



9 August 2023
jf:mg

Jane Abbott
[REDACTED]
[REDACTED]

Via email: [REDACTED]

Dear Jane Abbott

PUBLIC QUESTION TAKEN ON NOTICE

I am writing in response to your public question at the Ordinary Meeting of Council held on Wednesday 26 July 2023. At the meeting, the CEO advised that he would provide a more detailed response to the other historical matters raised in the question in writing.

The public question reads as follows:

Question re Filling in of wetland in McDonalds Rd

Can Councillors and all relevant Council officers look again at what has happened in filling, with fill of unknown composition in spite of it being “clean fill from Ocean Grove” of this wetland intimately adjacent to Lakers Cutting.

Retrospective before and after hydrology study after 6 years and assessment is completely untenable

There was no environment assessment of Flora fauna which may well have had protected and endangers species

Migratory birds from the Norther hemisphere would have rested and fed there as they do on the adjacent landowners property

My understanding is that the CEO approved this action and I question how this could have been done.

What actions and further investigation will officers and councillors take to address this serious unauthorised destruction of fragile habitat as a matter of urgency and environmental responsibilities

Further to the response offered at the meeting, I now provide the following additional information regarding the other historical matters raised in the question:

The decision to not pursue the matter was made by me, and I made a decision not to pursue planning enforcement action because there had been no breach of the provisions of the Queenscliffe Planning Scheme or the *Planning and Environment Act 1987*. The Stantec Report confirmed that.

The works were not unauthorised because no permit was required to undertake the works. Council has no further powers to address this matter because it has no evidence that fragile habitat was destroyed. The depression that was filled at 6 McDonald Road was a remnant of the shell grit extraction activity that was occurring at the site until Mr Cutter created Lakers Cutting and subdivided Burnt Point.

Yours sincerely



Martin Gill
Chief Executive Officer