



# Minutes

## Ordinary Meeting of Council

Wednesday 14 December 2022 at 7:00pm

Queenscliff Town Hall

### **Distribution List**

#### **Councillors**

Cr Isabelle Tolhurst – Mayor  
Cr Fleur Hewitt – Deputy Mayor  
Cr Ross Ebbels  
Cr Donnie Grigau  
Cr Michael Grout

#### **Officers**

Martin Gill – Chief Executive Officer  
Tim Crawford – Manager Planning & Community Safety  
Gihan Kohobange – Manager Finance and Corporate Services  
Shannon Maloney – Manager Community  
Stuart Hansen – Manager Infrastructure and Environment  
Makenna Bryon – Communications Coordinator  
Matt Gibbs – Communications Officer  
Jenni Walker – HR & Governance Coordinator



### **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 extend this respect to all Aboriginal and Torres Strait Islander peoples.***

---



---

<b>1.</b>	<b>OPENING OF MEETING .....</b>	<b>6</b>
<b>2.</b>	<b>PRESENT &amp; APOLOGIES .....</b>	<b>6</b>
<b>3.</b>	<b>PECUNIARY INTEREST &amp; CONFLICT OF INTEREST DISCLOSURES .....</b>	<b>7</b>
<b>4.</b>	<b>LEAVE OF ABSENCE OF COUNCILLOR .....</b>	<b>7</b>
<b>5.</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>7</b>
<b>5.1</b>	<b>Public Questions Status Update .....</b>	<b>7</b>
<b>5.2</b>	<b>Public Questions .....</b>	<b>7</b>
<b>6.</b>	<b>CONFIRMATION OF COUNCIL MEETING MINUTES.....</b>	<b>10</b>
<b>6.1</b>	<b>Ordinary Meeting of Council – 23 November 2022 .....</b>	<b>10</b>
<b>6.2</b>	<b>Audit &amp; Risk Committee Meeting – 5 December 2022 .....</b>	<b>10</b>
<b>7.</b>	<b>RECORD OF INFORMAL MEETINGS OF COUNCILLORS.....</b>	<b>10</b>
<b>8.</b>	<b>NOTICE OF MOTION .....</b>	<b>11</b>
<b>8.1</b>	<b>Notice of Motion Status Update .....</b>	<b>11</b>
<b>8.2</b>	<b>Motion on Notice .....</b>	<b>11</b>
<b>9.</b>	<b>PETITIONS AND JOINT LETTERS.....</b>	<b>11</b>
<b>9.1</b>	<b>Petitions and Joint Letters .....</b>	<b>11</b>
<b>9.1.1</b>	<b>Railway Crossing Petition .....</b>	<b>11</b>
<b>10.</b>	<b>FUNCTIONS ATTENDED .....</b>	<b>13</b>
<b>11.</b>	<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>15</b>
<b>11.1</b>	<b>Chief Executive Officer Report .....</b>	<b>15</b>
<b>12.</b>	<b>HEALTH &amp; WELLBEING .....</b>	<b>17</b>
<b>13.</b>	<b>ENVIRONMENT .....</b>	<b>18</b>
<b>13.1</b>	<b>Victoria Park Planting Schedule 2022–2025.....</b>	<b>18</b>
<b>14.</b>	<b>LOCAL ECONOMY .....</b>	<b>24</b>
<b>15.</b>	<b>HERITAGE, PLANNING &amp; INFRASTRUCTURE .....</b>	<b>25</b>
<b>15.1</b>	<b>Planning Permit Activity Report.....</b>	<b>25</b>
<b>15.2</b>	<b>Planning Permit Application 2022/044 at 6 McDonald Road, Queenscliff .....</b>	<b>35</b>
<b>15.3</b>	<b>Planning Permit Application 2022/083 at 5 Beach Street, Queenscliff .....</b>	<b>53</b>
<b>16.</b>	<b>GOVERNANCE &amp; FINANCE .....</b>	<b>73</b>
<b>16.1</b>	<b>Community Engagement Policy .....</b>	<b>73</b>
<b>16.2</b>	<b>Review of Council Policies .....</b>	<b>78</b>
<b>17.</b>	<b>AUTHORISATION OF SIGNING &amp; SEALING OF DOCUMENTS .....</b>	<b>83</b>
<b>17.1</b>	<b>S6 Instrument of Delegation to Staff.....</b>	<b>83</b>

---



---

<b>17.2</b>	<b>Instrument of Appointment and Authorisation (<i>Planning and Environment Act 1987</i>) .....</b>	<b>83</b>
<b>18.</b>	<b>QUESTIONS WITHOUT NOTICE .....</b>	<b>83</b>
<b>18.1</b>	<b>Questions Without Notice Status Update .....</b>	<b>83</b>
<b>18.2</b>	<b>Questions Without Notice .....</b>	<b>83</b>
<b>19.</b>	<b>LIST OF COUNCIL MEETINGS .....</b>	<b>84</b>
<b>20.</b>	<b>CLOSED SESSION OF MEETING .....</b>	<b>85</b>
<b>20.1</b>	<b>Confirmation of 23 November 2022 Confidential Council Meeting Minutes .....</b>	<b>85</b>
<b>20.2</b>	<b>Implement and Support Enterprise Resource Planning .....</b>	<b>85</b>
<b>20.3</b>	<b>Chief Executive Officer Annual Performance Appraisal .....</b>	<b>85</b>
<b>21.</b>	<b>RATIFICATION OF CONFIDENTIAL ITEMS .....</b>	<b>86</b>
<b>22.</b>	<b>CLOSE OF MEETING .....</b>	<b>86</b>
	<b>ADJUNCT TO 7 – RECORD OF INFORMAL MEETINGS OF COUNCILLORS .....</b>	<b>87</b>
	<b>ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UPDATE .....</b>	<b>89</b>
	<b>ADJUNCT TO 8.1 – NOTICE OF MOTION STATUS UPDATE .....</b>	<b>90</b>
	<b>ADJUNCT TO 18.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE .....</b>	<b>92</b>

## Appendices

Appendix	Title	Agenda Item	Distribution
Appendix 1	Audit & Risk Committee Meeting Minutes 5 December 2022	6.2 Audit & Risk Committee Meeting – 5 December 2022	Under separate cover
Appendix 2	Victoria Park Planting Schedule 2022–2025	13.1 Victoria Park Planting Schedule 2022–2025	Under separate cover
Appendix 3a	CP003 Community Engagement Policy	16.1 Community Engagement Policy	Under separate cover
Appendix 3b	Gender Impact Assessment for CP003 Community Engagement Policy	16.1 Community Engagement Policy	Under separate cover

---



---

Appendix 4a	CP035 Complaint Handling	16.2 Review of Council Policies	Under separate cover
Appendix 4b	CP017 Risk Management	16.2 Review of Council Policies	Under separate cover
Appendix 5	Response to public question taken on notice at the Ordinary Meeting of Council on 23 November 2022	ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UPDATE	Under separate cover

---



---

## 1. OPENING OF MEETING

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

The Meeting opened at 7:00pm.

*Mayor Tolhurst took a moment to acknowledge the passing of former Borough of Queenscliffe Mayor, George William Anderson or Bill as he was known to our community. Bill passed away on 29 November this year in Point Lonsdale; he was 89 years old. Bill was a Councillor at the Borough of Queenscliffe for six years from 1970 until 1976 and served as Mayor in 1974 and 1975.*

*These recollections come from his son, Paul, and we happily relay them here tonight:*

*Bill was a civic minded member of the community right from the beginning of his time in Point Lonsdale he was a community man. Running Toc H children's camp, working with the St James Anglican Church, teaching at Queenscliff High School for nearly 30 years, serving as a Councillor and Mayor, and a lifetime passion and involvement with music and dance hall days at the Bellarine Peninsula. He supported Community Aid Abroad, Freemasonry, Civic Associations and lived a life dedicated to serving the community.*

*We thank Bill for his service and send our condolences to his family.*

## 2. PRESENT & APOLOGIES

*Present:*

Cr Isabelle Tolhurst, Mayor

Cr Fleur Hewitt, Deputy Mayor

Cr Ross Ebbels

Cr Donnie Grigau

Cr Michael Grout

Martin Gill, Chief Executive Officer

Tim Crawford, Manager Planning & Community Safety

Gihan Kohobange, Manager Finance and Corporate Services

Shannon Maloney, Manager Community

Stuart Hansen, Manager Infrastructure and Environment

Makenna Bryon, Communications Coordinator

Matt Gibbs, Communications Officer

Jackie Fletcher, Executive Assistance to the CEO, Mayor & Councillors

---



---

*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 Hewitt noted in respect to item 15.1 Planning Permit Activity Report, for Planning Application 2022/098 for the alterations and extension to an existing dwelling at 48 Flinders Road. The application has now been finalised despite being listed in the report, and there is no longer a conflict to declare.

Officers: Nil.

### **4. LEAVE OF ABSENCE OF COUNCILLOR**

Nil.

### **5. PUBLIC QUESTION TIME**

#### **5.1 Public Questions Status Update**

No public questions are 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 Council that five public questions had been received by Council within the prescribed timelines.

---



---

**Public Question 1 from David Connoley**

In its risks assessments the Audit Committee fails to refer to noted DELWP concerns over the impacts to native vegetation and trees. However the Audit Committee in its Minutes refers to 2 separate PINS in relation to Victoria Park with Council just recently satisfying the second PIN that appears to relate to Council operations or weaknesses its recording processes.

The second PIN saw Council procuring and purchasing specialised software to 'further improve the process around the monitoring of the trees.'

Can Council provide comment on this additional monitoring system (at an unknown cost) and whether the system is designed to retain and improve tree health and maintenance regimens, or will it simply address a possibly historic unsatisfactory recording system for our significant trees that still lacks a proper and adequate protection register and a clear public permit process for works?

**Response by the CEO**

Council allocated \$120,000 for a new tree management system as part of the 2022–2023 Budget. The new tree management system will encompass all aspects of tree management, on public land, undertaken by Council. A component of the tree management system will be a software solution that incorporates a register of managed trees, ongoing monitoring of tree health and records of tree maintenance history.

The software component of the system has not been procured at this point.

**Public Question 2 from Queenscliff Community Association**

In relation to the application for a Helipad at 6 McDonalds Road, in a separate, environmental matter, can Council provide any further information or action taken in relation to the noted wetland that existed on the site that according to Council was filled between November 2016 and November 2017 on the property?

**Response by the CEO**

No further information is available at this point.

**Public Question 3 from Christine Rees**

Can the Senior Planner explain why he considers that the referral to the federal Department of Climate Change, Energy, the Environment and Water about controlled actions under the EPBC Act 1999 is a separate process when EPBC Act Policy Statement 3.21 "Industry guidelines for avoiding, assessing and mitigating impacts on EPBC Act listed migratory shorebird species" states that A referral should be made as early as possible during the planning and development stages of the proposal.

**Response by the CEO**

Our understanding is that under the *Environment Protection and Biodiversity Conservation Act 1999 Act*, you can only refer a project to the Department of Climate Change, Energy, the Environment and Water if you are: the person who's proposing to take the action, a Commonwealth, state or territory government, or an agency that's aware of a proposed action, with administrative responsibilities relating to that action.

---





Council does not fit under the definition of agency in the *Environment Protection and Biodiversity Conservation Act 1999*.

**Public Question 4 from Jenny Knox**

Now that the Federal Department of Climate Change, Energy, the Environment and Water Department have taken interest in this planning application, and it may be reviewed under the EPBC Act and may become a “controlled action” what will Council do to ensure the requirements of the EPBC Act are being met and the controlled actions are being adhere too?

**Response by the CEO**

Council should not pre-empt any decision of the Department of Climate Change, Energy, the Environment and Water. However, Council has no formal role or statutory power to enforce EPBC Act permit conditions. That is the responsibility of the Commonwealth.

**Public Question 5 from Marvyn Brown**

The Fly Neighbourly Agreement referred to by DEWLP, whether Council had thought if that was appropriate or not, and if so, how it is monitored/enforced?

**Response by the Mayor**

This matter will be considered at item 15.2 in tonight’s agenda. Council will provide a response at that the conclusion of that item.

---



---

## 6. CONFIRMATION OF COUNCIL MEETING MINUTES

### 6.1 Ordinary Meeting of Council – 23 November 2022

A copy of the previous Minutes of the Ordinary Meeting of Council held on 23 November 2022 was distributed to Councillors under separate cover.

#### Councillors Grout / Ebbels

**That the Minutes of the Ordinary Meeting of Council of the Borough of Queenscliffe held on 23 November 2022, as distributed, be confirmed as an accurate record.**

Carried

### 6.2 Audit & Risk Committee Meeting – 5 December 2022

A copy of the Minutes of the Audit and Risk Committee meeting held on 5 December 2022 was distributed to Councillors under separate cover (**Appendix 1**).

#### Councillors Hewitt / Tolhurst

**That the Minutes of the Audit and Risk Committee meeting held on 5 December 2022, as distributed, be confirmed as an accurate record.**

Carried

## 7. RECORD OF INFORMAL MEETINGS OF COUNCILLORS

A Record of Informal Meetings of Councillors is included at Adjunct to Item 7:

- 23 November 2022 – Councillor Assembly Briefing
- 7 December 2022 – Councillor Assembly Briefing
- 7 December 2022 – Planning Review Meeting

#### Councillors Hewitt / Grout

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

Carried

---



---

## 8. NOTICE OF MOTION

### 8.1 Notice of Motion Status Update

**Councillors Hewitt / Ebbels**

**That the Notice of Motion Status Update, as presented in Adjunct to Item 8.1, be noted.**

**Carried**

### 8.2 Motion on Notice

No Notices of Motion were received.

## 9. PETITIONS AND JOINT LETTERS

### 9.1 Petitions and Joint Letters

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

#### 9.1.1 Railway Crossing Petition

**File: QG2260301**

At the Ordinary Meeting of Council on 23 November 2022, Council received a petition addressed to the Mayor of the Borough of Queenscliff requesting that Council negotiate an agreement with the Railway to provide pedestrian access via an existing gate located on the railway line near the corner of Mercer Street and Symonds Street, Queenscliff. The Petition requests that the gate(s) is only locked when busy train activity is occurring.

The petition was laid on the table for consideration at this meeting.

On 18 November, Council's CEO wrote to VicTrack's Group Manager Property Management requesting further information regarding the subject gate. A meeting has been scheduled for the CEO to meet onside with VicTrack's key stakeholders in mid-December 2022.

VicTrack has advised Council of the following details in the lead up to the meeting:

---



- The gate was installed to provide shunters with access to a set of points, it was never intended as a thoroughfare
- The gate is locked in accordance with Rail Safety National Law (RSNL) and Regulations administered by the Office of the National Rail Safety Regulator (ONRSR)
- Bellarine Railway is required to be accredited under the RSNL and is an accredited railway with the same requirements to manage risk to safety as other operators such as V/Line and Metro Trains Melbourne
- The current National (ONRSR) policy regarding level crossings is that no new crossings will be approved. In Victoria, for a new crossing to be installed the rail operator would need to seek written permission from the Transport Minister and then seek approval from the Regulator. A pedestrian crossing falls into the same definition as a level crossing; and
- Given that there are crossing points approximately 200-300 meters in either direction it would be extremely difficult to argue the need for a new pedestrian crossing

#### **Councillors Ebbels / Hewitt**

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

- a) Notes the petition received with a total of 49 signatures requesting that Council advocates to reinstate access to the railway gate located near the corner of Mercer and Symonds Street Queenscliff;**
- b) Notes the initial feedback provided by VicTrack officers regarding the rail safety laws and regulations;**
- c) Notes that the CEO is consulting with VicTrack regarding the gate; and**
- d) Requests the CEO to write to the authors of the petition regarding the outcome of the talks with VicTrack.**

**Carried**



## 10. FUNCTIONS ATTENDED

Council was represented at the following meetings and functions between 18 November to 8 December 2022:

Date	Function Attended
18 November 2022	Lonsdale Links Centenary Celebrations (Cr Ebbels)
20 November 2022	HMAS Goorangai Memorial Service (Cr Ebbels)
22 November 2022	G21 Special Board Meeting (CEO & Cr Ebbels)
22 November 2022	Bellarine Disability Action Group Swim Safely training (Cr Tolhurst)
24 November 2022	G21 Cultural and Economic Development Pillar Meeting (CEO & Cr Ebbels)
24 November 2022	Queenscliff Music Festival Launch event (Crs Tolhurst, Hewitt, Ebbels & Grout)
25 November 2022	Point Lonsdale Lighthouse Reserve meeting (Cr Ebbels)
25–27 November 2022	Queenscliff Music Festival (Cr Tolhurst)
28 November 2022	Coastal and Marine Management Plan Project Steering Committee Meeting via videoconference (Cr Hewitt & Cr Grout)
30 November 2022	Municipal Association of Victoria Rural South Central Regional Meeting via videoconference (Cr Ebbels & Cr Tolhurst)
1 December 2022	2022 Victorian Tourism Awards Gala Ceremony (Cr Ebbels)
2 December 2022	G21 Board Meeting (CEO & Cr Tolhurst)
3 December 2022	Lighting of the Christmas Tree event (Crs Tolhurst, Hewitt, Ebbels & Grigau)
4 December 2022	Queenscliff Cricket Club Sponsor & Supporters Day event (Cr Ebbels)
5 December 2022	Tourism Greater Geelong & The Bellarine Board Meeting (Cr Ebbels)
6 December 2022	Study Geelong End of Year Event (Cr Ebbels)
6 December 2022	Respect 2040 Partnership Advisory Group Meeting via videoconference (CEO)
7 December 2022	Joint State and Local Government CEO Forum via videoconference (CEO)
8 December 2022	Visitor Information Centre volunteer Christmas celebration (Cr Tolhurst)
8 December 2022	G21 Sustainability Pillar Meeting (Cr Hewitt)

### RECOMMENDATION

**That the Functions Attended report be received.**



---

**Councillors Hewitt / Grout**

**That the Functions Attended, 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**

##### **2023–2024 Budget Consultation**

Work on the 2023–2024 budget has commenced and this year we started the process by asking our community what was important to them. The first round of consultation has just been completed.

Over the next few weeks Council will work through the information and feedback the community has provided. There are however some initial results that provide a good overview of the community input.

Council received 211 responses.

On average, the respondents said that Council should spend more on assets, facilities, public spaces, the environment, and waste management.

Our residents and community groups who responded to the consultation also identified several individual projects they want to see progressed. These included additional footpaths, upgrading and building public toilets, planting more trees and protecting our coastline.

Importantly the results of the consultation indicated that our community share Council's commitment to keeping our budget balanced.

Council is preparing a consultation report which will be published in the coming week.

##### **Dogs on Beaches**

Consultation on the questions Council were asking the community about the management of dog on beaches within the Borough has now finished.

Council received 1,255 responses.

Council is working through the responses now, identifying the key themes and following up some of the issues that were raised. The plan is to publish a report summarising the outcomes of consultation in February 2023.

---



---

In the meantime, it is worth noting that the process has enabled Council to collect some valuable insight into the issue of dogs on beaches. The responses present a diversity of views, pose further questions, and demonstrate the value of community consultation.

Given the above timeframe there will be no changes to the way Council or Parks Victoria manage dogs on beaches in the Borough this summer. Those current arrangements are:

Between 15 December and the last day of February from 9:00am to 8:00pm **no dogs are allowed on beaches** except for the dog beach (Narrows Beach)

In those hours where dogs are permitted, they **must remain on a leash** except for the dog beach (Narrows Beach)

If you are walking your dog at any time, out of respect for the environment and your community **clean up after your dog**.

[Dog friendly areas | Borough of Queenscliffe](#)

### Thank you to the Borough community

As 2022 closes I wanted to acknowledge the Borough community. As the two short reports above demonstrate, the Borough community is engaged and actively contributing to Council decision making.

Our parliamentary leaders in the region confirm this, often sharing that no other community engages with them more than the Borough community.

The overwhelming messages that I receive through this engagement are:

- Council serves a community that loves the place they live in
- Council serves a community that wants Council to succeed

Like any good conversation and any healthy democratic system, there will be disagreement, questions, and differences of opinion. But these are good things, because it means that we are engaging widely enough to capture the diversity of thought we know exists in our community. It means we are meeting our purpose – *making considered decisions on behalf of our community, taking into account the different views of our community*.

So, thank you for your ongoing engagement and thank you for sharing your insights.

**Councillors Ebbels / Grigau**

**That Council receives the Chief Executive Officer Report for December 2022.**

**Carried**

---





## **12. HEALTH & WELLBEING**

No reports to consider.

---



---

## **13. ENVIRONMENT**

### **13.1 Victoria Park Planting Schedule 2022–2025**

**File:** QG0300307

**Author:** Vegetation & Foreshore Officer

**Portfolio:** Environment

**Portfolio Holder:** Cr Tolhurst

---

#### **PURPOSE**

The purpose of this report is to present the revegetation planting schedule for the central zones of Victoria Park.

#### **EXECUTIVE SUMMARY**

This report aligns with Portfolio 2 Environment Priority 5 – Regenerate and revegetate open spaces with indigenous plants and increase tree canopy coverage under the Council Plan 2021–2025.

Under the CP054 Victoria Park policy section ‘Environmental Management’ a revegetation plan will be prepared within 3 months of adoption of that policy. As the Vegetation and Foreshore Officer was engaged at start of October the revegetation plan has been delayed.

The Victoria Park planting schedule encompasses the visions of enhancing health and wellbeing and Protecting Country and our natural environment under the Community Vision 2021–2031.

#### **RECOMMENDATION**

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

- a) Place the Victoria Park planting schedule on public exhibition for a period of two weeks to provide opportunity for community feedback; and**
- b) Request officers to present the Victoria Park planting schedule to Council for endorsement at the earliest opportunity following the public exhibition and consideration of community feedback.**

#### **Councillors Hewitt/Grigau**

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

- a) Place the Victoria Park planting schedule, amended to reflect the correct details of the Queen’s Jubilee Grant Conditions, on public exhibition for a period of two weeks in January 2023 to provide opportunity for community feedback; and**
-



- 
- b) Request officers to present the Victoria Park planting schedule to Council for endorsement at the earliest opportunity following the public exhibition and consideration of community feedback.**

**Carried**

*Cr Grigau noted that he understood that the ongoing operational costs for the Victoria Park planting schedule would be considered as part of the annual budget process, and asked for guidance on what the ongoing operational cost might be?*

*The Manager Infrastructure and Environment stated that he would take that question on notice and provide the information in writing.*



---

## REPORT

---

### BACKGROUND

The development of a planting schedule at Victoria Park is a key action of Council's Annual Plan. Endorsement of the Victoria Park planting schedule is an Annual Plan milestone scheduled for the second quarter of the 2022–23 financial year.

Council adopted the CP054 Victoria Park policy in July 2022 and allocated a budget for the development of a tree management plan and the Victoria Park planting schedule for the central zones of Victoria Park (Map 1). It is intended that Council will coordinate and undertake the weed control, source and spread mulch and purchase tube stock to finalise the central zone plantings.

The successful Friends of Victoria Park Queen Jubilee grant funding has provided funding for fencing, plants and supervised planting days on the western boundary and King Street planting zones – Map 1.

The Friends of Victoria Park conducted their first planting days on Sunday 9 October 2022 followed by another on Sunday 23 October 2022. Council will provide more plants for subsequent planting days until all planting zones are completed.

### DISCUSSION

The revegetation plan is designed to create a broad representation of a Moonah woodland within and around 'planting zones' and remaining amenities trees and gardens.

The recommended list of species and planting densities are based on the species found in Coast Moonah Woodland (DSE 2003) and EVC 858 Coastal Alkaline Scrub Bioregion (DSE 2022). In the coming year (2023) only understorey species will be planted, followed in future years with taller tree species. Existing trees in the central zones are aged between semi mature to senescent (end of life). To ensure a healthy woodland and strong tree canopy, plantings of trees should be staggered over the coming years to allow for a good range of age distribution and good continuous canopy cover.

Through the central zones plantings will be informal in clusters and patches to form a walking track and resembling a Moonah woodland. The existing vehicle access tracks will remain to provide ongoing maintenance and emergency access.

Plants will be sourced from Queenscliff and Bellarine Indigenous nurseries and planted in stages during prime planting season of late autumn and early winter.

Two species, Seaberry Saltbush (*Rhagodia candolleana*) and Bower Spinach (*Tetragonia implexicoma*) are recommended species listed for Moonah woodland. These two species are small shrubs to ground covers but will not be included in the species list for the central zones. The Seaberry Saltbush and Bower Spinach already exist within the central zones and, due to their 'weedy' nature which is smothering existing trees, are recommended to be removed from future planting list for the area. These recommendations are provided by an inspecting arborist and a

---



local horticulturist. Minimising these species will allow ease of future tree inspections and reduce smothering to improve seedlings survival.

A works schedule has been developed to ensure the best project success and establishment of new plantings.

Providing Council accepts the plant species selection, plant numbers and densities will ensure Council has sufficient time to source tube stock for continuing revegetation/planting days for the upcoming year.

The proposed Victoria Park Planting Schedule 2022–2025 is provided at **(Appendix 2)**.

### **Options**

Option 1 – To place the Victoria Park planting schedule on public exhibition for a period of two weeks to provide opportunity for community feedback. To present the Victoria Park planting schedule to Council for endorsement at the earliest opportunity following the public exhibition and consideration of community feedback.

Option 2 – To endorse the Victoria Park planting schedule.

## **COMMUNICATIONS AND ENGAGEMENT**

### **Community Engagement**



Council has previously received community feedback during the development of the CP054 Victoria Park policy.

Option 1 presented in this report in the Options section would provide opportunity for the community to provide feedback on the proposed planting schedule.

### **Collaboration**

Council have collaborated with local horticulturist Janine Hurse and the Friends of Victoria Park community regarding species selection.

## **GOVERNANCE CONTEXT**

### **Relevant Law**

Not applicable.

### **Charter of Human Rights**

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



---

### **Gender Equality Act 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 Victoria Park Planting schedule 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**

Not applicable.

### **Council Plan Alignment**

Portfolio 2: Environment – To protect our environment and address climate change issues  
Priority 5- Regenerate and revegetate open spaces with indigenous plants and increase tree canopy coverage

### **Legal and Risk Implications**

Not applicable.

### **Related Documents**

CP054 Victoria Park  
Climate Emergency Response Plan 2021–2025  
Annual Plan 2022–2023

### **Disclosure of Interest**

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

## **CONSIDERATIONS**

### **Environmental Sustainability**

The replanting of Victoria Park assists with social, environment and climate change by encouraging social activities through planting days held by Friends of Victoria Park, improving and enhancing the environment by planting indigenous species and supporting indigenous fauna. Revegetating the areas will improve climate change adaptation measures by increasing future tree canopy to offer shade and cooling benefit to the Borough community.

### **Financial and resource implications**

Council has a budget of \$40,000.

The operational cost of ongoing maintenance will be considered within the annual budget process.

---



---

### **Innovation and Continuous Improvement**

Not applicable.

### **IMPLEMENTATION**

#### **Operational Impacts**

The ongoing maintenance of the revegetated zones will require a higher level of maintenance in comparison to mowing of the pre-existing camp sites. As noted in the Financial section of this report above, this operational cost will be considered within the annual budget process

#### **Implementation Process**

As part of the Victoria Park Planting Plan a Gantt chart of the proposed work schedule is attached.

### **ATTACHMENTS**

1. Victoria Park Planting Schedule 2022–2025 (Appendix 2)



#### **14. LOCAL ECONOMY**

No reports to consider.

---





---

## 15. HERITAGE, PLANNING & INFRASTRUCTURE

### 15.1 Planning Permit Activity Report

**File:** QG290.01.02

**Author:** Senior Planner

**Portfolio:** Heritage, Planning & Infrastructure

**Portfolio Holder:** Cr Grout

---

#### PURPOSE

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

#### EXECUTIVE SUMMARY

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

CATEGORY	TALLY
Current applications	25
Applications finalised since last report	9
New applications received since last report	8
<b>Total number of active permit applications</b>	<b>31</b>
VCAT matters yet to be determined	1
Development Plan & Planning Scheme Amendment Summary Report	3

#### Councillors Grout / Grigau

**That the Planning Permit Activity Report be received.**

**Carried**

*Cr Grout asked if Councillors would receive Planning Briefings on the two applications that have received 3 objections, being 2 Stokes Street, and 70 Mercer Street, Queenscliff.*

*The Manager Planning and Community Safety advised Planning Briefings would be arranged in accordance with the Planning Applications Protocol.*

---



**(a) Current applications**

<b>App. No</b>	<b>Date Received</b>	<b>Address</b>	<b>Proposal</b>	<b>No. of objections</b>	<b>Status</b>
2021/018	25/02/2021	134 Hesse Street Queenscliff	Installation of Telstra telecommunication tower in a Heritage Overlay (Queenscliff Recreation Reserve)	19	Applicant investigating alternative site on southern side of subject land
<b>2021/048</b>	<b>27/05/2021</b>	<b>200-204 Point Lonsdale Road Point Lonsdale</b>	<b>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</b>	<b>9</b>	<b>Application on hold (at the request of the applicant)</b>
2021/096	20/09/2021	33-35 Flinders Street Queenscliff	Subdivision of the land into ten (10) lots (re-subdivision), removal of native vegetation and alterations to access to a Road Zone Category 1 (RDZ1)	6	Under consideration
2021/129	17/12/2021 (Amended 11/07/2022)	6 Alexander Crescent Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling, variation to the site coverage requirements of Design and Development Overlay Schedule 4 and construction of an outbuilding	1	Under consideration
<b>2022/014</b>	<b>18/02/2022</b>	<b>66 King Street Queenscliff</b>	<b>Construction of two dwellings on a lot and variation to the site coverage requirements of Design and Development Overlay – Schedule 1</b>	<b>17</b>	<b>Under consideration</b>



App. No	Date Received	Address	Proposal	No. of objections	Status
2022/044	02/05/2022 Amended 03/06/2022)	6 McDonald Road Queenscliff	Use of the land for a helicopter landing site	28	Refer agenda
2022/083	04/08/2022	5 Beach Street Queenscliff	Part demolition, alterations and extensions and relocation on site of an existing dwelling in a Heritage Overlay area, construction of fences and variation to the site coverage requirements of Design and Development Overlay – Schedule 6	7	Refer agenda
2022/084	18/08/2022	61 Point Lonsdale Road Point Lonsdale	Development of the site with a three storey building containing one (1) dwelling and one (1) retail premise	10	Under consideration
2022/086	23/08/2022	25 Symonds Street Queenscliff	Demolition of a dwelling and outbuildings in a Heritage Overlay area, construction of a dwelling and front fence and variation to the site coverage requirements of Design and Development Overlay – Schedule 6	2	Under consideration
2022/091	02/09/2022 (Amended 10/10/2022)	2 Stokes Street Queenscliff	Alterations and extensions (two storey) to an existing dwelling	3	Under consideration
2022/094	08/09/2022	61-63 Stokes Street Queenscliff	Construction of a two storey dwelling and outbuilding	0	Under consideration
2022/096	09/09/2022	6 Ethel Court Point Lonsdale	Construction of a two storey dwelling and removal of native vegetation	0	Public notification
2022/098	16/09/2022	48 Flinders Street Queenscliff	Alterations and extensions (two storey) to an existing dwelling	0	Under consideration



App. No	Date Received	Address	Proposal	No. of objections	Status
2022/099	16/09/2022	1 Wharf Street East Queenscliff	Permission under Clause 52.27 of the Queenscliffe Planning Scheme to use the land to sell and consume alcohol (Restaurant and Café Licence)	5	Under consideration
2022/101	20/09/2022	18 Qu'Appelle Street Point Lonsdale	Construction of a two storey dwelling	1	Under consideration
2022/104	06/10/2022 (Amended 15/11/2022)	2 Golightly Street Point Lonsdale	Construction of a dwelling, variation to the site coverage requirements of Design and development Overlay – Schedule 4 and removal of native vegetation	1	Public notification
2022/105	05/10/2022	70 Mercer Street Queenscliff	Demolition of a dwelling, outbuilding and fence and removal of trees in a Heritage Overlay area, construction of two dwellings (two storey) and subdivision of the land into two (2) lots	3	Public notification Referral to Borough Engineer
2022/106	03/10/2022	126 Fellows Road Point Lonsdale	Alterations and extensions to an existing dwelling	0	Public notification
2022/107	10/10/2022	4 Loch Street Point Lonsdale	Alterations to an existing dwelling	0	Under consideration
2022/108	11/10/2022	5 Brookes Street Point Lonsdale	Construction of a two storey dwelling and removal of native vegetation	1	Under consideration
2022/109	10/10/2022	2 Werry Road Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	0	Under consideration



---

App. No	Date Received	Address	Proposal	No. of objections	Status
2022/111	13/10/2022	16 Flinders Street Queenscliff	Subdivision of the land into two (2) lots and construction of an outbuilding	0	Public notification
2022/113	24/10/2022	40 Mercer Street Queenscliff	Alterations (awnings) to an existing dwelling individually listed in a Heritage Overlay	0	Under consideration
2022/114	03/11/2022	13 Raglan Street Queenscliff	Alterations and extensions to an existing dwelling	0	Under consideration
2022/115	04/11/2022	5 Richards Street Queenscliff	Demolition of a dwelling in a Heritage Overlay area	0	Under consideration

---



**(b) Applications Finalised Since Last Report**

App. No	Date Received	Address	Proposal	Status
S 2018/093	15/11/2022	1 Mercer Street Queenscliff	AMENDMENT: Part demolition, alterations and extensions to an existing two storey dwelling in a Heritage Overlay area	Amended permit issued
S 2019/037	17/11/2022	6 Richards Street Queenscliff	AMENDMENT: Demolition of a dwelling and front fence in a Heritage Overlay area, construction of a two storey dwelling, garage and front fence	Amended permit issued
S 2021/088	03/11/2022	56 Baillieu Street Point Lonsdale	AMENDMENT: Alterations and extensions (two storey) to an existing dwelling	Amended permit issued
S 2021/107	21/10/2022	9 Bowen Road Point Lonsdale	AMENDMENT: Construction of two double storey dwellings, subdivision of the land into two (2) lots, removal of native vegetation and variation to the site coverage requirements of Design and Development Overlay – Schedule 3	Amended permit issued
2022/088	25/08/2022	24 Flinders Street Queenscliff	Alterations to an existing dwelling, construction of a second dwelling (two storey) and front fences, subdivision of the land into two (2) lots and variation to the site coverage requirements of Design and Development Overlay – Schedule 1	Permit issued
2022/097	14/09/2022	3 Sara Street Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	Notice of decision to grant a permit issued
2022/102	28/09/2022	28 Swanston Street Queenscliff	Alterations to an existing dwelling	Permit issued



---

App. No	Date Received	Address	Proposal	Status
V 2022/116	17/11/2022	10 Fellows Road Point Lonsdale	Construction of a front fence	Permit issued
V 2022/118	21/11/2022	14 Golightly Street Point Lonsdale	Construction of a front fence	Permit issued

---



**(c) New Applications Received Since Last Report**

App. No	Date Received	Address	Proposal	No. of objections	Status
V 2022/116	17/11/2022	10 Fellows Road Point Lonsdale	Construction of a front fence	N/A	Permit issued
V 2022/117	18/11/2022	25 Flinders Street Queenscliff	Construction of outbuildings	N/A	Under consideration
V 2022/118	21/11/2022	14 Golightly Street Point Lonsdale	Construction of a front fence	N/A	Permit issued
2022/119	21/11/2022	2A Nicholas Court Point Lonsdale	Alterations and extensions to an existing dwelling	0	Public notification
V 2022/120	24/11/2022	13 Swanston Street Queenscliff	Construction of a pergola	N/A	Under consideration
V 2022/121	24/11/2022	4 St Andrews Street Queenscliff	Construction of a fence	N/A	Under consideration
2022/122	30/11/2022	11 Roddick Grove Queenscliff	Construction of a two storey dwelling	0	Initial assessment
2022/123	01/12/2022	34-36 Hesse Street Queenscliff	Demolition of an outbuilding in a Heritage Overlay area and buildings and works associated with the construction of a two storey dwelling at the rear of the existing building	0	Initial assessment





**(d) VCAT matters yet to be determined**

App. No	Date Received	Address	Proposal	Status
2022/059	09/06/2022	20-26 Hesse Street Queenscliff	Use and development of the site for ten (10) dwellings in a Heritage Overlay area, subdivision of the land into ten (10) lots with common property, access to a Transport Zone 2 and variation to easements	VCAT application for review lodged by objector VCAT hearing yet to be scheduled

**(e) Development Plan & Planning Scheme Amendment Summary Report**

Reference no.	Details	Status
C37quen	Proposed application of additional controls on three (3) Monterey Cypress trees on the Bellarine Highway	C37quen has no formal status. Council officers are awaiting incorporation of the Bellarine Distinctive Area and Landscape Statement of Planning Policy into the Queenscliffe Planning Scheme before progressing C37quen
C39quen	Proposed administrative corrections to the Queenscliffe Planning Scheme	C39quen has no formal status. Council officers are working to identify policy neutral administrative corrections to the Queenscliffe Planning Scheme.
DP2	Queenscliff Ferry Terminal (1 Wharf Street East, Queenscliff): Proposed amendment to incorporate an all abilities public access pathway to the beach	Referral to DELWP



---

## **LEGEND**

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

**Bold**      **Officer delegation removed**

**V**      VicSmart application

**S**      Secondary consent approval issued



## **15.2 Planning Permit Application 2022/044 at 6 McDonald Road, Queenscliff**

**File:** QP430-600

**Author:** Senior Planner

**Portfolio:** Heritage Planning & Infrastructure

**Portfolio Holder:** Cr Grout

---

### **PURPOSE**

The purpose of this report is to present an assessment and recommendation for an application to use the subject land for a helicopter landing site.

### **EXECUTIVE SUMMARY**

The subject site is located on the south side of McDonald Road, mid-way along Burnt Point. The site has an area of approximately 3.6 hectares. The site is developed with an existing dwelling and associated outbuildings. One of the outbuildings received planning permission in 2016 as a storage shed and this is currently used to store the helicopter that is the subject of the current application.

The application seeks to use the land for the landing of a helicopter associated with the personal use of the resident of the dwelling on the site.

The proposal seeks to undertake a maximum of eight (8) flights a month (being 16 movements with each take off and each landing being a movement). The information supplied with the application shows that most take offs occur over the water to the south and east and landing generally occurs from the north west. Take offs see the helicopter at 1000 feet in approximately 1.5 minutes.

An outline of the proposed helicopter use as detailed in the application are attached.

The subject land has the following zones and overlays:

- Rural Conservation Zone (RCZ)
- Environmental Significance Overlay, Schedule 1 Coastal and Foreshore Areas (ESO1)
- Environmental Significance Overlay, Schedule 2 Swan Bay and Marine and Terrestrial Habitats (ESO2)
- Significant Landscape Overlay, Schedule 1 Swan Bay Landscape Area (SLO1)

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

- Clause 52.15 Heliport and Helicopter landing site. This clause provides requirements which if met allow helicopter landings to occur without a permit such as the landing point being beyond 500 metres from sensitive uses (such as dwellings) and limitations on the number of flights. These cannot be met in this instance and therefore a permit is triggered.
-



The zone and overlays do not trigger a permit for the activity because no development is proposed. This means those controls are not relevant to the specific assessment of the application but provide an important context of the environmental significance of the area. The core decision making criteria relate to Clause 52.15 however issues of environmental impacts and orderly planning outcomes are still relevant under the general decision criteria at Clause 65 of the Queenscliffe Planning Scheme.

The application has been advertised in accordance with the requirements of the *Planning and Environment Act 1987* and Council has received 28 objections.

The objections raise the following concerns with the proposal:

- The proposal will threaten migratory bird species in the surrounding international recognised, high value RAMSAR wetlands.
- Amenity impact to the area from noise and movements.
- Discrepancies in bird data and ecological report.

Having reviewed the proposal against the relevant criteria in the Queenscliffe Planning Scheme and the issues raised in the objections it is recommended the proposal be supported with appropriate conditions limiting the use.

#### **RECOMMENDATION**

**That Council:**

**Having caused notice of Planning Application No. 2022/044 to be given under Section 52 of the Planning and Environment Act 1987; the Queenscliffe Planning Scheme and having considered objections and all the matters required under Section 60 of the Planning and Environment Act 1987, resolves to issue a Notice of Decision to Grant a Planning Permit under the provisions of Clause 52.15 for use of the land for a helicopter landing site in respect of the land known and described as 6 McDonald Road Queenscliff subject to the following conditions:**

- 1. The helicopter landing and take off shall only be associated with the helicopter model Enstrom 280 FX to the satisfaction of the Responsible Authority.**
  - 2. Helicopter flights (a flight being a take off and landing) shall only occur a maximum of six (6) times per month to the satisfaction of the Responsible Authority.**
  - 3. Helicopter flights (a flight being a take off and landing) shall only occur between the hours of 7am to 7pm at any given time to the satisfaction of the Responsible Authority.**
  - 4. Helicopter take offs and landings shall occur to and from a westerly direction at all times to the satisfaction of the Responsible Authority.**
  - 5. The permit holder/owner will maintain a logbook of the use of the helicopter landing site and the logbook will be made available for inspection by the responsible authority on request.**
  - 6. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**
-



---

**7. The permit for use will expire is one the following circumstances applies:**

**a. The use does not start within two years after the issue of a permit.**

**b. The use is discontinued for a period of two years.**

**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.**

---

**Councillors Hewitt / Ebbels**

**That Council defer consideration of Planning Application 2022/044 at 6 McDonald Road, Queenscliff until a future Council meeting.**

**Carried**

*Mayor Tolhurst noted that public question 5 from Marvyn Brown, would be taken on notice and responded to in writing.*

---



## REPORT

### BACKGROUND

The subject land has an area of 3.6 hectares is developed with an existing dwelling and outbuildings. A planning permit was granted in 2016 for a shed on the southern portion of the land. This shed is now used to store a helicopter.



Figure 1 – subject site

A planning permit application was lodged on the 2 May 2022 to allow helicopter take offs and landings from the site for the personal use of the owner of the land. The proposal seeks to undertake a maximum of eight (8) flights a month (being 16 movements with each take off and each landing being a movement). The information supplied with the application shows that most take offs occur over the water to the south and east and landing generally occurs from the north west. Take offs see the helicopter at 1000 feet in approximately 1.5 minutes.

The southern side of the subject land abuts the northern side of Laker's Cutting. Laker's Cutting links into the broader area of Swan Bay. Tip Island is approximately one kilometre to the east of the subject land and Swan Island is approximately 3.3 kilometres to the north east of the subject site.

The area of Burnt Point contains large rural zoned land parcels totalling ten properties of the which the subject land is one.



The area is recognised for its environmental features and Swan Bay is included in the current RAMSAR listing for the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula area. A current project is being undertaken via DELWP to investigate extending areas for the RAMSAR listing to include the area of Lakers Cutting south of Burnt Point among other extended areas – see Figure 2. Submissions have been invited and these are currently being reviewed before final decisions are finalised in early 2023.



Figure 2 – new potential areas for RAMSAR inclusion Swan Bay

Source: Port Phillip Bay and Bellarine Peninsula Ramsar Site Boundary Review web site

The application has been referred to DELWP for comment. DELWP have provided a response on the 8 December 2022 which incorporates comments from Parks Victoria also. DELWP have not objected to the proposal but have provided comments that flights paths should be developed to avoid the main areas of Swan Bay where migratory birds and other bird species congregate. Advice has also been included that further investigation should be made to the federal Department of Climate Change, Energy, the Environment and Water about controlled actions under the Environment and Biodiversity Protection Act 1999 (EPBC Act 1999) as a separate process.

The recommendation responds to the above advice through limiting take offs and landings to the west away from more sensitive areas to the north and east.

## DISCUSSION

Planning permits for the take off and landing of a helicopter on private land is controlled by Clause 52.15 in the Queenscliffe Planning Scheme. The provision is State wide provision that is present in all planning schemes. The purpose of Clause 52.15 is as follows:



- *To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.*

There is a Planning Practice Note 75 produced by DELWP that explains the planning requirements related to heliports and helicopter landing sites. This publication makes reference to the above provisions and makes it clear that once a helicopter is in the air, it is beyond planning control. This has been reinforced in recent VCAT decisions on helicopter landing sites such as *Metcalf v Surf Coast SC [2018] VCAT 1863*.

The issue of where a take off and landing transitions to flight is not defined. In a practical sense it is considered that the action of the helicopter moving up and away from its take off point or descending to a landing point reasonably includes the concept of take off and landing. Information submitted in the application suggests the helicopter climbs at 700 feet (213 metres) per minute at take off and descends at 500 feet (150 metres) per minute at landing. This information supports a concept that take offs and landings involve distances of approximately 200 metres from the site and can reasonably be controlled by the permit process.

A key focus of the control at Clause 52.15 is understanding noise impacts to surrounding properties and amenity concerns associated with that. The application has been supported by an acoustic report prepared by Clarity Acoustics dated 26 August 2022. The report details the *EPA Publication Noise Control Guidelines 1254.2 May 2021* as providing relevant guidance for noise levels for the helicopter use. The report confirms measurements of potential noise from the helicopter take off and landing were conducted on 9 August 2022 and that the proposed helicopter activity met the required full day equivalent average noise levels and maximum noise levels as detailed in the EPA publication at the nearest residential uses.

The noise assessment evidence provided suggests no unreasonable noise outcomes for the proposed helicopter activities are anticipated.

The other key issue relevant to the proposal is the impact on the environmental values of the location. The General Provisions for assessment of applications at Clause 65 (referred to in the decision guidelines for Clause 52.15) include consideration of environmental impacts. The broader area of Burnt Point is located in areas of intertidal wetlands and shallow waters which provide habitat for a range of flora and fauna and provide a focus for migratory shorebirds which is reflected in the RAMSAR listing present on Swan Bay. The area also provides habitat for the migratory Orange Bellied Parrot.

The application is supported by a biodiversity impact assessment by Nature Advisory dated 1 September 2022. The report has detailed that the main shorebird foraging areas are located on the west shore of Swan Island between three and five kilometres from the subject site. The report also identifies important roosting areas for larger wading birds to be at Tip Island at the eastern end of Burnt Point approximately 900 metres from the subject land. The report details various studies related to the impacts of helicopters and noise on species of birds and mammals and notes that helicopters noise can have an impact on species with greater impact where these are close to roosting or foraging birds. The report suggests that given the separation from key foraging and

---



roosting areas and the infrequent use of the helicopter that the impact to bird life will be to a minimal level. A suggestion is also made to not use the north eastern flight path to Melbourne, which has proximity to Tip Island, during high tide to minimise impacts to roosting birds.

It is noted that the current listed RAMSAR areas on the northern shoreline of Corio and Port Phillip bays include Avalon Airport – see Figure 3 below. This detail suggests the presence of aircraft can be managed in relation to the importance of RAMSAR locations.



Figure 3 – existing and proposed RAMSAR listings – red circle indicates Avalon Airport

Source: Port Phillip Bay and Bellarine Peninsula Ramsar Site Boundary Review web site

Aircraft, including helicopters, can fly over the RAMSAR listed areas of Swan Bay currently per relevant CASA regulations however it is understood that no flights can occur over Swan Island given its status as a national defence facility.

The environmental values of the location are well documented and have been emphasised via the objections. The Port Philip Bay Western Shoreline and Bellarine Peninsula RAMSAR Site Management Plan 2018 outlines management strategies by key government agencies to help monitor and maintain the RAMSAR listed areas. The management plan identifies a range of risks to RAMSAR listed areas ranging from climate change, stormwater management and pest plant and animals to expanding urban development and recreational use in the areas. The document helps provide further context for considering the risks associated with the proposed helicopter proposal.

Minimising impacts from noise and movement on surrounding species is considered an important factor including frequency of operation and helicopter movement patterns. In balancing the competing views about the appropriateness of a helicopter landing site on the subject land the following are considered factors that suggest conditional support could be provided at a reduced scale of the potential use:



- The helicopter movements to the east have the most potential to impact key sites noting that the helicopter is anticipated to be at 90 metres (300 feet) above the surface near Tip Island and over 300 metres (1000 feet) by 1-2 minutes from takeoff.
- The helicopter will not fly over key foraging areas west of Swan Island as that is a no fly zone given the defence status of Swan Island.
- Generally landings occur from the west minimising impacts to wetland areas and The opportunity to direct take offs and landings to the west via condition will minimise impacts to the key areas to the east.
- The maximum level of frequency of the use is low and it is recommended that the number of times a flight occurs is reduced to six times per month (instead of eight times) and only occurs between 7am and 7pm (instead of 10pm).

### Options

Option 1 – That Council adopt the officer recommendation.

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, all landowners on Burnt Point and landowners within 500 metres of the site on the south side of Lakers Cutting.
- Displayed signs on the property.

Council has received 28 objections to the proposal. The key issues are raised in the objections are summarised and responded to below:

Reason for objection	Officer response
The proposal will threaten migratory bird species in the surrounding international recognised, high value RAMSAR wetlands.	The concerns raised about migratory bird impacts are acknowledged. As detailed earlier in the report it is considered a limited operation of the helicopter could occur with minimal impact to key migratory bird areas given the flights paths proposed, the lower frequency of use and hours and generally preventing movements to the east.



Reason for objection	Officer response
	<p>It is noted that information about helicopter operation on species in the Blue Mountains has been included in the objections. This information provides further analysis of the broad issue of potential helicopter impacts and is a useful reference however the broad level of information is not able to be applied explicitly to the specifics of this proposal in terms of flights paths and proximity to foraging and roosting areas and the frequency of the proposed use.</p>
<p>Discrepancies in broad data and ecological report.</p>	<p>Similarly the context of RAMSAR sites near Broome have been raised as having no fly zones. The legislative environment for such being created In Western Australia is not fully understood but it does highlight the context of reducing air craft movements in proximity to RAMSAR areas in relation to the current application.</p> <p>The objections have raised concern about the consistency of data used by the applicant about migratory birds. The objection by Rees included reference to studies in 2010 that have identified the southern areas of Lakers Cutting are used by foraging birds and that Orange Bellied Parrots have been observed twice on Swan Island in 2020 contrary to information in the Nature Advisory report submitted with the application. These differences in data are noted and do highlight the variability of where migratory birds maybe locating within the RAMSAR areas and beyond. The context of the objections on this issue have helped inform further reduction and restrictions on the operation of the helicopter per the recommendation in the event a permit was issued.</p>

It is noted the Wadawurrung Traditional owners were consulted on the application and confirm that the proposal would have minimal detriment to Wadawurrung living cultural heritage via a letter dated 26 July 2022.

Council resolved to remove officer delegation for deciding the application at its Ordinary Meeting of Council on 26 October 2022.

In accordance with Council's Planning Protocol, a Planning Review Meeting was held on 7 December 2022. The meeting gave the applicant and objectors an opportunity to elaborate on



their objections and answer questions posed by Councillors. The applicant and a number of objectors attended the meeting.

### **Collaboration**

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

## **GOVERNANCE CONTEXT**

### **Relevant Law**

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

### **Charter of Human Rights**

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

### **Gender Equality Act 2020**

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

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

### **Regional, State and National Plans and Policies**

A number of objections raised issues of controlled actions under the *Federal Environmental and Biodiversity Protection Act 1999 (EPBC Act 1999)*. The Nature Advisory report submitted with the application suggests the proposal is not a controlled action and does not require consultation with the relevant federal department under the above Act. Any processes under the EPBC Act 1999 are separate processes from the decision on the planning application and do not prevent a decision being determined on merit.

### **Council Plan Alignment**

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

### **Legal and Risk Implications**

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

Any decision of Council can be challenged to VCAT by objectors or the applicant depending on the decision. If a decision is appealed to VCAT Council's position will be presented to VCAT along with the views of other parties and VCAT will make a final determination on the application.

---



### **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**

The environmental issues associated with the proposal have been analysed earlier in the report.

### **Financial and resource implications**

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

### **Innovation and Continuous Improvement**

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

## **IMPLEMENTATION**

### **Operational Impacts**

There are no operation impacts associated with the application.

### **Implementation Process**

Any decision on the application will be forwarded to all parties. Both the applicant and objectors have the ability to appeal a decision to VCAT depending on the nature of that decision.

## **ATTACHMENTS**

Selected application information is provided below as well as the DELWP referral response received on 8 December 2022:

---





Figure 1: Helicopter and landing site

---



#### **HELICOPTER STARTUP AND INITIAL FLIGHT AND LANDING PROCEDURES**

##### **Engine start**

Warm up of engine and check of temperature and pressure gauges on the ground.  
Approximately 2 minutes, and not at full power

##### **Initial Hover**

Hover with full power at 1 metre height to check all instruments safely working then descend to ground, then final take off checks  
Approximately 1-2 minutes.

##### **Take off**

Hover to 1 metre and transit at full power into immediate forward flight onto climb. Aircraft climbs at approximately 700 feet per minute.

##### **Airborne**

Once airborne, flight is under CASA (Civil Aviation) rules.

##### **Cruise**

Cruise flight over water usually at pilot's discretion.  
Cruise flight over Rural land 500 feet minimum – usually 2000 feet  
Cruise flight over urban land 1,000 feet minimum – usually 2500 feet

##### **Take off from site - See attached Sketch**

Take off from the site is normally to the Southeast and the aircraft in over the water within 10 seconds on the climb and at 1000 feet within 1.5 minutes.  
Occasionally a flight may take off to the Northeast

##### **Inbound to Land - See attached Aerial photo**

Usually commences at height of 1000 feet and descends at 500 feet per minute with a landing time of 2 minutes. The landing flight to the site has never commenced over urban land, but commences over rural land or water

#### **GENERAL INFORMATION**

##### **Clause 52.15-1 Planning scheme 500 metre requirement - See attached Aerial Sketch**

It is noted that except for the residents of McDonald Road the nearest residential land is over 500 metres away.

##### **Neighbours**

We are bounded by 9 neighbours in McDonald Road who all fall within the 500 metre range. My neighbours in McDonald Road have years ago been advised that a helicopter occasionally operates out of the site and have not raised any concerns.

##### **Aircraft Use**

The aircraft is generally used as a mode of transport in the business the company operates, which is land development, subdivisions mainly in Geelong, Bannockburn, Inverleigh, Batesford and other towns. It is more efficient visiting sites by helicopter than by car in time, cost and safety.

The helicopter is NOT used regularly and note that the application is requesting a condition limiting of the numbers of flights to 8 per calendar month. Each flight would entail a take-off and landing from the subject site.

##### **Helicopter Safety**

As this helicopter is not flown on a regular basis then a few times the engines would be started and run with a hover about 1 metre of the ground for approximately 3-4 minutes. The LAME (the helicopters Licenced Aircraft Mechanical Engineer) will request this procedure as a safety requirement as Heli engines are usually run on a regular basis to ensure any future flight is safe.

Figure 2: Written outline of helicopter flights

---





Figure 3: Subject site and landing site location

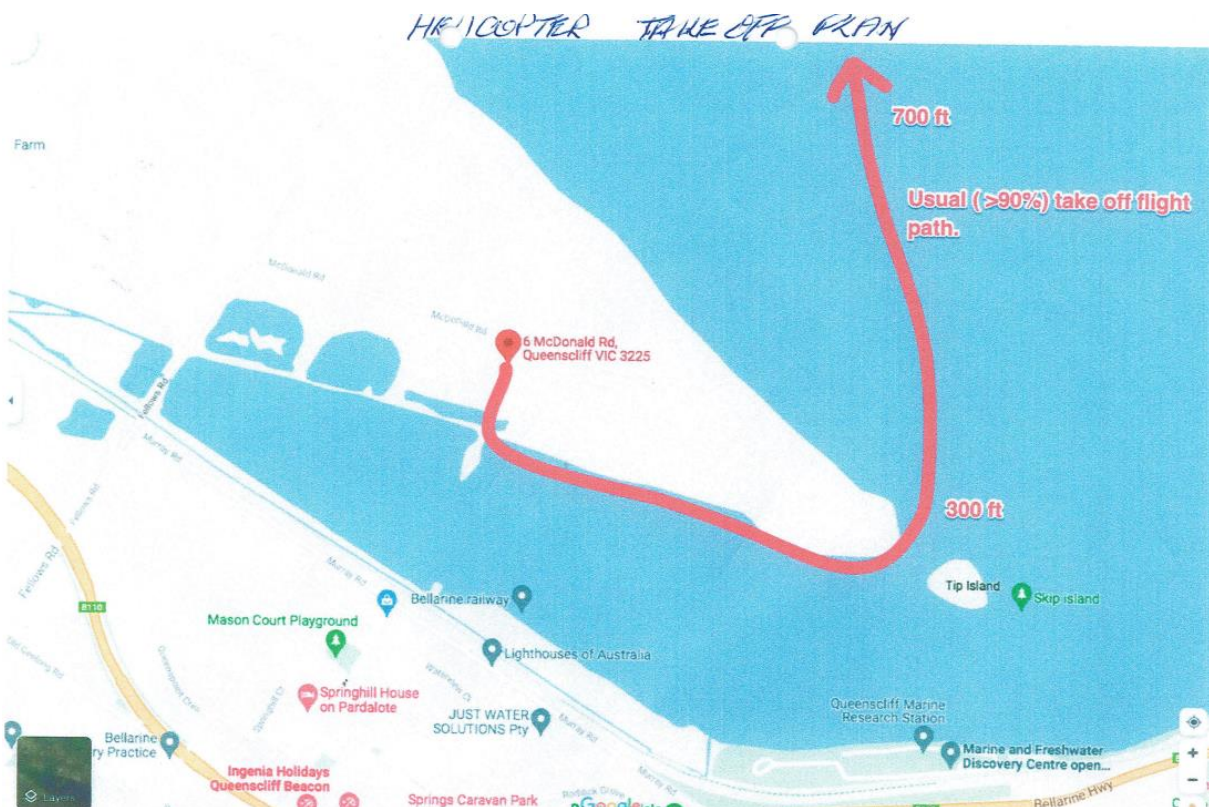


Figure 4: Flight path information originally submitted





Figure 5: Flight path information originally submitted

APPENDIX C FLIGHT PATHS



R01 Rev1 22114 6 McDonald Road, Queenscliff - Assessment of Helicopter noise

Figure 6: Flight path information in the acoustic report



## Department of Environment, Land, Water & Planning

Our ref: SP481601

Your ref: 2022/044

8 December 2022

Mr Brydon King  
Senior Planner  
Borough of Queenscliffe

info@queenscliffe.vic.gov.au

State Government Offices  
Cnr Fenwick & Little Malop Streets  
PO BOX 108 GEELONG VIC 3220  
bsw.planning@delwp.vic.gov.au  
Tel: (03) 5226 4667  
DK 216048

Dear Mr King,

**PLANNING APPLICATION:** 2022/044  
**PROPOSAL:** Use of the land for a helicopter landing site  
**ADDRESS:** 6 McDonald Road, Queenscliff

Thank you for your correspondence dated and received on 17 June 2022, in respect of the above-described planning permit application. I also acknowledge further information – including a biodiversity impact assessment report – received 11 October 2022. I apologise for the extended delay in this response.

### Notice details

The Department of Environment, Land, Water and Planning (DELWP) acts on behalf of the Minister for Environment as land owner for Crown land in Victoria. DELWP has received notice of the above application as an adjoining land owner and has considered the application in accordance with this role and Section 52(1)(a) of the *Planning and Environment Act 1987*.

The site is adjacent to Crown Allotment 67, Parish of Paywit (SPI: 67\PP3380; P number: P142593), known as Lakers Cutting and part of Swan Bay. This Crown land is managed by Parks Victoria, and DELWP's response incorporates Parks Victoria's views.

### Commentary

DELWP has identified particular interest in the following components of the application:

- Potential for detrimental impacts on adjacent and nearby Crown land, and the biodiversity and environmental values that this Crown land supports.

DELWP acknowledges that the Queenscliffe Planning Scheme cannot regulate helicopter flight paths, only the landing site itself. However, the helicopter landing site and subsequent flight paths are intrinsically linked from an impact perspective.

As well as being adjacent to the Lakers Cutting part of Swan Bay (the landing site itself is approximately 100 metres from the parcel boundary), the site is within 350 metres of the Port Phillip Heads Marine National Park and the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site. DELWP is

#### Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



OFFICIAL





currently progressing a boundary review which could add further wetland areas to the Ramsar site, including Lakers Cutting.

The Ramsar site is important to a range of migratory bird species protected under the Japan-Australia Migratory Birds Agreement (JAMBA) and the China-Australia Migratory Birds Agreement (CAMBA), as well as threatened species protected under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* (Cwth) and *Flora and Fauna Guarantee (FFG) Act 1988* (Vic), including (but not limited to):

- Orange-bellied Parrot (*Neophema chrysogaster*) – FFG Act: 'critically endangered'; EPBC Act: 'critically endangered', 'marine'.
- White-bellied Sea Eagle (*Haliaeetus leucogaster*) – FFG Act: 'endangered'; EPBC Act: 'marine'.

Human activities such as aircraft movements can disturb fauna, interrupt natural behaviours, and so indirectly reduce habitat suitability. Noise disturbance from a helicopter flying too frequently, or too low, over the habitats of these species may impact their continued use of the Ramsar site.

This context must be carefully considered to ensure the proposed use as a helicopter landing site does not present a direct or indirect risk to the Marine Park and Ramsar site.

DELWP notes that the Biodiversity Impact Assessment prepared by Nature Advisory (Nature Advisory Ref. 22233.1 (1.1), dated 14 September 2022) does not utilise the full range of available literature. Additional consideration should be given to more locally and species relevant references, including (but not limited to):

- Quin, D. and McMahon, A.R.G. 2001. "Aircraft and human activity at Melaleuca and the Orange-bellied Parrot (*Neophema chrysogaster*): the effects of helicopters." Ecology Australia Pty Ltd.
- Bezuijen, M.R., McMahon, A.R.G. and Quin, D.G. 2000. "Aircraft and human activity at Melaleuca and the Orange-bellied Parrot (*Neophema chrysogaster*)." Ecology Australia Pty Ltd.
- Rogers, D., Hassell, C. and Lewis, J. 2006. "Shorebird disturbance on the beaches of Roebuck Bay, 2005-2006: Conservation implications and recommendations." Broome Bird Observatory.

Noting that flight paths cannot be governed by planning permits, it is suggested that – should the use be permitted – the Responsible Authority pursue development of a "Fly Neighbourly Agreement" involving it, the operator/proponent, DELWP and Parks Victoria (and other parties as may be appropriate) to ensure that values are not unreasonably compromised.

A Fly Neighbourly Agreement could provide a mechanism by which to record agreed conditions around flight frequency, flight paths, and flight heights on those paths, and any seasonal variations required in those parameters to reflect the needs of particular species.

Review of additional references such as those listed above, coupled with a more detailed review of the species expected to be using areas at different times of year and consideration of appropriate flight heights to avoid undue disturbance to the natural values in the Ramsar site would inform such an agreement.

As a practical example, Orange-bellied Parrots (OBP) may use habitats in the Swan Bay area from April to October. A review of mapping of OBP habitat in the area, and the data on helicopter disturbance presented in Quin and McMahon (2001), could inform protocols to ensure flights are undertaken in an OBP sensitive manner in this area.



Similarly, a review of the area for locations of White-bellied Sea-eagle (WBSE) nests, consideration of nesting season, and application of seasonal buffers and minimum flight heights in these areas could inform provisions required to fly in a WBSE sensitive way in this area.

**Response**

DELWP does not object to the granting of a planning permit.

**Other important information:**

The Biodiversity Impact Assessment prepared by Nature Advisory (14 September 2022) states: "We have assessed that there is no significant impact on nationally threatened species or communities or listed migratory species and no Referral under the EPBC Act is necessary." No details of the assessment are provided to justify this conclusion. Both the responsible authority and the applicant should consider the benefit of confirming this assessment with the Commonwealth Department of Climate Change, Energy, the Environment and Water, which administers the EPBC Act.

If you have any queries regarding this matter, please contact me on telephone 0448 004 764.

Yours sincerely,

[Redacted signature]

[Redacted name]

Planning Approvals Program Officer  
Barwon South West Region

OFFICIAL

---



### 15.3 Planning Permit Application 2022/083 at 5 Beach Street, Queenscliff

**File:** QP020-500

**Author:** Senior Planner

**Portfolio:** Heritage Planning & Infrastructure

**Portfolio Holder:** Cr Grout

---

#### PURPOSE

The purpose of this report is to present an assessment and recommendation for a planning permit application lodged in 2022 for 5 Beach Street, Queenscliff.

#### EXECUTIVE SUMMARY

The subject site is located at the northern end of Beach Street with frontage to Harbour Street to the north and east. The site is approximately 527 square metres in area and is developed with a single storey dwelling.

A previous application for the site was determined in 2021. The previous application sought to demolish the existing dwelling on the site and construct a new single storey dwelling. As a result of community objections and detailed heritage advice it was confirmed the existing dwelling on the land has heritage value as part of the Fishermans Flat precinct. As a result of this information Council refused support for the demolition of the dwelling and redevelopment of the site based on the following grounds:

- *The demolition of the dwelling will diminish the heritage values of the Fisherman's Flat Precinct contrary to the purpose of Clause 43.01 Heritage Overlay and decision guidelines at Clause 43.01-8.*
- *The demolition of the dwelling will impact the cultural and historic significance of the Fisherman's Flat precinct contrary to the objectives and policy in Clause 22.02 and 22.02-1 of the Queenscliffe Planning Scheme.*
- *The design of the proposed new dwelling is contrary to the objectives of the Heritage Overlay Schedule 1 and Design and Development Overlay Schedule 6 in relation to the form and scale of the building and the presence of the roof top terrace.*

An appeal was lodged to VCAT by the permit applicant but was later withdrawn.

The current application seeks to retain the existing dwelling on the site through relocation of the building to the north by 3.1 metres to be 2 metres off the northern boundary. The relocation is to allow a driveway along the southern portion of the land. The rear lean to, block work verandah, chimney and outbuildings and the northern, eastern and western fences are proposed to be demolished. The existing dwelling will be repaired and a new single storey extension will be constructed to the rear with an elevated deck.

---



The subject land has the following zones and overlays:

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

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

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

Heritage advice has been received on the application which has supported the relocation and new extension subject to further details about the methodology for relocation and details of repair and restoration of the existing portion of the dwelling.

The application has been advertised in accordance with the requirements of the Planning and Environment Act 1987. As of the date of this briefing, Council has received six objections to the proposal. The objections raise the following concerns:

- The relocation of the building is not acceptable and it should be retained in its current location.
- How the building will be relocated is not documented.
- The relocated building will have a raised floor area per the CCMA requirements which changes its context.
- The rear extension proposes materials not consistent with the locality.
- The roof top terrace to the rear in the rear extension is not compatible with the surrounding forms and provides an inappropriate feature in the streetscape.

Having considered the proposal against the relevant controls in the Queenscliffe Planning Scheme and the issues raised in the objections it is considered the application can be supported subject to appropriate conditions.

## **RECOMMENDATION**

**That Council:**

**Having caused notice of Planning Application No. 2022/083 to be given under Section 52 of the Planning and Environment Act 1987; the Queenscliffe Planning Scheme and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, resolve to issue a Notice of Decision to Grant a Permit under the provisions of Clause 43.01 and 43.02 of the Queenscliffe Planning Scheme in respect of the land known and described as 5 Beach Street Queenscliff for the part demolition, alterations and extensions to an existing dwelling in a heritage overlay area, construction of fences and variation to the site coverage requirements of Design and Development Overlay – Schedule 6 subject to the following conditions:**

---



---

### **Amended plans**

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - The extent of removal (and replacement) of existing cement sheet wall cladding on the existing dwelling is clarified by annotation on the demolition plan noting if the material is confirmed as asbestos and all cladding removed is such detail is also annotated.
  - The method of the relocation of the dwelling on the site is documented and annotated including structural safeguards such as wall and roof bracing.
  - The crossover profile and kerb and channel to match the existing street.
  - Notation that the existing cross over is replaced with a concrete kerb and grassed nature strip to match the existing street.

### **Endorsed Plans**

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

### **Completion of Development**

3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

### **Landscaping**

4. The landscaping works shown on the endorsed plans must be carried out and completed within 6 months of the occupancy of the building to the satisfaction of the responsible authority.

### **Engineering**

5. The site must be drained to the satisfaction of the Responsible Authority and no stormwater, sullage, sewerage or polluted runoff may drain or discharge from the land to adjoining lots.

### **Permit Expiry**

6. The permit will expire if one of the following circumstances applies:
  - The development of the building(s) hereby approved has not commenced within two (2) years of the date of this permit.
  - The development of the building(s) hereby approved is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or:

---



- Within six (6) months after the permit expires where the use or development has not yet started; or
- Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

#### **Councillors Grout/Grigau**

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

Having caused notice of Planning Application No. 2022/083 to be given under Section 52 of the Planning and Environment Act 1987; the Queenscliffe Planning Scheme and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, resolve to issue a Notice of Decision to Refuse Grant a Permit under the provisions of Clause 43.01 and 43.02 of the Queenscliffe Planning Scheme in respect of the land known and described as 5 Beach Street Queenscliff for the part demolition, alterations and extensions to an existing dwelling in a heritage overlay area, construction of fences and variation to the site coverage requirements of Design and Development Overlay – Schedule 6 based on the following grounds:

1. The relocation of the dwelling to the north and incorporation of a new garage to the south will diminish the heritage values of the Fisherman's Flat Precinct contrary to the purpose of Clause 43.01 Heritage Overlay and decision guidelines at Clause 43.01-8 and the Fisherman's Flat urban Conservation Precinct Heritage Design Guidelines 2021 incorporated into the Queenscliffe Planning Scheme.
2. The need for the relocation of the dwelling is not established and will impact on the cultural and historic significance of the Fisherman's Flat Precinct contrary to Clause 43.01 Heritage Overlay and the Fisherman's Flat Urban Conservation Precinct Heritage Design Guidelines 2021.
3. The design of the proposed extension and in particular the inclusion of a roof top terrace is contrary to the objectives of the Heritage Overlay Schedule 1, incorporated Fisherman's Flat Urban Conservation Precinct Heritage Design Guidelines 2021 and the Design and Development Overlay Schedule 6 in relation to the form and scale of the building and detracts from the single storey scale and form of buildings in the Fisherman's Flat Precinct.

**Carried**





## REPORT

### BACKGROUND

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



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

North of the site is road reserve with a pedestrian path. Land to the east of the site is Harbour Street and the Queenscliff harbour. Land to the south of the site features an existing single storey dwelling setback 1.5 metres from the common boundary and featuring north facing habitable room windows. Land to the west of the site features single storey dwelling on the opposite side of Beach Street.

As detailed earlier in the report a previous application lodged in 2021 for demolition of the existing building and construction of a new building was refused by Council.



## DISCUSSION

The current application seeks to retain the existing dwelling on the site through relocation of the building to the north by 3.1 metres to be 2 metres off the northern boundary. The relocation is to allow a driveway along the southern portion of the land. The rear skillion section, block work verandah, chimney and outbuildings and the northern, eastern and western fences are proposed to be demolished. The existing dwelling will be repaired including existing aluminium framed windows being replaced with timber and the Colorbond roof will be replaced with galvanized iron. The asbestos sheeting is to be replaced with fibre cement sheet. The existing blockwork front verandah will be replaced with brick. The palm tree to the front of the site and the existing street setback will be retained.

A new single storey addition is proposed to the rear of the relocated building to the south and east of the dwelling including a single width tandem garage, laundry, master bedroom in the south-east corner, open plan kitchen/dining/living and deck to the north and east of the living area. The garage is setback one metre from the southern boundary whilst the ensuite for the master bedroom is sited on the boundary. The extension is single storey and is below the six metre height limit of the Design and Development Overlay allowing for the floor levels suggested by the Corangamite Catchment Management Authority (CCMA). The extension includes a roof terrace that has a 20 metre setback from Beach Street. The roof terrace is designed to sit within the roof form of the garage and living area facing Harbour Street.

The proposal has a site coverage of 55% slightly above the preferred 50% standard in the Design and Development Overlay.

A picket fence with posts at 1.2 metre and pickets at 1.1 metres is proposed across the front façade and wrapping around the north side of the dwelling (across the original building) and a taller 1.8 metre timber post and picket fence (pickets at 1.5 metres) is proposed to the remainder of the northern boundary and the east side (to Harbour Street).

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

---

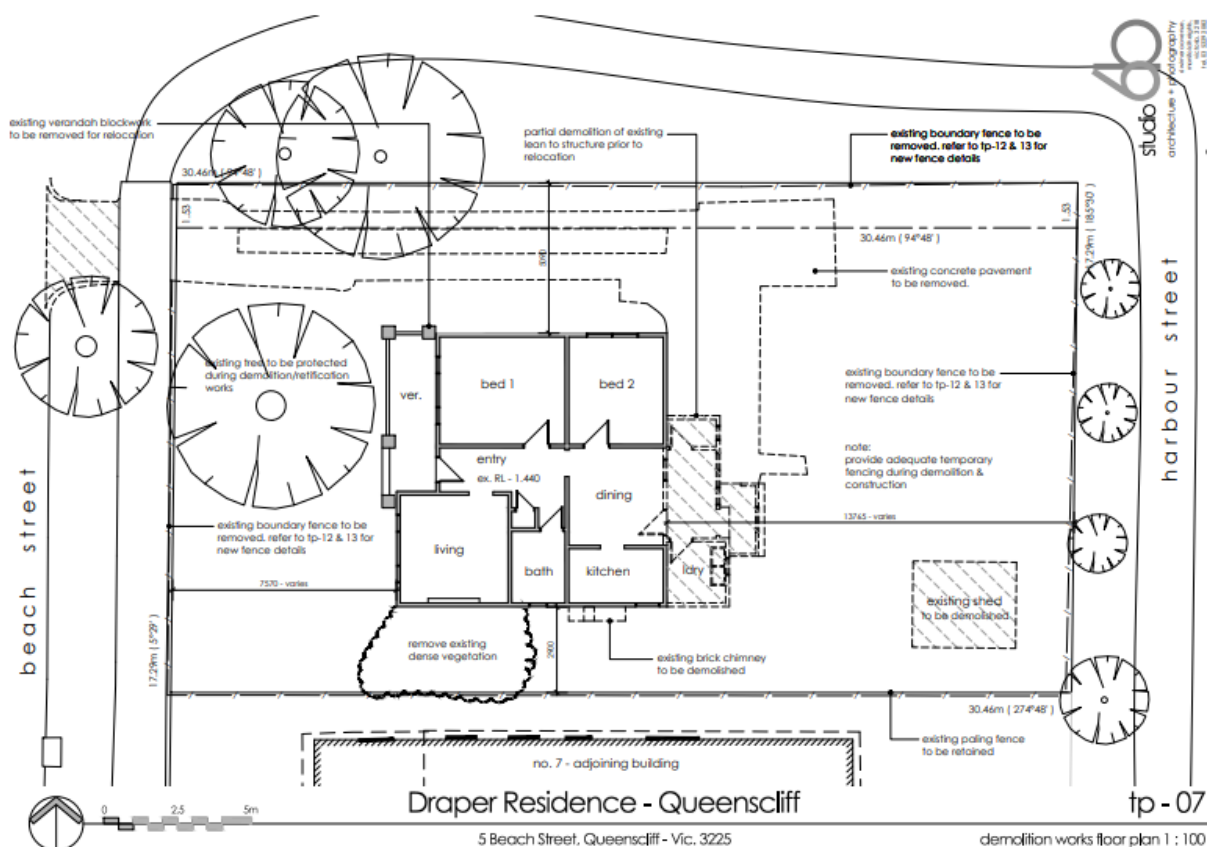


Figure 1: existing site plan

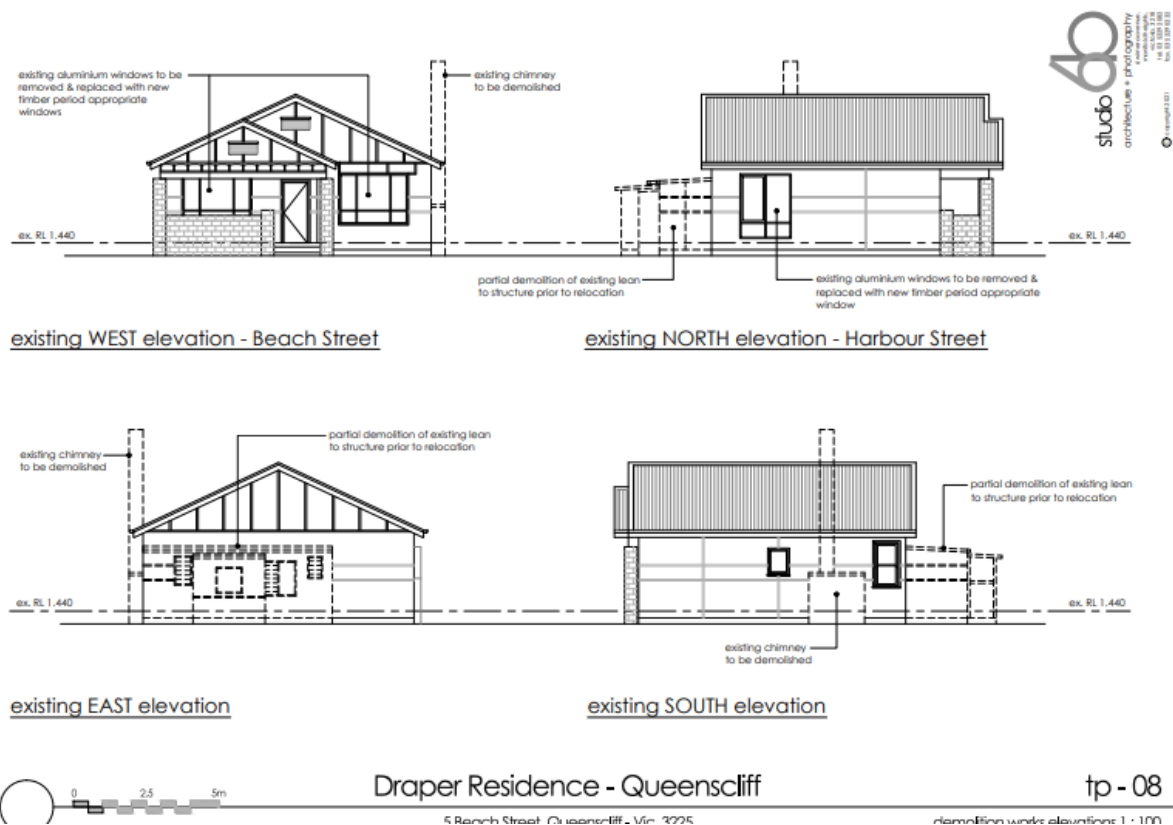


Figure 2: demolition plan

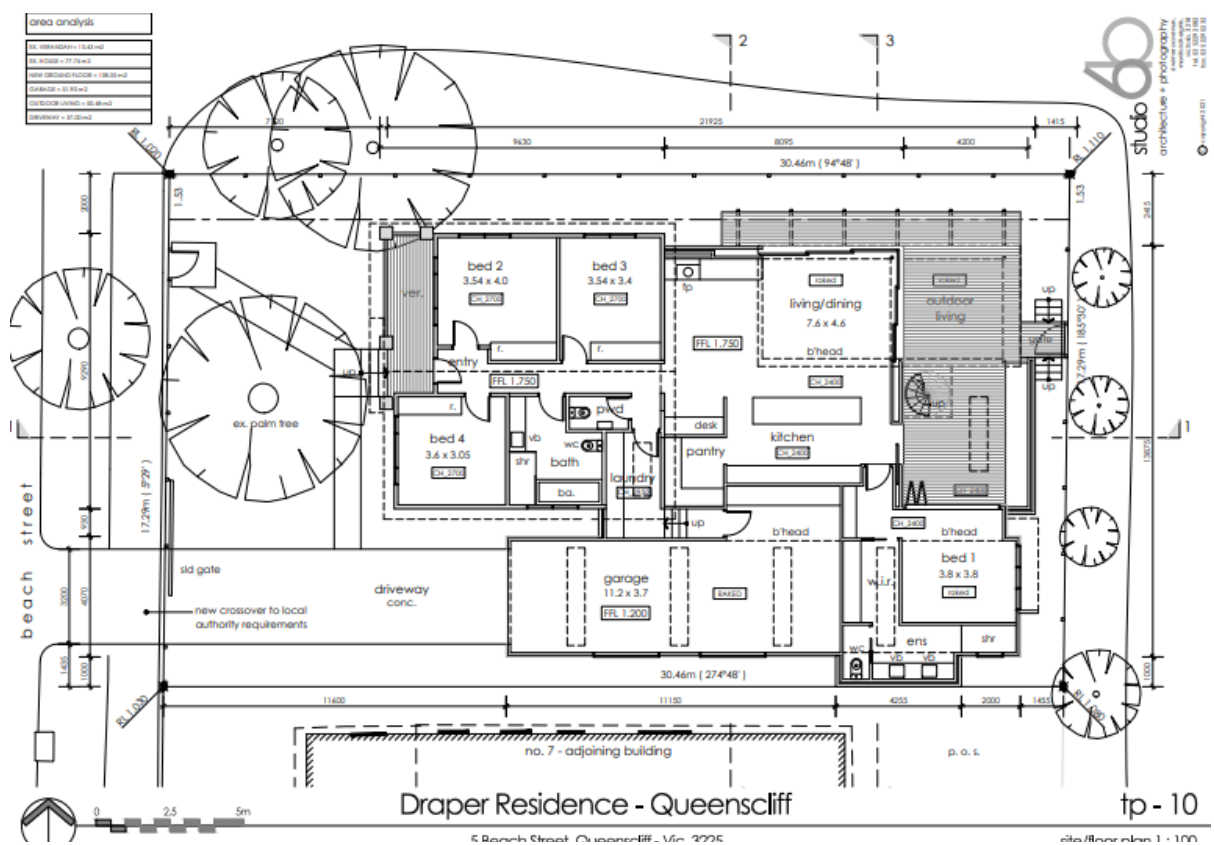
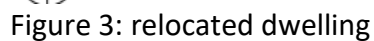




Figure 4: proposed floor plan

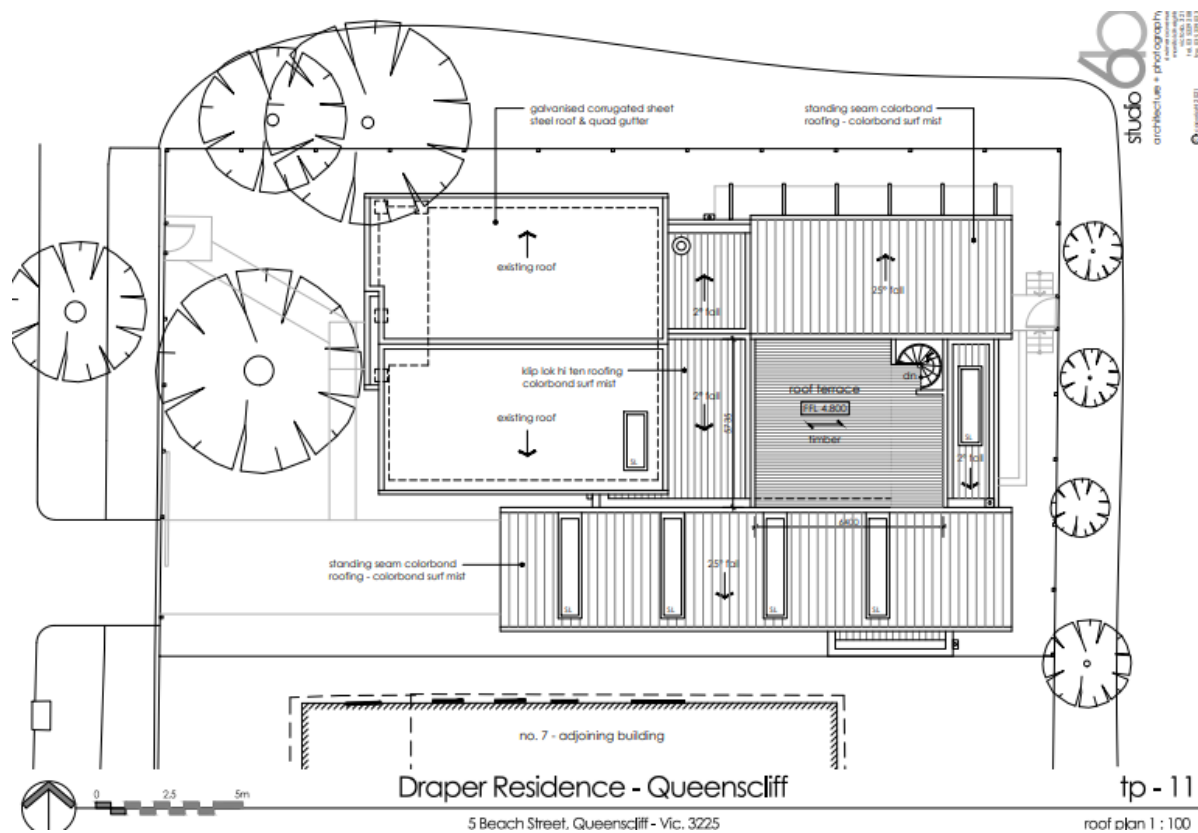


Figure 5: roof plan

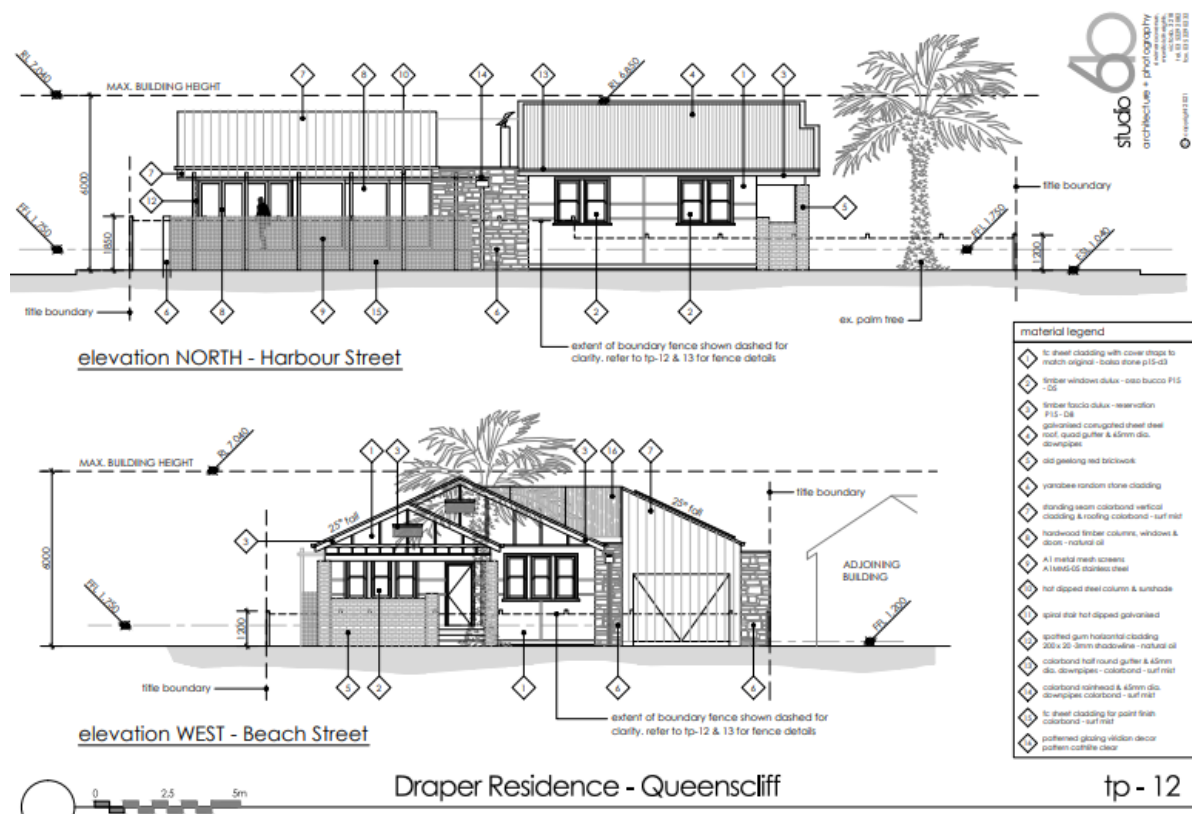


Figure 6: elevations

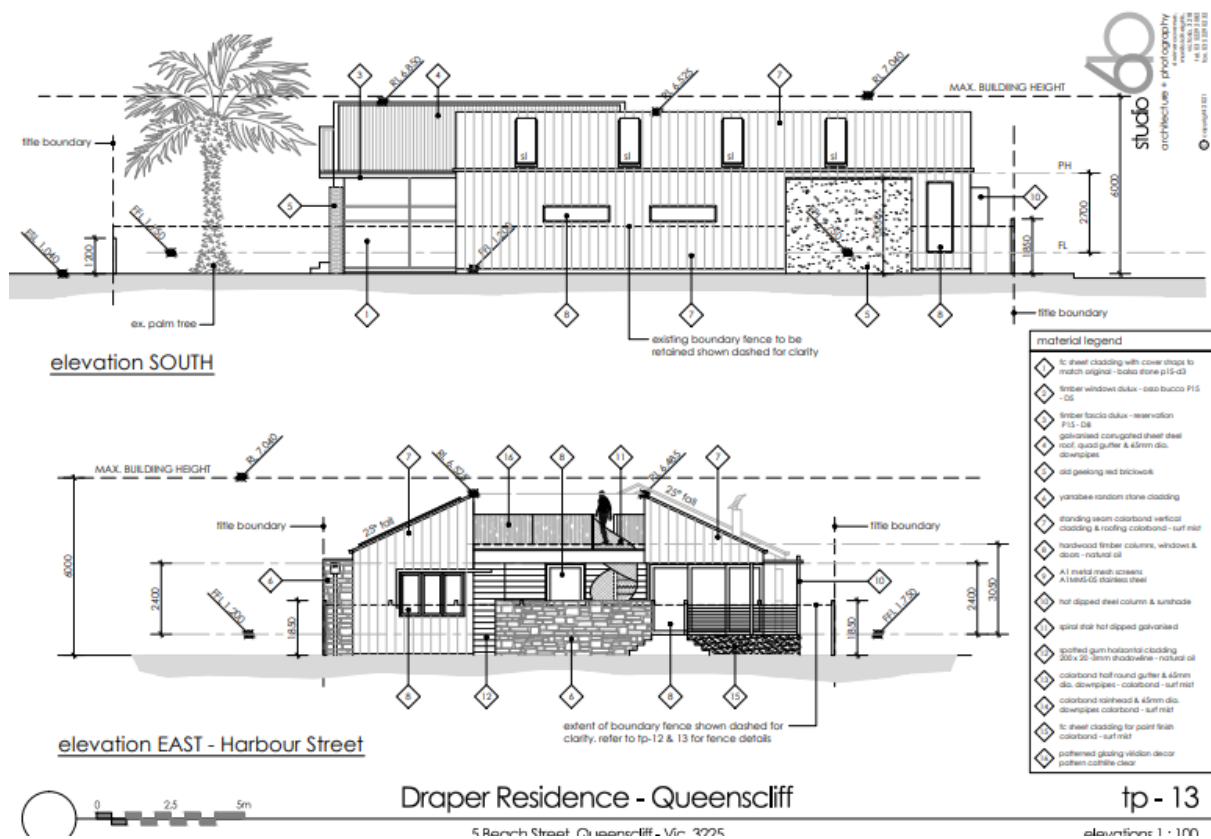


Figure 7: elevations

In the processing of the application Council officers consulted with the CCMA. Fishermans Flat is known to be at high risk of coastal inundation associated with climate change and storm surges. Whilst the CCMA are not a referral authority, as defined by the *Planning and Environment Act* 1987 and the Queenscliffe Planning Scheme, there are obvious sensitivities around built form outcomes in this part of Queenscliff. The CCMA suggested conditions to ensure a minimum floor level of 1.56AHD being 300 millimetres above the current modelled flood level of 1.06AHD. CCMA modelled flood levels for the area in 2070 suggest a flood level of 1.45AHD with a minimum floor level of 1.75AHD required. Current policy at clause 13.01-2S encourages planning for future flooding levels as proposed by the development.

The planning controls that trigger a permit and provide the criteria for assessment are as follows:

- The Significant Landscape Overlay Schedule 1 (Clause 42.03) for buildings and works.
- The Heritage Overlay Schedule 1 (Clause 43.01) for demolition and buildings and works.
- The Design and Development Overlay – Schedule 6 (Clause 43.02) for building and works.

An assessment against the relevant controls is provided below.

### Significant Landscape Overlay Schedule 1

The objectives of the above overlay are:

- *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 proposal maintains the existing building's form within the Beach Street streetscape with a low scale extension to the rear. The relocated building and extension that are predominantly setback from boundaries will not dominate the setting or detract from the objectives of the overlay.

### **Heritage Overlay**

It is noted that there is no heritage study that has been referenced or incorporated into the Queenscliffe Planning Scheme that specially identifies the subject land as contributory to the heritage precinct. The previous application determined in 2021 included advice of GJM Heritage that helped define and confirm that the building is an important feature to the fabric of the heritage streetscape/precinct and is contributory to the overall heritage values of the location. The retention of the existing building is therefore considered an important element.

The Borough of Queenscliffe has recently commissioned a further review of the Fishermans Flat Heritage precinct and early draft work as part of that review has also confirmed the contributory nature of the existing building on the subject site.

The application is supported by a heritage assessment by a qualified heritage architect who has supported the overall proposal as being consistent with the Heritage Overlay. As a component of the assessment of the application, Council officers sought advice on the proposal from Council's contract heritage advisor. Council's heritage advisor has supported the proposal subject to conditions that have been included in the recommendation.

Many of the issues raised in the objections are focused on interpretation of relevant neighbourhood character and heritage controls to suggest very limited change to building form should occur in Fishermans Flat. Such interpretation of the heritage controls is acknowledged and respected however an alternative position is to suggest that the neighbourhood character and heritage controls reflect the evolving streetscapes and building forms that have occurred over time in Fishermans Flat. Such a view of the heritage and urban design policy suggest a level of change is possible where such change is respectful and responsive to the siting, form and scale of surrounding buildings.

The Fisherman's Flat Urban Conservation Precinct Heritage Design Guidelines 2021 are an incorporated Document in the Queenscliffe Planning Scheme that guide consideration in the heritage overlay. The elements of the guidelines are replicated in italics with officer comments below:

---



### Conservation

- *Protect and enhance the character of the area as a fishing village set apart from the main town centre.*
- *Retain the general uniformity in scale and massing of the buildings.*
- *Retain the historic integrity of the area in any replanting program.*
- *Retain the locally unique subdivision pattern, with dual access to many properties by discouraging further subdivision of land, except to realign boundary between lots.*

### Comment

The proposal retains the existing dwelling and the setback to Beach Street with a relocation to the north portion of the site. The proposal helps maintain the general uniformity of setbacks to Beach Street. The rear extension is setback from the rear boundary to Harbour Street and is generally aligned with the building forms to Harbour Street which include buildings constructed on or close to the rear boundaries and high fencing.

### *Building siting, design and form*

- *Encourage the use of the traditional building design of the precinct, including narrow eaves, gable roofs, verandahs, vertical rectangular windows and unbroken facades.*
- *Site and design buildings and works to blend with the prevailing character of the precinct by:*
  - *Providing a front setback that matches the setbacks of adjacent buildings, or if these are different, a setback that is between the setbacks of adjacent buildings.*
  - *Designing dwelling facades to not be greater than 10 metres in width.*
  - *Discouraging buildings to exceed one storey.*
  - *Ensuring the highest point of the roof of a building is not greater than the highest adjacent building.*

### Comment

The retention and relocation of the existing dwelling helps achieves the above with respect to the interface to Beach Street. The existing setback will be maintained and the existing dwelling has a façade of nine metres in width. A garage will present to Beach Street also but is setback four metres from the relocated dwelling façade.

It is noted that the relocated building will have its current floor level raised to respond to flood levels associated with sea level rise and storm events set by the CCMA. This will raise the building form by 310 millimetres. It is estimated this will result in the relocated building being approximately 350 millimetres higher than the existing building to the south at the highest point of the roof pitch. The rear extension is marginally lower than the relocated dwelling. The difference in height is not considered discernible within the broader streetscape and will not detract from the heritage values.

The proposed rear extension does rely on an elevated roof terrace which is located between the proposed roof spaces to the rear. It is considered the design and location of the elevated deck allows it to have minimal visual impact to the streetscape of Beach Street. The roof terrace will primarily be visible to Harbour Street to the east fronting to the Queenscliff harbour. Harbour

---





Street provides a distinct boundary to the overall heritage precinct with high fences and buildings built to the boundary. The presence of the visible roof terrace in this location will not detract from these elements and its siting and design ensure it will not be a visible feature from the primary heritage context of Beach Street and from Larkin Parade to the north.

#### *Materials, colours and finishes*

- *Encourage the use of the traditional building materials of the precinct, including:*
  - *Corrugated iron pitched roofs.*
  - *Vertical rectangular timber-framed windows.*
  - *Horizontal timber weatherboard walls.*
  - *Brick chimneys.*
  - *Timber verandahs.*

#### Comment

The existing relocated dwelling will be reclad in materials consistent with the above policy enhancing the integration with the streetscape of Beach Street. The rear extension seeks to use more contemporary materials to help distinguish the extension from that of the existing dwelling. Such an approach has been supported by the heritage advisor for the applicant and Council's heritage advisor.

#### *Fences*

- *Maintain the traditional fencing of the precinct, such as low pickets, capped corrugated iron or twisted wire.*
- *Encourage the use of traditional materials and construction techniques for new fences.*
- *Design fences to not exceed:*
  - *1300 mm for the frontage.*
  - *2000 mm for side, rear or adjacent to vacant land.*

#### Comment

The proposal relies on fencing 1.2 metre high picket fencing to the Beach Street frontage and a portion of the northern boundary and 1.5 metre high, with 1.8 metre high posts, along the rear boundary and the eastern portion of the northern boundary. The fencing arrangements are consistent with the above guidelines.

#### **Design and Development Overlay Schedule 6**

The design objectives of the above overlay are detailed below:

- *To ensure that development is consistent with the uniform, low-rise streetscape character of the Fisherman's Flat precinct and nearby Symonds Street.*
  - *To ensure that development reflects the character of the precinct as a fishing village physically and visually set apart from the main town centre.*
  - *To protect coastal and heritage vistas from intrusive development.*
  - *To ensure new development maintains, protects and enhances the distinguishing elements of the urban character of the Queenscliff township.*
-



- *To require all new development to have regard to the urban character policies contained in the Municipal Strategic Statement and to the Building Siting and Design Guidelines contained in the Borough of Queenscliffe Urban Character Study.*

An assessment against the relevant standard of the Design and Development Overlay are provided below:

	<i>Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
<i>Building Height</i>	No building can exceed one storey in height and 6.0 metres above natural ground level	The retained and relocated dwelling and rear extension will not exceed the six metre height limit with a maximum height of 5.8 metres.	Complies
<i>Building Setbacks</i>	The front setback should match that of adjacent buildings or if the setbacks of those buildings are different should be between the setbacks of those buildings, or should be equal to the average front setback of buildings in the street, whichever is the greater of the two.	The existing setback to Beach Street of 7.1 metres will be maintained.	Complies
	Side and rear setbacks are to be a minimum of 1.0 metres for single storey and 1.92 metres for double storey, or are to equal the side and rear setbacks of buildings on adjoining land.	The dwelling is able to achieve setbacks of generally one metre or more to side and rear boundaries.	Complies
	Buildings should not be built on side and rear boundaries unless this is a dominant feature of buildings in the street.	A small section of dwelling is to be located on part of the southern boundary for 4.2 metres at a height of 3.2 metres. No buildings exist on the land to the south opposite the proposed wall. Buildings sited on the boundary do exist in the precinct and the small section proposed is considered reasonable and will not be a strong visual element to Beach Street.	Variation supported



<i>Landscaping</i>	At least 50% of the required private open space should be "soft landscaping" (i.e. vegetation). Hardstand areas should consist of porous surfaces.	60% of the available private open space will be soft landscaping.	Complies
<i>Front Fence</i>	No higher than 1.2 metres and should complement the design, architecture, era, materials and finishes of the building on the land and other buildings and fences throughout the street.	A 1.2 metre high picket fence is proposed to Beach Street consistent with the standard.	Complies
<i>Site Coverage</i>	Maximum 50%	The proposal has a site coverage of 55%. The variation is supported given higher site coverage is present on nearby properties and a sense of space around the retained building and new extension is maintained.	Variation supported.
<i>Adjacent to a heritage overlay</i>	The property is located within an area of heritage significance.	The heritage issues have been responded to and assessed earlier in the report.	Complies

### Options

Option 1 – That Council adopt the officer recommendation.

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



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

Reason for objection	Officer response
The relocation of the building is not acceptable and it should be retained in its current location.	<p>It is acknowledged The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013 referenced in the Heritage Overlay, states the following:</p> <ul style="list-style-type: none"><li>• <i>9.1 The physical location of a place is part of its cultural significance. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.</i></li><li>• <i>9.2 Some buildings, works or other elements of places were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.</i></li><li>• <i>9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate use. Such action should not be to the detriment of any place of cultural significance.</i></li></ul> <p>The current building on the site dates from the 1940s and helps inform the history of the later development of Fishermans Flat. The overall history of Fishermans Flat has strong elements of buildings being altered and changed over time. The proposal seeks to maintain the historic form of the current building but relocate it on the site to allow opportunity for contemporary extensions to the rear of the site.</p> <p>In this context it is considered the relocation of the building on the subject land, with similar setbacks and interface to Beach Street, will not have a detrimental impact on the heritage</p>



Reason for objection	Officer response
	values and aligns with the change that has occurred on site over time in Fishermans Flat.
How the building will be relocated is not documented	Details of the proposed relocation of the building have not been documented however the recommendation provides for a condition to have such documentation prepared and reviewed by Council before any development occurs. Such detail is considered a reasonable expectation based on the certainty of a permit being issued, if in fact that is to occur.
The relocated building will have a raised floor area per the CCMA requirements which changes its context.	The relocated building will have a raised floor level to respond to the suggested flood levels associated with potential future sea level rise and potential inundation associated with extreme weather events. The change involves a 310 millimetre increase in the floor level. It is considered the overall form of the building when viewed from the streetscape is not significantly altered by such change.
The rear extension proposes materials not consistent with the locality.	The extension to the rear of the site includes Standing Seam Colorbond vertical cladding, stone and brickwork for materials. Whilst these materials are of a more contemporary nature it is considered the physical separation of the new work from the retained original dwelling and the distinction the materiality creates helps respond to the objectives of the heritage overlay. It is noted the Fisherman's Flat Urban Conservation Precinct Heritage Design Guidelines 2021 encourage traditional building materials in the precinct and it is considered such an outcome is maintained via the retained original dwelling and the proposed updated materials on that building.
The roof top terrace to the rear in the rear extension is not compatible with the surrounding forms and provides an inappropriate feature in the streetscape.	It is noted that concerns have been raised that the proposed roof top terrace/elevated deck to the eastern side of the site will interrupt the low scale setting of the Fishermans Flat precinct. The roof terrace faces east and sits between two angled sections of roof to the



Reason for objection	Officer response
	north and south that rise to RL 6.4 and sits below the roof of the retained dwelling proposed at RL 6.8 to the east. The floor level of the roof terrace is RL 4.8 compared to the ground floor level of RL 1.75. The outcome of these arrangements is that the roof terrace sits lower than the main roof forms and is enclosed and screened by the roof forms – the only visible context of the terrace itself will be to the east from Harbour Street. The Harbour Street interface represents a more contemporary streetscape setting reflecting the development of the Queenscliff Harbour in 2006 and the terrace feature will not detract from this context. This outcome creates a unique built form that respects the low scale setting of Fishermans Flat and ensures the feature is not prominent within the core portions of the precinct and submissive from the primary streetscape of Beach Street. The terrace is unroofed and is not defined as a storey at Clause 73.01 and does not conflict with the single storey requirements of the DDO6 accordingly.

Council resolved to remove officer delegation for deciding the application at its ordinary Meeting of Council on 23 November 2022.

In accordance with Council's Planning Protocol, a Planning Review Meeting was held on 7 December 2022. The meeting gave the applicant and objectors an opportunity to elaborate on their objections and answer questions posed by Councillors. The applicant and a number of objectors attended the meeting.

#### **Collaboration**

There has been no collaboration with other Council's in assessing the application.

### **GOVERNANCE CONTEXT**

#### **Relevant Law**

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



### **Charter of Human Rights**

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

### **Gender Equality Act 2020**

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

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

### **Regional, State and National Plans and Policies**

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

### **Council Plan Alignment**

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

### **Legal and Risk Implications**

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

Any decision of Council can be challenged to VCAT by objectors or the applicant depending on the decision. If a decision is appealed to VCAT, Council's position will be presented to VCAT along with the views of other parties and VCAT will make a final determination on the application.

### **Related Documents**

There are no other related documents associated with the application.

### **Disclosure of Interest**

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

## **CONSIDERATIONS**

### **Environmental Sustainability**

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

### **Financial and resource implications**

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

---



### **Innovation and Continuous Improvement**

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

## **IMPLEMENTATION**

### **Operational Impacts**

There are no operation impacts associated with the application.

### **Implementation Process**

Any decision on the application will be forwarded to all parties. Both the applicant and objectors have the ability to appeal a decision to VCAT depending on the nature of that decision.

## **ATTACHMENTS**

Nil.

---





## **16. GOVERNANCE & FINANCE**

### **16.1 Community Engagement Policy**

**File:** Q055.01.12

**Report Author:** Communications Coordinator

**Portfolio:** Governance & Finance

**Portfolio Holder:** Cr Hewitt

---

#### **PURPOSE**

The purpose of this report is to present the revised CP003 Community Engagement Policy for adoption.

#### **EXECUTIVE SUMMARY**

This report responds to a number of objectives and strategies contained in the Council Plan 2021–2025, particularly Portfolio 5: Governance and Finance Priority 4 – Engage all residents, including youth and diverse groups, in conversation about the future of our community and decision-making.

Council's Community Engagement Policy is now due for its biennial review. Officers have undertaken an evaluation of the current policy, identified proposed improvements, and incorporated the amendments into this proposed updated version.

Proposed changes to the policy are minor and include rewording and rephrasing to ensure a focus on accessibility and inclusivity. Community feedback was invited, of which none was received.

In the interests of making well-informed decisions whilst maintaining accountability, trust and transparency, Council is committed to engaging the community in its decision-making processes in a consistent and strategic manner. This policy supports that process. The policy outlines Council's commitment to ensuring an equitable, accessible, diverse and inclusive community engagement process.

#### **Councillors Hewitt / Ebbels**

**That Council adopts the revised council policy CP003 Community Engagement as presented.**

**Carried**

---



---

<b>REPORT</b>
---------------

## **BACKGROUND**

Council's CP003 Community Engagement policy was rewritten in 2020, which was the most recent review of this policy.

This major rewrite was done to achieve a number of goals, including:

- Introducing new policy components as mandated by the then-newly established *Local Government Act 2020*
- Reflecting how Council's community engagement practices had substantially broadened and improved in the past year
- Establishing principles on which community engagement was based to better explain how and why we engage with our community.

Council's Communications team determined that a complete rewrite of the policy was the best way to achieve the above outcomes and ensure the policy reflected best practices.

The rewriting process in 2020 included community engagement, and public feedback was used to adjust the draft policy and create a final version, which was adopted at the December 2020 Ordinary Meeting of Council.

## **DISCUSSION**

In contrast to the 2020 review, CP003 currently remains fit for purpose. The principles, actions, and priorities it outlines continue to reflect best practice and meet the needs of Council.

Areas in which community engagement practice conflicts with policy typically occur because Council has not achieved the best-practice standards outlined in the policy (for example, by failing to complete early engagement, or consulting on material that reads finished) rather than because the policy does not reflect best practice standards.

Nevertheless, the policy contains some areas that would benefit from amendment. Minor changes (such as to punctuation or sentence order) are not listed here, but proposed amendments include:

- 3.1.2 Reworded to clarify that the level of engagement Council undertakes should reflect the needs of the project and our stakeholders. The intent of this item is unchanged.
  - 3.1.4 Exceptions are explicitly identified. While the policy does discuss occasions where community engagement may necessarily occur with a limited group (such as consultation on a Disability Action Plan prioritising engagement by people with a lived experience of disability) this line could be seen to contradict this instance. Adding the exception removes any confusion.
  - 3.2.2 Reworded to identify that engagement should not 'create unreasonable barriers that limit participation in community engagement' which better reflects the intent of this line.
  - 3.2.7 New line that prioritises continuous improvement in engagement accessibility.
  - 5.1 Updated to reflect current reporting practices of community engagement, noting that individual engagements remain reported in a real-time basis.
-



The proposed amendments above are to better reflect existing practice while preserving those elements of the policy that continue to serve Council and the community well.

CP003 Community Engagement Policy is provided at **(Appendix 3a)**.

### **Options**

Option 1 – Adopt the Community Engagement policy as presented.

Option 2 – Request further changes to the draft Community Engagement policy.

## **COMMUNICATIONS AND ENGAGEMENT**

### **Community Engagement**



The rewriting process in 2020 included community engagement, and public feedback was used to adjust the draft policy and create a final version, which was adopted at the December 2020 Ordinary Meeting of Council.

These current proposed amendments to CP003 were made available for community feedback in 2022.

### **Collaboration**

Not applicable.

## **GOVERNANCE CONTEXT**

### **Relevant Law**

The policy directly responds to and complies with the requirements of the *Local Government Act 2020*.

### **Charter of Human Rights**

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

### **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?

Yes, the Gender Impact Assessment is provided at **(Appendix 3b)**

#### **Regional, State and National Plans and Policies**

Not applicable.

#### **Council Plan Alignment**

The Community Engagement policy responds to priorities in the Council Plan 2022–2025, specifically Portfolio 5 Governance and finance *to provide a financially viable Council that is accountable, transparent and practices good governance.*

#### **Legal and Risk Implications**

There are no legal or risk implications associated with this policy.

#### **Related Documents**

Council Plan 2021–2025

#### **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**

There are no financial implications associated with this policy.

#### **Innovation and Continuous Improvement**

In addition to applying best practice and responding to feedback, Council officers monitor trends in digital engagement to ensure we are utilising platforms relevant to our community and the technology they use. The communications team have experimented with various methods and timings to see what achieves the most optimal results.

### **IMPLEMENTATION**

#### **Operational Impacts**

Council officers utilise inclusive and accessible practices and apply them to all community engagement initiatives as per this policy.

---



### **Implementation Process**

Council staff will be notified of the contents of the policy, which will immediately apply to current and future community engagement processes managed by Council. A copy of the policy will be made available on the Council website.

### **ATTACHMENTS**

1. CP003 Community Engagement Policy (Appendix 3a)
  2. Gender Impact Assessment for CP003 Community Engagement Policy (Appendix 3b)
-



## 16.2 Review of Council Policies

<b>File:</b>	<b>Q055.01.12</b>
<b>Co-Authors:</b>	<b>Manager Finance &amp; Corporate Services HR &amp; Governance Coordinator Executive Project Officer</b>
<b>Portfolio:</b>	<b>Governance &amp; Finance</b>
<b>Portfolio Holder:</b>	<b>Cr Hewitt</b>

---

### PURPOSE

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

1. CP035 Complaint Handling
2. CP017 Risk Management

### EXECUTIVE SUMMARY

This report responds to a number of objectives and strategies contained in the Council Plan 2021–2025, particularly Strategic Objective 5: Governance and Finance: To provide a financially viable Council that is accountable, transparent and practices good governance.

#### CP035 Complaint Handling – Revised

This policy was first adopted by Council in December 2016. The purpose of this policy is to ensure that the community can raise their complaints with Council easily and with confidence that Council will listen to their concerns and handle their complaints fairly and objectively.

#### CP017 Risk Management – Revised

CP017 Risk Management policy was last reviewed on 23 June 2021. The purpose of this policy is to clearly outline Council's commitment to managing risks and sets out Council's risk management objectives. It also defines how responsibility for managing risks is distributed among Councillors, officers and committees of the organisation.

Both policies presented in this report have been subject to consultation with relevant Council Officers and Council's Audit and Risk Committee which subsequently endorsed them at its meeting on 5 December 2022.

#### Councillors Hewitt / Grigau

That Council adopt the following revised Council policies as presented:

- a. CP035 Complaint Handling
- b. CP017 Risk Management

Carried

---





---

<b>REPORT</b>
---------------

---

## **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.

Council has been briefed and provided input into the changes proposed in the policies.

## **DISCUSSION**

### **CP035 Complaint Handling – Revised**

This policy was first adopted by Council in December 2016. The purpose of this policy is to ensure that the community can raise their complaints with Council easily and with confidence that Council will listen to their concerns and handle their complaints fairly and objectively.

Though this policy was last reviewed in November 2021, the proposed revision brings this policy in line with the 'Customer Service Charter' adopted by Council in February 2022.

The format and the content of the policy have also been rewritten in line with the model complaints policy for councils prescribed by the Victorian Ombudsman's 'Councils and Complaints – A Good Practice Guide' 2nd edition. The proposed policy has also been reviewed against similar policies of other councils.

Key changes from the current policy are:

- Removal of repetitive and out of date information and re-arrangement of information to clearly outline how to lodge a complaint;
- Inclusion of interpreter service; and
- Update to the process of managing complaints about the Chief Executive Officer.

Council officers have now reviewed this policy and broadly workshopped it and subsequently a revised policy is recommended, as attached at **(Appendix 4a)**.

---



## **CP017 Risk Management – Revised**

CP017 Risk Management policy was last reviewed on 23 June 2021. The purpose of this policy is to clearly outline Council's commitment to managing risks and sets out Council's risk management objectives. It also defines how responsibility for managing risks is distributed among Councillors, officers and committees of the organisation.

Council officers have now reviewed this policy and broadly workshopped it and subsequently a revised policy is recommended, as attached at **(Appendix 4b)**.

### **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**



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 and Audit and Risk Committee members who hold responsibilities and associated with each policy presented.

### **Collaboration**

Not Applicable.

## **GOVERNANCE CONTEXT**

### **Relevant Law**

*Local Government Act 2020*

### **Charter of Human Rights**

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

### **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 policies presented in this report may have an 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**

This report responds to the following strategic objective contained in the 2021–2025 Council Plan: Strategic Objective 5 Governance and Finance: To provide a financially viable Council that is accountable, transparent and practices good governance.

The strategic directions set out in this portfolio link to the following pillar in the Community Vision:

- Encouraging an inclusive and engaged community. We have a welcoming, connected and diverse community that is supported by informed and consultative leadership.

### **Legal and Risk Implications**

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.

### **Related Documents**

CP035 Complaint Handling

CP017 Risk Management

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**

Both policies will be implemented and communicated according to the community engagement process outlined in this report.

### **ATTACHMENTS**

1. CP035 Complaint Handling (Appendix 4a)
  2. CP017 Risk Management (Appendix 4b)
-



## **17. AUTHORISATION OF SIGNING & SEALING OF DOCUMENTS**

### **17.1 S6 Instrument of Delegation to Staff**

At the ordinary meeting of Council on 26 October 2022, Council resolved to sign and seal the S6 Instrument of Delegation to Staff.

Council applied the Common Seal on the Instrument of Delegation on 23 November 2022.

#### **Councillors Grout / Ebbels**

**That Council note use of the Common Seal on the S6 Instrument of Delegation on 23 November 2022.**

**Carried**

### **17.2 Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)**

At the ordinary meeting of Council on 28 September 2022, Council resolved to sign and seal the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

Council applied the Common Seal on the Instrument of Delegation on 23 November 2022.

#### **Councillors Hewitt / Grout**

**That Council note use of the Common Seal on the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) on 23 November 2022.**

**Carried**

## **18. QUESTIONS WITHOUT NOTICE**

### **18.1 Questions Without Notice Status Update**

No Questions Without Notice are 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 8 February 2023 at 7:00pm (if required)

### **COUNCIL MEETING**

Wednesday 22 February 2023 at 7:00pm

Wirrng Wirrng Auditorium (Queenscliffe Hub)

---





## **20. CLOSED SESSION OF MEETING**

**Time: 7:30pm**

**Councillors Ebbels / Hewitt**

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 November 2022 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 Implement and Support Enterprise Resource Planning**

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 information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. This ground applies as the report contains tender and contractual documentation.

### **20.3 Chief Executive Officer Annual Performance Appraisal**

This agenda item is deemed to contain confidential information as per section 3(1)(f) of the *Local Government Act 2020* as it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. This ground applies as this item is a personnel (human resources) matter.

**Carried**

**Time: 8:02pm**

**Councillors Hewitt / Grigau**

That Council reopen the meeting and resume standing orders.

**Carried**

---



**21. RATIFICATION OF CONFIDENTIAL ITEMS**

**Councillors Grout / Ebbels**

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

**Carried**

**22. CLOSE OF MEETING**

The meeting closed at 8:03pm.

---



## ADJUNCT TO 7 – RECORD OF INFORMAL MEETINGS OF COUNCILLORS

The Borough of Queenscliffe Governance Rules (rule 11) require tabling of records of informal meetings of Councillors at the next convenient Council meeting and that their record be included in the minutes of that Council Meeting. If there is a meeting of Councillors that:

- 11.1 is scheduled or planned outside of an Ordinary Meeting of Council for the purpose of discussing the business of Council or briefing Councillors; and
- 11.2 is attended by at least one senior member of Council staff; and
- 11.3 all Councillors have been invited by the Chief Executive Officer; and
- 11.4 a majority of Councillors are present; and
- 11.5 is not a Delegated Committee meeting or Community Asset Committee meeting.

Informal Meeting	Councillors	Officers	Agenda items	Conflict of interest disclosures
<b>Assembly Briefing</b> 23 November 2022 3:00pm – 6:00pm Queenscliff Town Hall	Cr Ross Ebbels, Mayor Cr Fleur Hewitt Cr Michael Grout Cr Isabelle Tolhurst	Martin Gill, CEO Tim Crawford, MPCS Gihan Kohobange, MFS Stuart Hansen, MIE Brydon King, SP Makenna Bryon, CC Matt Gibbs, CO Abbey Tatterson, BOC	1. Confidential CEO matter 2. Planning Application 2021/018 for 134 Hesse Street, Queenscliff - Telecommunications tower 3. Planning Application 2022/099 for 1 Warf Street East – Liquor Licence application 4. CP003 Community Engagement Policy 5. CP035 Complaints Handling Policy 6. Point Lonsdale Lighthouse Reserve 7. Dog Laws Review update	Nil.



Informal Meeting	Councillors	Officers	Agenda items	Conflict of interest disclosures
<b>Assembly Briefing</b> 7 December 2022 2:30pm – 6:00pm Wirrng Wirrng Auditorium (Queenscliffe Hub)	Cr Isabelle Tolhurst, Mayor Cr Fleur Hewitt Cr Ross Ebbels Cr Michael Grout	Martin Gill, CEO Shannon Maloney, MC Gihan Kohobange, MFS Stuart Hansen, MIE Jenni Walker, HR&GC Makenna Bryon, CC Anna Handberg, BS&ICT Melissa Gunn, VFO	1. CORE Systems for Council 2. Victoria Park Planting Program 3. Asset Plan 4. Gender Equality Statement of Commitment 5. Dog Laws Review update 6. Point Lonsdale Lighthouse Reserve update 7. Tree Management update	Nil.
<b>Planning Review Meeting</b> 7 December 2022 7:00pm – 10:00pm Queenscliff Town Hall	Cr Isabelle Tolhurst, Mayor Cr Fleur Hewitt Cr Ross Ebbels Cr Michael Grout	Martin Gill, CEO Brydon King, SP	1. Planning Application 2022/083 at 5 Beach Street, Queenscliff 2. Planning Application 2022/044 at 6 McDonald Road, Queenscliff	Nil.

AO – Arts officer	BSA – Business Services Accountant	BOC – Business Operations Coordinator
CC – Acting Communications Coordinator	CEO – Chief Executive Officer	CERP – Project Officer, Climate Emergency Response Plan
COVID BSO – COVID Business Support Officer	CSC – Community Services Coordinator	CO – Communications Officer
CSRO – Community Stakeholder Relations Officer	MPCS – Manager Planning & Community Safety	EA – Executive Assistant to the CEO, Mayor and Councillors
EPO – Executive Project Officer	HR&GC – HR & Governance Coordinator	MC – Manager Community
MFS – Manager Finance and Corporate Services	MIE – Manager Infrastructure & Environment	RC – Rates Coordinator
SLEO – Senior Law Enforcement Officer	STP – Strategic Planner	ESO – Events Support Officer
ASLEO – Acting Senior Law Enforcement Officer	BS&ICT – Business Systems & ICT Coordinator	VFO – Vegetation and Foreshore Officer



---

**ADJUNCT TO 5.1 – PUBLIC QUESTIONS STATUS UPDATE**

Date	Question	Action	Status
23 November 2022	<p><b>Public question 1 from Queenscliff Community Association (QCA)</b></p> <p>In April this year Council reported the Queenscliff Sports and Recreation Precinct public toilet and shower development was expected to be completed in the Q2 this financial year and expectations were completion by the QMF event or at latest for the summer period. It understood concerns have possibly been raised over some finished materials, levels or works.</p> <p>Can the CEO provide a detailed update tonight of the current status and delivery of this project including reasons for being behind schedule, new expected completion date and any estimated budget overrun should these be the case?</p>	Question taken on notice.	Response sent on 2 December 2022, see <b>(Appendix 5)</b>



---

**ADJUNCT TO 8.1 – NOTICE OF MOTION STATUS UPDATE**

24 August 2022	<p><b>Number 2022/585: Disability Lived Experience Reference Group</b></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"><li><i>1. Directs Council officers to undertake an Expression of Interest process inviting diverse community members to be part of a new Disability Lived Experience Reference Group.</i></li><li><i>2. Directs Council officers to Commence the Expression of Interest process in the second quarter of the 2022-23 Financial Year.</i></li><li><i>3. Establish a Terms of Reference with the Group, with the key objectives of:</i><ol style="list-style-type: none"><li><i>a) Undertaking benchmarking to establish the number of people who identify as having a disability in the Borough and key access issues</i></li><li><i>b) Reviewing all Council disability and access inclusion documentation, notably Council's Disability Access and Inclusion Policy</i></li><li><i>c) Reviewing major Council projects to ensure they meet the needs and ambitions of disabled people in the Borough</i></li></ol></li></ol>	<p>A meeting was held on 11 October 2022 with representative groups to assist in determining the Expression of Interest (EOI) criteria.</p> <p>The Disability Lived Experience Reference Group expression of interest process commenced in November and will close on 16 December.</p> <p>Council has already received 20 submissions from members of the community in response to the EOI.</p> <p>A meeting has been scheduled in mid-December to review and shortlist the EOI applications to determine the formation of the Disability Lived Experience Reference Group.</p>	In progress
----------------	--	---	-------------





24 August 2022	<p><b>Number 2022/586: Environmental Reference Group</b></p> <p><i>That Council:</i></p> <p><i>1. Establishes an Environmental Advisory Group which compromises members of the community and at least one Councillor and Council Officer with the purpose of:</i></p> <p><i>a) providing strategic advice on the development, implementation and integration of policies, strategies and action plans relating to the environment;</i></p> <p><i>b) assisting Council in identifying, making recommendations to, and taking advocacy action on issues of environment and sustainability affecting the Borough of Queenscliffe; and</i></p> <p><i>c) encouraging and supporting activities and events which further environmental and sustainability outcomes in the Borough of Queenscliffe.</i></p> <p><i>2. Considers a framework for the Environmental Advisory Group at the Ordinary Meeting to be held on 28 September 2022; and</i></p> <p><i>3. Directs Council officers to commence an Expression of Interest process by 30 November 2022, inviting community members to join an Environmental Advisory Group.</i></p>	<p>Council adopted the Environmental Advisory Group Operating Framework at the Ordinary Meeting of Council on 28 September 2022.</p>	<p>In Progress</p>
----------------	--	--	--------------------



## **ADJUNCT TO 18.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE**

No Questions without notice outstanding.

---