundary maintaining the 1.7 metres to the main wall and containing the kitchen, living areas and a bedroom. The upper level is orientated to the have aspect to Swan bay to the north and west with a 4.1 metre setback to Stokes Street to the north.



- The proposal included an entry from Bethune Street with a 4.8 metre high wall located on Bethune Street for a length of six metres.
- The building form presents as a contemporary flat roof form with a building height of 6.2 metres and a site coverage of 44%.
- The building to be constructed in a combination of brickwork, concrete and timber cladding.

The application was amended on 21 June 2021 post public notification to include the following changes:

- Reduce the overall floor area to achieve a site coverage of 38% from 44%.
- Remove the wall to Bethune Street and increase the setbacks of the dwelling's eastern wall from Bethune Street to two metres from 1.7 metres.
- Include two windows in the elevation to Bethune Street.
- Include a 1.5 metre high picket fence and a 1.5 metre retaining wall to Bethune Street including landscaping areas.
- Increase the setback to Stokes Street from 4.1 metres to 4.4 metres.

The subject site is zoned Neighbourhood Residential Zone Schedule 1 (NRZ1) and is affected Significant Landscape Overlay Schedule 1 (SLO1) and Design and Development Overlay Schedule 3 (DDO3).

A permit is triggered per the following provisions:

- Clause 42.03-2 of the SLO1 for buildings and works associated with the dwelling.
- Clause 43.02-2 of the DDO3 for buildings and works associated with the dwelling.

An assessment against the relevant planning provisions is detailed later in the report.

Options

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

Option 2 – That Council modify the officer recommendation.

Option 3 – That Council reject the officer recommendation.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



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

- Directly notified, via Registered Post, adjoining and opposite landowners.
- Displayed one sign on the property.



Council received nine objections to the proposal based on the original lodged plans. The amended plans of the 21 June 2021 (**Appendix 4**) have been provided to the nine objectors however no objections have been withdrawn. The objections, and an officer response to each objection issue, are summarised as follows:

Reason for objection	Officer response
<p>Impact on streetscape to Bethune Street and broader neighbourhood character.</p>	<p>The proposed dwelling relies on a horizontal form to the eastern (Bethune Street) boundary and along the southern boundary. The impact of the horizontal form to Bethune Street has raised concerns about the impacts to the streetscape.</p> <p>For clarification, the setback from Stokes street is considered to be the front setback at 4.4 metres and the setback from Bethune Street is considered a side setback. Part 5 of the Building Regulations (Regulation 74) allows a two metre setback from a side street for a corner allotment.</p> <p>The original design relied on a blank concrete wall of six metres in length and 4.8 metres in height located on the boundary to Bethune Street. The wall featured a 1.7 metre setback and no landscaping along Bethune Street. This was considered to be in conflict with the principles of the DDO3 and the SLO1 and detracted from the broader streetscape.</p> <p>The amended plans include significant changes that help the building have a more positive interaction with the streetscape as follows:</p> <ul style="list-style-type: none">• Removal of the 4.8 metre high wall on Bethune Street.• The wall of the dwelling to be setback two metres from Bethune Street.• Inclusion of a landscaping and low fencing to Bethune Street.• Inclusion of glazing in the façade to Bethune Street. <p>The building form has a height of between 4.5 metres and 4.9 metres to Bethune Street with a parapet height not substantially different to the existing dwelling to the south. The single storey scale of the building when viewed from Bethune Street will assist the buildings integration with the</p>



Reason for objection	Officer response
	streetscape and is considered consistent with the objectives of the DDO3 in the amended form.
Impacts on views to Swan Bay.	<p>Concerns have been raised that the building will diminish views to Swan Bay as seen across the site from public streets. The horizontal form of the building increases the extent of built form to the Bethune Street elevation compared to the current building on the land.</p> <p>Some objections suggest that views of Swan Bay across the subject land should be maintained to the current level from Bethune Street. The views to Swan Bay across the site are fragile in nature and can be impacted by modest levels of development on the subject land or vegetation growth. The SLO1 is focused on protecting broader landscapes and scenic vantage points rather than maintaining limited views across private land. Importantly glimpses of Swan Bay will still be possible between the new building and its neighbour to the south and the broader views of Swan Bay from the public realm of Stokes Street and Nankervis Parade will not be impacted to any significant levels. It is considered the proposal appropriately respects the landscape setting and views of Swan Bay in accordance with the objectives of the SLO1.</p>
Site coverage in excess of 40%	The original plans for the proposal had a site coverage at 43%. The amended plans have reduced the site coverage to 38% consistent with the performance measure in DDO3.
Overshadowing of land to the south	Issues of overshadowing will be formally analysed as part of the building permit process as overshadowing criteria are not formally triggered in the planning permit assessment. Despite this the application has been supported by overshadowing plans which indicate that the level of shadowing anticipated to the land to the south will not be in conflict with relevant shadowing standards. The majority of the private open space areas of the land to the south will not be impacted by new shadows.



Vehicle access from Nankervis Parade dangerous	The proposal relies on new vehicles access from Nankervis Parade. Such access has been reviewed by Council's engineers and is generally supported subject to the processing of a road opening permit for creation of the access and associated works to pits and vegetation that will need to occur. It is noted that Nankervis Parade is a narrow road however it is considered that for the low volume of vehicles exiting the site for one dwelling will have reasonable manoeuvrability and sight lines in a relatively low speed environment.
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Collaboration

Not applicable.

GOVERNANCE CONTEXT

Relevant Law

The hierarchical nature of Victorian planning schemes demands consideration and assessment of the application against the relevant policy and specific provisions in the following order:

- Planning Policy Framework (PPF)
- Local Planning Policy Framework (LPPF)
- Zone(s)
- Overlay(s)
- Particular Provisions
- General Provisions
- Operational Provisions

A planning permit for the proposed dwelling is triggered by the DDO3 and SLO3 on the land.

An assessment against the relevant policy and requirements of each of the above controls of the Queenscliffe Planning Scheme is provided below.

Planning Policy Framework

The relevant State policies in the Planning Policy Framework that provide guidance for the proposal are as follows:

- Clause 11.03-4S Coastal settlement
- Clause 11.03-5S Distinctive areas and landscapes
- Clause 12.05-2S Landscapes
- Clause 15.01-5S Neighbourhood character

The above policies set a framework for the importance of responding to the unique features of an area's streetscape and landscape values.



Local Planning Policy Framework

The direction of the above Planning Policy Framework are localised as relevant to the Borough of Queenscliffe via the Local Planning Policy Framework. An assessment against the relevant policies is detailed below:

Clause 21.02-3 Queenscliff

Objective

To reinforce the distinctive identity of Queenscliff – its heritage values, urban character and natural coastal setting.

The proposed dwelling is considered to respond to the above through a low scale form that is setback from boundaries. The siting of the dwelling follows the contours of the land and allows the building form to respect the corner location and the broader streetscape with a building integrating into the landscape.

Clause 21.02-5 Housing and Residential Development

Objectives (relevant)

- *To protect the character and appearance of residential areas that are of heritage significance and/or have urban character value.*
- *Support increased housing diversity and density that complements existing built form and character, and does not compromise identified natural, built heritage, landscape and cultural values.*
- *Avoid the adverse impacts of residential developments on foreshore areas through the use of appropriate design standards.*

The amended plans have confirmed the dwelling can allow for setbacks and a building form that will not dominate the site or the surrounding context.

Clause 21.03-2 Significant Landscapes

Objectives (Relevant)

- *To maintain locally significant views and vistas that contribute to the character of the Borough, including (but not limited to) views to the ocean and Swan Bay, coastal dune environments, the townscape skyline and historic cultural features, including the lighthouses.*
- *To require that development is subordinate to the natural, visual and environmental landscape character and significance.*

The building presents a generally low scale with a single storey form to Stokes Street and Bethune Street elevations. The building form has a parapet height similar to the dwelling to the south at 2 Bethune Street and is not considered to be a building in conflict with the scale of single and double storey forms in the area. The broader views to Swan Bay from the public road reserves will be maintained and the building form will not interrupt any significant views from public areas.

Clause 21.04-1 Urban Character



Objectives

- *To require that new development in the Borough protects, enhances and harmonises with the following distinguishing elements of the Borough's urban character:*
 - *The significant view lines to and from the sea, coastal dune environments and the Queenscliff townscape skyline;*
 - *The unique and intact building, landscape heritage, and natural foreshore qualities of the Borough;*
 - *The distinguishing cultural heritage identity of the township of Queenscliff, including the prevailing Victorian and Edwardian built form and scale of development;*
 - *The sense of seclusion and intimacy of Point Lonsdale, which is created through its low-rise, recessive built form and informal, narrow streets in a natural landscape dominant environment; and*
 - *The distinctive natural coastal settings of Queenscliff and Point Lonsdale, including significant areas of intact native and remnant indigenous vegetation.*

The proposal provides for a dwelling that will respect the overall context of the area through setbacks and scale. The proposal will ensure space around the building exists and provides for materials that will respond to the character of the locality.

Clause 22.03 Urban Character

Objective

To ensure all new development has regard to the siting and design objectives and guidelines of the Borough of Queenscliffe Urban Character Study (2000)

Clause 22.03-3- Foreshore Areas

The above clause details standards relating to site layout, building design, building height/setbacks and fences, driveways and landscaping. The proposal is considered to respond to the policy direction as follows:

Site Layout

The proposed dwelling provides a 4.4 metre front setback, a setbacks of two metres to Bethune Street and a setback to the southern boundary of two metres. The building form seeks to respond to the contours and slope of the land and allows for a single storey form to present to the streetscape of Stokes Street and Bethune Street. The modest two storey scale (6.2 metres in height) will sit comfortably in the overall streetscape.

Building Design

The proposed dwelling provides for a contemporary design. The flat roof form allows for a lower building profile and the building includes pergolas, courtyards and terraces to create an articulated form. The proposed materials are found in the broader location and combined with landscaping will allow the building to integrate into the locality.

Building Height and Setback

The dwelling is to be two storey with a height of 6.2 metres. The proposal is not considered to be dominant in the streetscape as the building is setback from boundaries and cuts into part of the



site. The two storey element is not considered unreasonable on residential zoned land and will not conflict with the objectives of the DDO3 in terms of the position and scale.

Fencing, Driveways and Landscaping

The subject site currently features a 1.7 metre high paling fence to Nankervis Parade and a low brick and picket fence to Stokes Street. The proposal includes a part concrete and part metal blade fence to Nankervis Parade at a height of 1.5 metres. The concrete fence to 1.5 metres also extends along the northern boundary to Stokes Street. A 1.5 metre high timber picket fence is proposed for part of the boundary to Bethune Street.

The fencing proposed is considered to provide a scale and materials that will interface to the foreshore area and surrounding context to a reasonable level. The fences will not be dominant in the streetscape and will balance amenity for occupants whilst respecting the overall streetscape.

Zones and Overlays

Clause 32.09 Neighbourhood Residential Zone

The purpose of the Neighbourhood residential Zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The proposed dwelling does not trigger a planning permit under the zone as the site exceeds 300 square metres in area.

Per Clause 32.09-4, 35% of the site has to be set aside for garden area. The proposal allows for 43% of the site area as garden area.

Clause 43.02 Significant Landscape Overlay Schedule 1

The purpose of the Significant Landscape Overlay Schedule 1 is:

- To maintain the integrity of Swan Bay's unique landscape features.
- To protect the landscape values of Swan Bay and its foreshore from visual intrusion resulting from the inappropriate siting or design of buildings and works.
- To protect scenic vantage points of Swan Bay and its islands from visual intrusion resulting from the inappropriate siting or design of buildings and works.
- To encourage the siting, design and landscaping of buildings and works that are responsive to the landscape values of the overlay area.
- To maintain and protect remnant local vegetation as an important element in the value of the Swan Bay landscape.

The proposed dwelling is of a form that responds to the topography of the land which results in the building maintaining a lower scale across the site. The building profile will present substantially as a single storey from Stokes Street and Bethune Street and whilst a two storey form will be visible from Nankervis Parade, part of that form is cut into the site. The building does not appear



elevated above the higher portions of the site and provides for a horizontal form that will soften its impact on the neighbourhood character.

The proposed dwelling does not remove vegetation native to Victoria that triggers a permit and provides for materials and colours that are muted and natural in appearance.

Clause 43.02 Design and Development Overlay

The design objectives of DDO3 are detailed below:

- To ensure new development maintains, protects and enhances the distinguishing elements of the urban character of the Foreshore Areas such as:
 - Significant views of Port Phillip Bay and Swan Bay from buildings, roads and other public spaces in the area.
 - The substantial grouping of 1960s to contemporary 2 storey detached dwellings overlooking Swan Bay which are highly visible from many northern parts of the Borough.
 - The established built edge to Point Lonsdale Road comprising 1 and 2 storey post-World War buildings facing the Port Phillip dune, which creates a strong urban entrance into the township.
 - The open relationship of buildings to Swan Bay created by deep front gardens and no or transparent front fences.
 - Deep front gardens with established vegetation along Point Lonsdale Road.
 - The informality of streetscape materials and finishes and lack of formal footpaths, verges, front fencing and constructed driveways.
 - The prevailing native coastal dune landscape within the Port Phillip Bay Area which, in conjunction with the undulating landform, generally conceals 1 and 2 storey buildings from view along the foreshore.
- To protect the natural landscape qualities and view corridors along The Narrows, Swan Bay and Port Phillip Bay.
- To ensure the height, form, mass, and materials of construction of new development is responsive to the coastal environment, site conditions and landform.
- To protect areas where substantial vegetation cover is a dominant visual and environmental feature by ensuring new development retains the natural or established vegetation, and provides substantial areas for new landscaping and open space.
- To protect the natural landscape qualities of the coastline by ensuring new development does not visually dominate the coastal landscape.
- To ensure that an appropriate setting and context for buildings, sites or objects listed in the Heritage Overlay.
- To require all new development to have regard to the urban character policies contained in the MPS and to the Building Siting and Design Guidelines contained in the Borough of Queenscliffe Urban Character Study.

The proposed dwelling responds to the performance measures of the DDO3 as follows:

- The dwelling has a building height at 6.2 metres below the maximum 8.5 metres set in the standard.
 - The dwelling is setback two metres from the southern and eastern boundaries and 2.9 metres from the western boundary in accordance with the standards.
 - The building proposes no walls on side or rear boundaries.
-



- The dwelling proposes a site coverage at 38% less than the 40% in the standard.

The dwelling does seek a variation to the front setback to Stokes Street at 4.4 metres instead of the preferred six metres. The setback at 4.4 metres is considered a reasonable outcome on the corner position, reflects the setbacks of part of the existing building from Stokes Street and is generally consistent with ResCode siting standards under Part 5 of the Building Regulations.

Charter of Human Rights

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

Gender Equality Act 2020

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

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report?

No; while this application has a direct impact on the public, it is not considered sufficiently significant to require a Gender Impact Assessment.

Regional, State and National Plans and Policies

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

Council Plan Alignment

The proposal aligns with Strategic Objective 4 – Planning and Heritage, of the Borough of Queenscliffe Council Plan (2017–2021). The objective is as follows:

Preserve and enhance the Borough as a special place through excellence of design and conservation of its rich culture and unique heritage.

The strategies identified to meet the objective, which are relevant to the current application, are as follows:

- *Conserve the Borough's significant history, culture and heritage.*
- *Maintain the Borough's unique features and neighbourhood character*

Legal and Risk Implications

There are no legal or risk implications for Council associated with the proposal.

Related Documents

There are no related documents associated with the application.

Disclosure of Interest

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



CONSIDERATIONS

Environmental Sustainability

There are no direct impacts to sustainability from the proposal. Standards around energy efficiency exists in the Building Regulations which will be applied in the building permit assessment.

Financial and resource implications

There are no budget or resource implications specific to the application.

Innovation and Continuous Improvement

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

IMPLEMENTATION

Operational Impacts

There are no operational impacts associated with the application.

Implementation Process

In the event the recommendation is supported there will be an opportunity to objectors to the proposal to seek a review of the decision at the Victorian Civil and Administrative Tribunal (VCAT).

In the event no appeal is lodged or a permit is issued post a review at VCAT, the planning permit contains a standard expiry clause which grants the applicant two (2) years to commence works and four (4) years to complete the works.

The applicant may apply for an extension of time to the planning permit in accordance with the requirements of the *Planning and Environment Act 1987*.

ATTACHMENTS

1. Amended plans of the proposed development submitted on 21 June 2021 (Appendix 4)
-



Cr Salter joined the meeting at 7:50pm.

16. GOVERNANCE & PERFORMANCE

16.1 Review of Council Polices

File: Q055.01.12

Co-Authors: Executive Project Officer & Manager Financial Services

Portfolio: Governance & Performance

Portfolio Holder: Cr Salter

PURPOSE

The purpose of this report is to consider two revised Council policies:

- CP001 Asset Management
- CP011 Investment of Available Funds

EXECUTIVE SUMMARY

This report responds to a number of objectives and strategies contained in the 2017–2021 Council Plan, namely Strategic Objective 5, Governance and Performance, to maintain a cohesive, well governed, financially sustainable and independent Borough.

CP001 Asset Management – Revised

This policy was first adopted by Council on 6 April 2004 and last revised in March 2018. The purpose of this policy is to outline Council's commitment to manage and care for its assets in a way that assists its vision, and meets the needs of the community, both now and in the future. There are only minor changes to this policy.

CP011 Investment of Available Funds – Revised

This policy was first adopted by Council on 19 November 2008 and has been routinely revised in accordance with emerging needs and was last reviewed 1 March 2018. The purpose of this policy is to provide guidance to Council and officers to maximise the return on Council funds with a systematic approach while maintaining an acceptable of risk.

CP011 Investment of Available Funds policy has been presented to the Audit and Risk Committee. Both policies presented are intended to mitigate risk to Council by providing clear guidance.

Councillors Grigau / Salter

That Council adopt the following revised Council policies as presented:

- CP001 Asset Management
- CP011 Investment of Available Funds

Carried



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

CP001 Asset Management – Revised

This policy was first adopted by Council on 6 April 2004 and last revised in March 2018. The purpose of this policy is to outline Council's commitment to manage and care for its assets in a way that assists its vision, and meets the needs of the community, both now and in the future.

Key changes are:

1. Update to 'Context' to reflect current day value of assets;
2. Add heading 'Purpose' to reflect current template format;
3. Minor grammatical amendments to 'Definition' of Asset Management and AM Strategy; and
4. Insert 'Other reference' to reference Local Government Asset Management – Better Practice Guide, Local Government Victoria, 2015.

CP011 Investment of Available Funds – Revised

This policy was first adopted by Council on 19 November 2008 and has been routinely revised in accordance with emerging needs and was last reviewed 1 March 2018. The purpose of this policy is to provide guidance to Council and officers to maximise the return on Council funds with a systematic approach while maintaining an acceptable level of risk.

Key changes are:

1. Restrict investment only with Approved Deposit taking Institutions (ADI) (section 4);
2. New exposure limits for an efficient risk rewards trade off (sections 5);
3. Specific guidelines for reporting and record keeping (section 8); and
4. Changes to wordings to make the policy concise and clear, and to comply with the *Local Government Act 2020*.



It should be noted that the transition to the revised policy CP011 Investment of Available Funds will take place in line with the maturity dates of the existing investments.

Options

Option 1 – adopt the revised policies as presented.

Option 2 – request officers to make further amendments to the policies.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



Council's Audit and Risk Committee has been engaged in the review process and has subsequently provided feedback on CP011 Investment of Available Funds draft policy.

All Council policies are published on Council's website under the 'Council – publications, strategies and reports' tab and are communicated internally to all staff. Targeted communication will be undertaken with those staff who hold responsibilities in asset management and finance.

Collaboration

Not Applicable.

GOVERNANCE CONTEXT

Relevant Law

Local Government Act 2020 – Part 4 Planning and financial management.

Charter of Human Rights

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

Gender Equality Act 2020

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

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report?

No; while these policies may have a direct impact on the public, they are not considered sufficiently significant to require a Gender Impact Assessment.



Regional, State and National Plans and Policies

Local Government Asset Management – Better Practice Guide, Local Government Victoria, 2015
Australian government's Financial Claims Scheme.

Council Plan Alignment

Strategic Objective 5 Governance and Performance – Maintain a cohesive, well governed, financially sustainable and independent Borough.

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

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

As referenced in each individual policy.

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. Tasks associated with both policies presented in this report fall within current responsibilities of existing officers.

Innovation and Continuous Improvement

Not applicable.

IMPLEMENTATION

Operational Impacts

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



Implementation Process

Not applicable.

ATTACHMENTS

1. CP001 Asset Management (Appendix 5a)
 2. CP011 Investment of Available Funds (Appendix 5b)
-



16.2 Community Satisfaction Survey Results 2021

File:	QG048.03.01
Author:	Coordinator, Community Engagement and Communications
Portfolio:	Governance & Performance
Portfolio Holder:	Cr Salter

PURPOSE

The purpose of this report is to advise Council of the results of the 2021 Community Satisfaction Survey (CSS) for the Borough of Queenscliffe (**Appendix 6**).

EXECUTIVE SUMMARY

Council's participation in the annual Community Satisfaction Survey falls under Strategic Objective 5 of Council's 2017–2021 Council Plan, Governance and Performance, which is to maintain a cohesive, well governed, financially sustainable and independent Borough.

Overall, the 2021 CSS results show continued improvement in community perceptions of Council's performance. Council saw stable or improved scores in every core metric but one, and stable or improved scores in almost all service areas. Thirteen service area metrics outperformed state-wide averages by three index points or more – a strong result for Council across a wide range of its services and operations.

While most of the report is good news, there are two metrics where Council has notably underperformed. The first is the core metric *Overall Council Direction*, which fell by 7 index points this year, though this score remains higher than our five-year average, and could be a correction from an outlier 18-point rise in the previous year – Council should watch this metric in future years. The second is the service area metric *Enforcement of Local Laws*, which fell against last year and is five points lower than the state-wide average. This metric has now underperformed the state average for four years in a row, and may warrant greater attention.

The CSS report contains substantial insights across a range of service areas that will influence how Council operates and improves over the coming year. While the results of this year's report are good news overall, even good news allows Council officers to improve their work by solidifying strategies or approaches that have been well received. Officers have been briefed on the results and provided with the report for their consideration.

Next year's CSS is moving to more regular surveying throughout the year rather than over a single three-month period. It is anticipated that this will provide more accurate results that are less swayed by performance at a single time of year.

Councillors Grigau / Hewitt

That Council:



- 1. Note the results of the 2021 Community Satisfaction Survey.**
- 2. Thank those members of our community who took the time to share their feedback with Council.**

Carried



REPORT

BACKGROUND

The Community Satisfaction Survey (CSS) is undertaken annually by every council in Victoria. While the process is managed by the Victorian Government, the survey is conducted by an independent research company, JWS Research, on Council's behalf. The survey is conducted by phone, using a random sample of 400 ratepayers and residents. Respondents are asked demographic questions and filtered to ensure the sample is closely matched to the Borough's general population, where possible. Given the Borough's small population and the quality checking of responses, the data collected by this survey forms a representative sample, and a high-quality dataset. For these reasons, the CSS is one of the most valuable tools Council has for gauging community sentiment of its performance. This year's survey was conducted from January to March, and Council received the results of the survey in June.

Respondents are asked to rank Council's performance on a range of metrics, including seven core metrics around broader performance, and a large number of additional metrics for individual service areas. These rankings are then used to develop index scores for each metric, and the report goes into detail measuring these scores against other councils in Victoria, and against the Borough's past performance.

Last year's results were a substantial improvement from Council's 2019 performance, showing significant increases in most core metrics as well as individual service areas. Council officers used this data to continue to refine work practices, noting that while a one-year increase was a welcome change from the previous downward trend, consistent improvement was the focus of Council's officers in responding to the results.

DISCUSSION

When discussing results, it's important to note that all data contains a margin of error. For the overall set for this year's CSS, this margin is relatively small, with a 95% confidence interval at $\pm 4.5\%$. For this reason, Council tends to pay closest attention to metrics that move by 3 points or more, as these are more likely to represent genuine changes in opinion rather than simply data noise. Particular care should be taken when assessing subgroups of data, however. Some groups, such as the 18–34 age group, have a margin of error as wide as $\pm 37.0\%$ and should be interpreted with caution.

With those considerations in mind, this year's results are largely a continuation of last year's upward trend of community sentiment towards Council. All but one of the core metrics assessed stayed stable or improved, with the *Overall performance* and *Community decisions* metrics increasing by a substantial 5 points each. Council's biggest improvements were achieved in the following categories:

- Overall performance (+5)
- Making community decisions (+5)
- Environmental sustainability (+5)
- Building and planning permits (+5)
- Traffic management (+3)
- Town planning policy (+3)



Council also outperforms the state average across a number of metrics, most notably in the following metrics and service areas:

- Sealed local roads (+9 above state average)
- Traffic management (+8 above state average)
- Elderly support services (+7 above state average)
- Informing the community (+7 above state average)
- Waste management (+6 above state average)
- Overall performance (+5 above state average)
- Value for money (+5 above state average)
- Community and cultural services (+5 above state average)
- Environmental sustainability (+5 above state average)
- Parking facilities (+5 above state average)
- Consultation and engagement (+4 above state average)
- Overall council direction (+3 above state average)
- Making community decisions (+3 above state average)

A small number of services showed a fall in perceptions, including:

- Overall council direction (-7)
- Family support services (-4)
- Community and cultural services (-3)
- Enforcement of local laws (-3)

It should be noted that despite a fall in performance, all of the above metrics except *Enforcement of Local Laws* continued to meet or exceed state-wide averages. The 7-point fall in *Overall Council Direction* also comes after an 18-point rise in the previous year. Based on previous performance in this metric, this appears to be a correction, though we should watch this metric closely in future years.

Only one metric was notably below state-wide average performance:

- Enforcement of local laws (-5 below state average)

In summary, Council outperforms state averages in many services areas, including waste management, environmental services, roads and traffic management, aged care, communications and engagement, and cultural services. In most other service areas, its performance meets state-wide averages. Only one service area does not meet state-wide averages. Added together, consistently strong performance across many areas of Council adds up to improving perceptions for Council as a whole.

There are a number of lessons Council can take from the results of this report. Council's strong performance in key service areas and improving performance in core metrics around community engagement are the primary contributors to increases in overall community sentiment. Work that has contributed to improved service delivery in these areas should be solidified or expanded in response to their positive reception.

Council should also consider those areas where perceptions have fallen, especially when they have fallen below state averages. These service areas are holding Council back from developing a stronger reputation in the community, and demonstrate the most potential for improvement. The



Enforcement of Local Laws metric in particular is a weak point for Council compared to other small rural shires, local government in general across the state, and Council's performance overall.

A number of non-performance-related questions are also included in the survey, including asking respondents how they prefer to receive Council communications. As with previous years, preferences for digital communication continued to increase in this year's results, with 54% of respondents identifying email, website or social media communication as their most preferred method of Council contact – a record high. While Council will continue to use a range of communications methods to reach our community, these results highlight the importance of the work Council has done to radically improve the way we use email, website and social media communication over the past 18 months.

Council has already signed on to participate in the 2022 Community Satisfaction Survey. Surveying in this coming year will change slightly, as phone calls will be made slowly over the course of the entire year, rather than all at once in the first quarter of 2022. This has the benefit of assessing sentiment over the full year rather than in a short period, and is provided at no cost to Council. Officers will put notices in local newspapers and online to inform members of the community of the survey and its purpose.

Options

Option 1 – Accept the officer recommendation to note the report and thank the participants.
Option 2 – While 61 councils in Victoria choose to take part, ongoing participation in the Community Satisfaction Survey is optional. Council could elect to withdraw its participation after next year's survey is complete (Council has already signed on to the 2022 survey). This is not recommended, as the CSS forms an important component of Council's performance assessment framework, as discussed in this report.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



The results of this survey represent the sum of all feedback received from 400 members of our community, and are one of the most effective ways to assess community sentiment towards Council. While the results of the survey continue to inform Council's community engagement activities, no activities directly arise from the report's recommendations.

Collaboration

Although the results of the survey include comparisons with other councils, the production of the survey does not include any direct collaboration with other local government areas. Council regularly collaborates with other local government in its continuous improvement initiatives, some of which may result from the outcomes of this survey.



GOVERNANCE CONTEXT

Relevant Law

While not a requirement of the *Local Government Act 2020*, participation in the annual Community Satisfaction Survey complies with many of the Act's principles relating to service delivery performance, community engagement and continuous improvement.

Charter of Human Rights

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

Gender Equality Act 2020

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

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report?

No; the Community Satisfaction Survey is an evaluation tool of Council's work rather than a Council policy, program, or service.

Regional, State and National Plans and Policies

Not applicable.

Council Plan Alignment

Council's annual participation in the CSS falls under Strategic Objective 5 of Council's 2017–2021 Council Plan, 'Governance and Performance', which is to *maintain a cohesive, well governed, financially sustainable and independent Borough*. Specific strategies under this objective that relate to the CSS include:

- *Provide transparent and accountable governance and meet all legislative requirements*
- *Enhance communication and community engagement in decision-making across the 3225 postcode area, and*
- *Continually review and plan to meet corporate needs while enhancing organisational capacity and performance.*

Legal and Risk Implications

Not applicable.

Related Documents

Not applicable.

Disclosure of Interest

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



CONSIDERATIONS

Environmental Sustainability

Not applicable.

Financial and Resource Implications

The cost to Council for taking part in the survey for 2021 was \$15,745. The anticipated cost of the survey in future years is expected to be similar.

Innovation and Continuous Improvement

The Community Satisfaction Survey is a key method of assessing Council's performance and opportunities for improvement across the organisation. Officers have been briefed on the results at a meeting of all Council staff, and will use the data to identify ways Council can improve its services or further build on services and programs that have been well-received.

IMPLEMENTATION

Operational Impacts

While the survey itself is conducted by a third party on Council's behalf, minor operational changes sometimes occur as Council implements lessons from their results. The impact of these changes is not expected to substantially effect operations.

Implementation Process

Not applicable.

ATTACHMENTS

1. 2021 Community Satisfaction Survey Results (Appendix 6)
-



16.3 Appointment of a Councillor Representative to the Association of Bayside Municipalities

File: QG045-01-01

Author: General Manager Planning and Infrastructure

Portfolio: Governance and Performance

Portfolio Holder: Cr Salter

PURPOSE

The purposes of this report are as follows:

- Enable Council to elect a Councillor Representative and Alternate Councillor Representative on to the Association of Bayside Municipalities (the Association).
- Delegate the CEO to sign a Memorandum of Understanding (MOU) between the Municipal Association of Victoria (MAV) and the Borough of Queenscliffe to enable the Association to act as the key local government representative on the management of Port Phillip.

EXECUTIVE SUMMARY

The recommendation of this report is consistent with Strategic Objective 5 in the 2017–2021 Council Plan – to maintain a cohesive, well governed, financially sustainable and independent Borough, specifically to provide transparent and accountable governance and meet all legislative requirements.

At the Special Meeting of Council held on 19 November 2020, Council determined to appoint the CEO or delegated officer onto the Association. The voting members of the Association have indicated that this would preclude the Borough of Queenscliffe from voting on matters it considers as the Association’s charter only allows votes cast by a Councillor Representative as acceptable. Officers are thus seeking direction from Council on a Councillor Representative and Alternate Councillor Representative for the Association.

To participate as a member of the Association, Council is also required to enter into a MOU with the Municipal Association of Victoria to enable the Association to act as the key local government representative on the management of Port Phillip Bay. Officers are seeking delegation to sign the MOU on Council’s behalf.

Officer recommendation

That Council:

- 1. Elect a Councillor Representative and Alternate Councillor Representative to the Association of Bayside Municipalities.**
 - 2. Nominate the CEO or delegated officer to represent Council views when Councillor Representative are not able to attend the Association of Bayside Municipalities meetings.**
-



- 3. Delegate to the CEO the power to enter into a Memorandum of Understanding with Municipal Association of Victoria recognising the role of the Association of Bayside Municipalities as outlined in (Appendix 7b).**

Councillors Grigau / Salter

That Council:

- 1. Elect Cr Hewitt as Councillor Representative, and Cr Grout as the Alternate Councillor Representative to the Association of Bayside Municipalities.**
- 2. Nominate the CEO or delegated officer to represent Council views when Councillor Representative are not able to attend the Association of Bayside Municipalities meetings.**
- 3. Delegate to the CEO the power to enter into a Memorandum of Understanding with Municipal Association of Victoria recognising the role of the Association of Bayside Municipalities as outlined in (Appendix 7b).**

Carried



REPORT

BACKGROUND

The Association of Bayside Municipalities (the Association) is an association of the councils that have frontage to, and are affected by the tidal influences of, Port Phillip Bay. Given the Borough of Queenscliffe's location at the heads of Port Phillip, it is seen as an important member of the Association.

The Charter for the Association can be found in **(Appendix 7a)**. As outlined in the Charter, the primary purposes of the Association are to:

1. Advocate as the voice of local government on matters relating to the health, protection and management of Port Phillip Bay.
2. Facilitate cooperation and collaboration so our collective actions and achievements deliver integrated, whole-of-bay outcomes for Port Phillip Bay.
3. Grow and share knowledge, resources and capability.

Most other councils around the bay are members of the Association including:

- Bayside City Council
- Frankston City Council
- Greater Geelong City Council
- Hobsons Bay City Council
- Kingston City Council
- Melbourne City Council
- Mornington Peninsula Shire Council
- Port Phillip City Council
- Wyndham City Council

The Association is governed by an executive committee consisting of the following:

- ABM President – Cr Jonathon Marsden, Hobsons Bay City Council
- ABM Vice President – Cr Jim Mason, Greater Geelong City Council
- ABM Executive Committee* Representative – Cr Steve Holland, Mornington Peninsula Shire
- An MAV representative – Claire Dunn
- The Association's Executive officer – Jacquie White.

In order to become a member of the Association, Council must also enter into a Memorandum of Understanding with the Municipal Association of Victoria recognising the Association as the key local government representative on the management of Port Phillip Bay. Officers are seeking delegation to sign the memorandum on Council's behalf. A copy of the MOU can be found in **(Appendix 7b)**.

DISCUSSION

At the Special Meeting of Council held on 19 November 2020, Council determined to appoint the CEO or delegated officer onto the Association. The voting members of the Association have



indicated that officers do not have voting rights based on the provision of the Charter of the Association. As such, the Borough of Queenscliffe would be precluded from voting on matters the Association considers as only votes cast by Councillors have validity. In light of this, Officers are seeking Council guidance on Councillor Representatives for the Association.

The MOU creating a framework for co-operation and planning between Council and the MAV can be found in **(Appendix 7b)**. The MOU runs for a period of 3 years ending in 2024. In signing the MOU, Council is effectively agreeing to participate and fund the Association and its activities for the period of the MOU.

Options

Option 1 – Appoint a Councillor Representative and alternate Councillor Representative to the Association of Bayside Municipalities.

Option 2 – Elect not to appoint a Councillor Representative and alternate Councillor Representative to the Association of Bayside Municipalities.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



The appointment of Council portfolios, committees and delegations is an integral part of implementing the Council Plan.

Collaboration

The proposed MOU and participation in the Association will enable collaboration on matters related to Port Phillip Bay.

GOVERNANCE CONTEXT

Relevant Law

In accordance with section 125 of the *Local Government Act 1989* Council adopted its Council Plan that covers the four year period from 2017 to 2021 at its 10 August 2017 Special Meeting. The appointment of Council portfolios, committees and delegations is an integral part of implementing the Council Plan.

Charter of Human Rights

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



Gender Equality Act 2020

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

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report?

No; while the appointment of a Councillor representative does have a direct impact on the public, it is not considered sufficiently significant to require a Gender Impact Assessment.

Regional, State and National Plans and Policies

Not directly applicable for the decision being made by Council.

Council Plan Alignment

This report is consistent with Strategic Objective 5 in the 2017–2021 Council Plan, to maintain a cohesive, well governed, financially sustainable and independent Borough. Specifically to provide transparent and accountable governance and meet all legislative requirements and to foster partnerships with community organisations, business neighbouring Councils, statutory Organisations and other levels of Government.

Legal and Risk Implications

Not applicable.

Related Documents

Borough of Queenscliffe Council Plan 2017–2021

Disclosure of Interest

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

CONSIDERATIONS

Environmental Sustainability

The primary purposes of the Association are to advocated on the matters relating to the health, protection and management of Port Phillip Bay. The Association is committed to working with the traditional owners genuinely partnering to protect and manage spiritual, cultural and environmental values. Improving the water quality and costal surrounds of the bay allowing for its continued enjoyment and sustainable use whilst ensuring the protection of the marine ecosystem.

Financial and resource implications

Council pays a fee of \$5,057.50 to be a member of the association.

This is a fee that is 50% less than other councils because of the Borough of Queenscliffe's size and rate base.

Innovation and Continuous Improvement

Not applicable.



IMPLEMENTATION

Operational Impacts

Not applicable.

Implementation Process

Should Council resolve to appoint a Councillor Representative and Alternate Councillor Representative on to the Association of Bayside Municipalities, officers will write to the association notifying them of the appointments. Should council resolve to enter into the MOU, the Chief Executive Officer will execute the document and provide it to the Association.

ATTACHMENTS

1. Association of Bayside Municipalities Charter (Appendix 7a)
 2. Memorandum of Understanding 2021 – 2024 (Appendix 7b)
-



16.4 Instruments of Appointment and Authorisation (Environment Protection Act 2017)

File: QG065.01.01

Author: Executive Projects Officer

Portfolio: Governance & Performance

Portfolio Holder: Cr Salter

PURPOSE

The purpose of this report is to enable Councillors to consider the appointment and authorisation of members of staff for the purposes of the new clauses in the *Environment Protection Act 2017*.

EXECUTIVE SUMMARY

The Council Plan includes Strategic Objective 5 Governance and Performance, that is, to 'provide transparent and accountable governance and meet all legislative requirements'. The 'instruments of appointment and authorisation' meets the good governance objectives of that element of the Council Plan.

This report presents to Council two new Instruments of Appointment and Authorisation which take into account changes to the *Environment Protection Act 2017* which came into effect on 1 July 2021.

Councillors Hewitt / Grout

That Council, in the exercise of the powers conferred by legislation referred to in the attached Instruments of Delegation, resolves that:

- 1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.**
- 3. The instrument be sealed.**

Carried



REPORT

BACKGROUND

The *Environment Protection Act 2017* (the new Act) and *Environment Protection Regulations 2021* (the Regulations) came into effect on 1 July 2021 and provide an updated framework to protect people and the environment from pollution and waste.

Under the new Act and Regulations the scope of local government's role as a regulator has not changed, but there are changes to the laws and powers of local governments, including a new delegation of powers from the Environment Protection Authority (EPA) to councils. This allows Council to appoint authorised officers to be joint regulators which applies only to the regulation of:

- on-site wastewater management systems \leq 5000 litres on any day; and
- noise from construction, demolition and removal of residential premises.

EPA's Governing Board has approved the instrument of delegation and instrument of direction to allow Council to take the necessary steps to assume these new powers.

DISCUSSION

Maddocks (Lawyers) provide Council with legal services which include provision of a Delegations and Authorisations Service. This service has been utilised to review the following new Instrument, which have been prepared using a best practice model and include reference to the *Environment Protection Act 2017* (the Act) and the associated regulations.

Using the new powers under the delegation is not mandatory, however is highly recommended and avails a collaborative approach to the regulation of waste water and noise control and enforcement.

It is intended these clauses contained in this Instrument stemming from the recent updated Act and regulations will be included in the next update from the Maddocks Delegations and Authorisations Service, expected later this year.

Options

It is not possible to achieve the best outcomes for the community, including future generations without having clear authorisations in place to enable day to day operations and routine decisions to be made.

Option 1 – adopt the Instrument listing the members of council staff to be authorised officers for the purpose of noise and waste water.

Option 2 – adopt the Instrument amending the members of council staff to be authorised officers for the purpose of noise and waste water.

Option 3 – do not appoint or authorise any member of council staff and rely on the EPA to undertake these regulatory duties.



COMMUNICATIONS AND ENGAGEMENT

Community Engagement



Council must keep a public register of all delegations and appointments made under section 11 of the *Local Government Act 2020*. It is recommended that this register be published on Council's website.

Collaboration

Environment Protection Agency (EPA)
Municipal Association of Victoria (MAV)

GOVERNANCE CONTEXT

Relevant Laws

Environment Protection Act 2017
Environment Protection Regulations 2021

Charter of Human Rights

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

Gender Equality Act 2020

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

Has a Gender Impact Assessment been undertaken in respect of the matters in this Council Report?

No; while the Appointment and Authorisation may have a direct impact on the public, it is not considered sufficiently significant to require a Gender Impact Assessment.

Regional, State and National Plans and Policies

Not Applicable.

Council Plan Alignment

To achieve Strategic Objective 5 Governance and Performance, that is, to 'provide transparent and accountable governance and meet all legislative requirements', Council needs clear delegations in place to enable day to day operations to be carried out in accordance with relevant legislation.



Legal and Risk Implications

There may be a perceived risk Council's reputation if EPA complaints are not followed up in a timely manner. Having council officers appointed and authorised would enable a collaborative approach in regulative control.

Related Documents

Not Applicable.

Disclosure of Interest

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

CONSIDERATIONS

Environmental Sustainability

This report does not raise any sustainability implications.

Financial and resource implications

The retainer fee for the Maddocks delegations and authorisations subscription service is budgeted for annually.

Innovation and Continuous Improvement

Continuous improvement is achieved by regular review of delegations via the professional Maddocks Delegations service, which is undertaken at the Borough at least annually, and in accordance with section 11(7) of the *Local Government Act 2020*, within 12 months of a general election.

IMPLEMENTATION

Operational Impacts

Delegation of powers is considered essential to enable day-to-day decisions to be made and there are several reasons why delegations should be reviewed regularly. In particular:

- accountability and responsibility for decisions is possible only if decision-makers are identified;
- in delegating responsibility, Council can set conditions, limitations and guidelines for decision-makers, including reporting requirements;
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

Implementation Process

The instrument is to be signed and sealed following resolution and the Register will be updated and maintained by the Chief Executive Office in accordance with Section 11(8) of the *Local Government Act 2020*.



ATTACHMENTS

1. Borough of Queenscliffe Instrument of Appointment and Authorisation – Environment Projection Act 2017 (Appendix 8)



17. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS

No reports to consider.

18. QUESTIONS WITHOUT NOTICE

18.1 Questions Without Notice Status Update

No Questions Without Notice outstanding.

18.2 Questions Without Notice

Nil.

19. LIST OF COUNCIL MEETINGS

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

PLANNING REVIEW MEETING
Wednesday 11 August 2021 at 7:00pm (if required)

COUNCIL MEETING
Wednesday 25 August 2021 at 7:00pm



20. CLOSED SESSION OF MEETING

Time: 8:10pm

Councillors Grout / Salter

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

20.1 Confirmation of 23 June 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.

20.2 Community Grants 2021/2022

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 Community Grants consideration and recommendation process is confidential.

Carried

Time: 8:23pm

Councillors Salter / Hewitt

That Council reopen the meeting and resume standing orders.

Carried

21. RATIFICATION OF CONFIDENTIAL ITEMS

Councillors Grout / Hewitt

That the decisions made in camera be ratified by Council.

Carried

22. CLOSE OF MEETING

The meeting closed at 8:24pm.



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 – 23 June 2021				
Queenscliff Town Hall & videoconference (Zoom)				
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 Shannon Maloney, ECDPL Leanne Stein, AO Peter McLean, RIE	Via videoconference Via videoconference	4:00pm – 5:40pm 4:45pm – 5:40pm 4:00pm – 4:40pm 4:00pm – 4:30pm 4:00pm – 5:15pm	1. Australia Day Awards 2. Retail Precinct Flags 3. Alternative Energy Supply Discussion Paper 4. Avenue of Honour 5. CP029 Use of Council Facilities / Gambling	Nil



Attendees	Apologies	Time	1. Matters discussed	Conflict of interest disclosures
Assembly Meeting – 30 June 2021				
Queenscliff Town Hall & videoconference (Zoom)				
Cr Donnie Grigau Cr Michael Grout Cr Fleur Hewitt Cr Susan Salter Martin Gill, CEO Dinah O’Brien, PPL Mia Davison, DELWP, Michael Everett, DELWP	Cr Ross Ebbels, Mayor Johann Rajaratnam, GMPI Phillip Carruthers, GMOP&CS Via videoconference Via videoconference	3:00pm – 5:45pm 3:00pm – 4:20pm 3:00pm – 4:20pm	1. Bellarine Peninsula Distinctive Area and Landscape project (DAL) 2. Planning Briefing: <ul style="list-style-type: none"> 2021/032, 1 Rayleigh Avenue, Queenscliff 2021/040, 145 Point Lonsdale Road, Point Lonsdale 2021/048, 200-204 Point Lonsdale Rd, Point Lonsdale 2021/038, 63 Flinders Street, Queenscliffe 	Nil
Assembly Meeting – 7 July 2021				
Queenscliff Town Hall & videoconference (Zoom)				
Cr Ross Ebbels, Mayor Cr Donnie Grigau Cr Fleur Hewitt Cr Michael Grout Cr Susan Salter Martin Gill, CEO Johann Rajaratnam, GMPI Connor Parker, CCEC Gihan Kohobange, MFS Adam Pendlebury, BSA	Via videoconference	2:30pm – 5:30pm 2:30pm – 4:20pm 3:53pm – 4:20pm 3:53pm – 4:20pm	1. Community Satisfaction Survey 2. Draft Community Vision 3. Association of Bayside Municipalities 4. Review of Council Policies: <ul style="list-style-type: none"> CP011 Investment of Available Funds CP001 Asset Management 5. Avenue of Honour 6. Murray Road Contract of Sale	Nil



Attendees	Apologies	Time	7. Matters discussed	Conflict of interest disclosures
Planning Review Meeting – 14 July 2021				
Queenscliff Town Hall & videoconference (Zoom)				
Cr Ross Ebbels, Mayor Cr Donnie Grigau Cr Fleur Hewitt Cr Michael Grout Cr Susan Salter Johann Rajaratnam, GMPI Dinah O'Brien, PPL Kathryn Robson Michael Burn, owner Ross Robson Lyn Cox David Connoley, QCA Glenys Bibby Geoff Hinch Bridgette & Mark Whinfield	Martin Gill, CEO Via videoconference Via videdoconference Via videoconference Via videdoconference Via videoconference Via videdoconference	7:15pm – 8:25pm	1. Planning Permit Application 2021/024, 69 Stokes Street, Queenscliff	Nil



Attendees	Apologies	Time	Matters discussed	Conflict of interest disclosures
Assembly Meeting – 21 July 2021				
Videoconference (Zoom)				
Cr Ross Ebbels, Mayor Cr Donnie Grigau Cr Fleur Hewitt Cr Michael Grout Cr Susan Salter Martin Gill, CEO Johann Rajaratnam, GMPI Shannon Maloney, ECDPL Stuart Hansen, SPO Connor Parker, CCEC	Nil	2:30pm – 5:10pm 4:26pm – 5:10pm 2:30pm – 3:25pm 3:05pm – 3:55pm 4:30pm – 4:50pm	1. Outdoor dining update 2. Queenscliff Tourist Park Master Plan & Business Plan 3. Waste Collection Contract 4. Appointment & Authorisations- Environmental Protection Act 2017 5. Bike Park next steps 6. G21 Workshop 7. Murray Road Contract of Sale 8. Council Plan Consultation 9. Bellarine Peninsula Distinctive Landscape project (DAL)	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)	CO – Communications Officer	



ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UPDATE

No public questions outstanding.

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.
