

Borough of Queenscliffe

Ordinary Meeting of Council

Minutes

Wednesday 25 October 2023 at 7:00PM

Queenscliff Town Hall



Borough of Queenscliffe
Queenscliff & Point Lonsdale, Victoria, Australia



Community Vision

The Borough is a special and restorative place, renowned for its distinctive coast, rich living heritage and vibrant culture. Our community is caring, and welcoming to visitors. We have a deep respect for the Wadawurrung People and are taking action to protect Country.

Our Values

1. **Integrity:** We take ownership and responsibility for our decisions and are accountable for all that we do.
2. **Respect:** We treat everyone with dignity, fairness and empathy, look out for the safety and wellbeing of others, and nurture positive and inclusive relationships.
3. **Community Focus:** We always work with our community's experience in mind and take pride in supporting our community.
4. **Sustainability:** We place climate change risks at the core of our decision-making, and take extensive action to protect our natural environment.
5. **Openness:** We actively engage with our community and are transparent in our decision-making.

Acknowledgement of Country

Bellawiyn is the Wadawurrung name for the lands where the Borough of Queenscliffe is located.

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.



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1. Opening of Meeting

Cr Isabelle Tolhurst declared the meeting open at 7:00 pm.

2. Present & Apologies

Present:

Cr Isabelle Tolhurst, Mayor

Cr Ross Ebbels, Deputy Mayor

Cr Donnie Grigau

Cr Michael Grout

Cr Rob Minty

Martin Gill, Chief Executive Officer

Tim Crawford, Manager Planning & Community Safety

Gihan Kohobange, Manager Finance & Corporate Services

Steve Ward, Community Management Team

Abbey Tatterson, Community Management Team

Makenna Bryon, Communications Coordinator

Sarah Hawkins, Communications Officer

Jackie Fletcher, EA to the CEO, Mayor & Councillors

Brydon King, Senior Planner

Dinah O'Brien, Strategic Planner

Rebecca Petit-Bramwell, CERP Officer

Apologies:

Stuart Hansen, Manager Infrastructure & Environment

Carly Douglas, Community Management Team

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:

Nil.



Officers:

Nil.

4. Leave of Absence of Councillor

Nil.

5. Public Question Time

5.1. Public Question 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](#).

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

Public Question 1 from David Kenwood

In respect of the promised construction of a Pedestrian Rail Crossing as part of the Queenscliff Boat Ramp Redevelopment could the CEO please provide an update on what needs to happen to break the current impasse over:

1. Funding now required for the project given the apparent recent cost shifting from Better Boating Victoria to the Borough of Queenscliffe.
2. Final approvals needed for the construction drawings previously provided by PTV.
3. An agreed timeline for construction of the pedestrian rail crossing to be completed.



Response from the CEO

The CEO advised that he would some context for those unfamiliar with the project.

The Queenscliff Boat Ramp upgrade project included a proposal to create a formal railway crossing adjacent to the road that links Hesse Street to the Boat Ramp. This element was included as provisional item in the tender Request for Proposal during the project delivery phase. A provisional item means an item describing work, the requirement for which is uncertain at the time the tender documents are issued and which can only be carried out on instruction of the Project Control Group.

The successful tender provisional sum was \$17,000 to deliver the works; this amount was agreed to by Better Boating Victoria. The design of these works progressed during this time in consultation with VicTrack and the Borough. At the time of the Boat Ramp upgrade project opening, design and approvals for the pedestrian railway crossing had yet to be formalised due to ongoing discussions with the railway operator, Bellarine Railway, on the final design specifications.

At this point the Project Control Group decided to remove the pedestrian railway crossing element from the project: however, it committed to providing \$17,000 to the project if Council decided to proceed with the construction of the pedestrian railway crossing.

Council choose to proceed with the railway crossing and combined the project with a pedestrian link to Hesse Street. Council undertook a request for quote process in May 2023, noting the project costs exceeded the budget Council had allocated (which included the \$17,000 contribution from Better Boating Victoria).

With respect then to the question from Mr Kenwood.

Council officers are in the process of seeking external grant funding through the Transport Accident Commission (TAC) Local Government Grant Program to help fund the budget shortfall. TAC has indicated that applicants should be notified of the outcome of this grant by late 2023.

Designs for the footpath have been finalised, and all relevant approvals have been sought from key stakeholders including the Department of Transport and Planning, Bellarine Railway, and the Wadawurrung Traditional Owners Aboriginal Corporation.



Timing of works is dependent on notification of the TAC Local Government Grant Program. Assuming successful notification is received in late 2023, procurement and construction of the pathway and level crossing could commence in the first quarter of 2024.

Public Question 2 from the Queenscliffe Community Association (QCA)

The QCA has explained to Councillors the need to financially manage its operating deficits as being a critical element of their financial management responsibilities. The Annual Report highlights staff costs rising over \$600,000 for the year 2022 - 2023. This is despite non-filling of vacancies and new positions estimated to have resulted in \$313,500 of savings.

The most recent Quarterly Financial highlighted the LGPRF deficit /operating loss being \$607,000 - 150% greater than forecast and no doubt contributed to by significant cost overruns or other reasons.

The recent Bellarine Times article highlighted just one cost blowout for the EV stations of an additional \$30,000 (Total cost \$170,000 /full cost to ratepayers now a staggering \$100,000) Additionally, cost overruns on the Hub, the Amenities Block and the boat Ramp items Council has recently taken over have added to the operating deficit.

The QCA asks who has authorised such payments including project variations, what is the CEO doing to curtail or manage such cost impositions and are councillors concerned when such cost blowouts become evident?

Response from the CEO

A variety of issues are raised in the preamble and the question. Officers would like an opportunity to clarify some of the statements before responding. This being the case the CEO advised that he would take the question on notice and speak to the Queenscliffe Community Association before preparing a written response.

6. Confirmation of Minutes of Previous Meetings



6.1. Ordinary Council Meeting on 27 September 2023

A copy of the minutes from the Ordinary Council Meeting on 27 September 2023 was distributed to Councillors under separate cover.

RESOLUTION

Cr Ross Ebbels / Cr Donnie Grigau

That the minutes of the Ordinary Council Meeting on 27 September 2023, as distributed, be confirmed as an accurate record.

CARRIED UNANIMOUSLY

6.2. Ordinary Council Meeting on 27 September 2023 Confidential Minutes

A copy of the previous confidential minutes from the Ordinary Council Meeting held on 27 September 2023 was distributed to Councillors under separate cover.

RESOLUTION

Cr Donnie Grigau / Cr Michael Grout

That the confidential minutes of the Ordinary Council Meeting held on 27 September 2023, as distributed, be confirmed as an accurate record.

CARRIED UNANIMOUSLY

7. Record of Informal Meetings of Councillors

A Record of Informal Meetings of Councillors is included at adjunct to item 7.

- 27 September 2023 – Councillor Assembly Briefing
- 27 September 2023 – CEO & Councillors meeting
- 4 October 2023 – CEO & Councillors meeting



- 4 October 2023 – Councillor Assembly Briefing
- 11 October 2023 – Councillor Induction and Refresher training
- 18 October 2023 – CEO & Councillor Meeting
- 18 October 2023 – Councillor Assembly Briefing

RECOMMENDATION

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

RESOLUTION

Cr Isabelle Tolhurst / Cr Ross Ebbels

That the Record of Informal Meetings of Councillors, as amended, in Adjunct to item 7, be noted.

CARRIED UNANIMOUSLY

8. Notice of Motion

8.1. Notice of Motion Status Update

No Notices of Motion are outstanding.

8.2. Motion on Notice

No Notices of Motion were received.

9. Petitions and Joint Letters

In accordance with the Borough of Queenscliffe Governance Rules, a petition or joint letter presented to the Council must lay on the table until the next ordinary meeting of



the Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.

None received.

10. Functions Attended

Council was represented at the following meetings and functions between 21 September and 18 October 2023.

Date	Meeting or Function
22 September 2023	Golightly Park Residents Association meeting (CEO, Cr Tolhurst & Cr Ebbels)
24 September 2023	Councillor Listening Post in Queenscliff (Cr Tolhurst, Cr Ebbels & Cr Grout)
24 September 2023	Queenscliff Lonsdale Yacht Club Opening Day (Cr Tolhurst & Cr Ebbels)
25 September 2023	Point Lonsdale Lighthouse Reserve Stage 2 – PCG meeting (Cr Grout)
25 September 2023	Bellarine Community Health Network Meeting (CEO)
26 September 2023	Geelong Sustainability All electric homes program info session (Cr Ebbels)
28 September 2023	Geelong Regional Library Corporation Board Workshop (CEO & Cr Ebbels)
3 October 2023	Community Engagement Workshop (CEO, Crs Tolhurst, Ebbels, Grout & Minty)
4 October 2023	Borough of Queenscliffe After 5 business networking event (CEO, Crs Tolhurst, Ebbels, Grout & Minty)
4 October 2023	Joint State/Local Government Monthly CEO Forum via videoconference (CEO)
5 October 2023	Coastal & Marine Management Plan Meeting via videoconference (Cr Grout & Ebbels)
6 October 2023	G21 Region Plan – Joint Pillar Workshop to review Draft Plan (Crs Tolhurst, Ebbels, Grigau & Minty)
6 October 2023	Rural Councils Victoria Annual General Meeting via videoconference (Cr Tolhurst)



6 October 2023	Corsair Vessel incident management control meeting #3 (CEO)
7 October 2023	Corsair Vessel incident management control meeting #4 (CEO)
7 October 2023	Corsair Vessel incident management control meeting #5 (CEO)
9 October 2023	Corsair Vessel incident recovery phase meeting #1 (CEO)
9 October 2023	Senior Citizens Week Seniors learn to dance event (Cr Tolhurst)
11 October 2023	Corsair Vessel incident recovery phase meeting #2 (CEO)
11 October 2023	Corsair Vessel incident transition to recovery phase meeting (CEO)
12 October 2023	VIC SES Incident Control Centre site visit (CEO)
11–12 October 2023	Municipal Association of Victoria 2023 Annual Conference & Dinner (Cr Tolhurst & Cr Ebbels)
13 October 2023	Municipal Association of Victoria State Council Meeting (CEO, Cr Tolhurst & Cr Ebbels)
14 October 2023	St George’s Flower Show (Cr Tolhurst)
15 October 2023	Shedding the Blues: Third Tune-Up EXPO (Cr Tolhurst & Cr Ebbels)
15 October 2023	Friends of Victoria Park Queens Jubilee Ceremony (Cr Ebbels & Cr Grout)
16 October 2023	Lived Experience Disability Group engine room meeting (CEO)
16 October 2023	Queenscliffe Neighbourhood House Annual General Meeting (Cr Tolhurst)
16 October 2023	Tourism Greater Geelong & The Bellarine Board Meeting (Cr Ebbels)

RESOLUTION

Cr Donnie Grigau / Cr Robert Minty

That the Functions Attended report be received.

CARRIED UNANIMOUSLY



11. Chief Executive Officer

11.1. Chief Executive Officer Report for October 2023

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.

Executive Summary

Public Health & Wellbeing Plan

This month, the Minister for Health, The Hon. Mary-Anne Thomas MP, released the Victorian Public Health and Wellbeing Plan 2023–2027. The plan sets out a broad approach across multiple areas, to deliver improved public health and wellbeing for all Victorians, with an increased focus on the need to reduce inequalities in health and wellbeing outcomes among our community.

The Plan sets out the strategic framework, the 10 priorities and the role that local government will play in creating strong foundational structures to improve our community's health and wellbeing.

These priorities align with the Council Plan Health and Wellbeing strategic objectives to support community wellbeing and encourage an active lifestyle, including:

Priority 1: Promote healthy and active lifestyles

Priority 2: Support older residents living independently

Priority 3: Promote diversity and gender equality

Priority 4: Support initiatives and community groups that foster inclusion and connection and encourage physical activity within our community

Priority 5: Increase access to services and support for young people and their families

The Victorian Public Health and Wellbeing Plan 2023–2027 is provided at (Attachment 11.1.1)



Emergency Management

On 12 October 2023, Council's emergency management team joined the City of Greater Geelong's emergency management team at the Victorian State Emergency Service Incident Control Centre (ICC) in Bell Park, Geelong. The focus of the site visit was to provide officers, who have a designated emergency management role, an opportunity to familiarise themselves with the ICC facility and to learn how the ICC functions during an emergency incident. It was also an opportunity to meet our City of Greater Geelong counterparts, share experiences and make connections to build our emergency management support network.

Councillor Service Awards

Cr Ross Ebbels has received the Mayor Emeritus award at this year's MAV 2023 Annual Conference Gala Dinner on 12 October at the Sofitel Melbourne. Cr Ebbels was acknowledged for serving three terms as Mayor between November 2019 and November 2022.

Distinctive Areas and Landscape Implementation

Council officers recently met with representatives from the Department of Transport and Planning (DTP) to discuss proposed Planning Scheme Amendments to incorporate the Bellarine Peninsula State Planning Policy into the Borough of Queenscliffe Planning Scheme.

DTP is planning a three-stage implementation process. Stage 1 will respond to the requirements of section 46AZB in the *Planning and Environment Act 1987* which requires the Minister for Planning to undertake an Amendment of a declared area planning scheme to give effect to the Statement of Planning Policy. This amendment would change the Borough of Queenscliffe Planning Scheme by:

- Including the Bellarine Peninsula State Planning Policy as an Incorporated Document in clause 72.04
- Implementing the Protected Settlement Boundaries in planning maps
- Updating *Clause 11.03-5S Distinctive Areas and Landscapes*
- Introducing other policy updates to "give effect", including any local policy map updates



DTP have indicated that this planning scheme amendment will occur in early 2024.

Stage 2 will also be led by DTP and will most likely be a section 20(4) Ministerial Amendment to tidy up the Borough of Queenscliffe Planning Scheme and address any policy inconsistency.

DTP anticipate that this will occur in the middle of 2024.

Stage 3 will be a Council led process and would address any significant local changes that would need community input or further strategic work, for example detailed site coverage and landscape zone schedules.

Council will assess the need for Stage 3 following the implementation of Stage 1 and 2. This assessment would occur in the second half of 2024.

Quarterly Reporting

Over the past few months, Council has been in the process of implementing new software systems for managing Council operations such as Finance, Rates, Property, Statutory Planning and Customer Relationship Management. Along with these new systems, officers have been making changes to the quarterly reporting templates for both the quarterly financial report and the quarterly report against the actions in Council's Annual Plan.

The revised quarterly report templates will be tabled at the November meeting.

RESOLUTION

Cr Ross Ebbels / Cr Robert Minty

That Council receives the Chief Executive Officer Report for October 2023.

CARRIED UNANIMOUSLY



12. Health & Wellbeing

No reports to consider.



13. Environment

13.1.	Climate Emergency Response Plan Two-Year Review
Author:	Climate Emergency Response Plan Project Officer
Portfolio:	Environment
Councillor:	Cr Tolhurst

Purpose

The purpose of this report is to provide an update on the completed two-year review of Council’s Climate Emergency Response Plan (CERP) and present the revised version for adoption by Council.

Executive Summary

The two-year review of the CERP relates to many Council Plan portfolio objectives including:

Portfolio 2: Environment

Strategic Objective: To protect our environment and address climate change issues

Priority 1: Align Council policies and plans with the Wadawurrung Healthy Country Plan

Priority 2: Respond to the impacts of climate change and reduce carbon emissions through the Climate Emergency Response Plan

Priority 3: Protect our coastal and public areas including their ecosystems and biodiversity

Priority 4: Protect and manage our wetlands and waterways

Priority 5: Regenerate and revegetate open spaces with indigenous plants and increase tree canopy coverage

Officers began reviewing the CERP in December 2022 by developing the process it would use to ensure that the original contributors to the document's creation were provided an opportunity to contribute feedback.



Council undertook consultation from January to March 2023 and, as a result of the consultation, updates to the CERP have been recommended for Council's consideration; refer to Attachment 13.1.1 which shows the proposed changes.

These changes were reviewed by Councillors in May and August 2023 and feedback from Councillors provided direction for officers to finalise an updated version of the CERP. The updated CERP is provided at Attachment 13.1.2.

RESOLUTION

Cr Robert Minty / Cr Ross Ebbels

That Council:

- a) Adopt the reviewed 2023 Climate Emergency Response Plan as presented; and
- b) Request the CEO to write to all involved in the CERP review thanking them for their participation and providing an update on the outcome of the review.

CARRIED UNANIMOUSLY



REPORT

Background

Council's Climate Emergency Response Plan (CERP) includes direction about the review of the document and particularly the actions within it. The direction is:

- Review of actions to be conducted every two years; and
- Major review of the CERP after five years.

The initial two-year review replicated the original process used to develop the CERP, and involved all community representatives who contributed to its development including the 20 plus CERP community leaders from local organisations, the CERP Community Panel (representing a cross section of the community) and Queenscliffe Climate Action Now (QCAN). The workshops examined the eight pillars of the CERP, and all 49 actions and included:

- Two CERP community leader organisations workshops;
- A CERP Community Panel workshop reviewing all suggested changes;
- A workshop with members of Queenscliffe Climate Action Now (formerly QCAG);
- Time for all participants to submit feedback before and after the workshops if they were unable to attend workshops or wanted to add further suggestions;
- A briefing with Councillors in May 2023 presenting the reviewed draft CERP, and a CERP review workshop with Councillors in August 2023.

All workshops independently reviewed the actions from the eight pillars in detail to make suggested improvements. The workshops also examined how the context which surrounds the CERP implementation has changed since its development and adoption in May 2021.

The recommended updates note the actions delivered from the original CERP and reflect changes in state and federal politics regarding climate action. These changes are incorporated in the text of the attached document.

Discussion

The updates recognise that seven actions from the original CERP have been delivered, 24 have commenced, 12 are ongoing, and six have not yet started in the journey to 2031. The CERP two-year review acknowledges changes in state and



federal policy positions on climate action and the introduction of new government programs and initiatives.

Many of the changes are minor wording changes that provide clarification.

There are recommendations from the community for four new actions to be included:

1. Pillar 2. Renewable Energy: **Action 2. Development of Renewable Energy Process Targets (p. 50)**
2. Pillar 3. Sustainable Buildings: **Action 4. Building Waste (p.56)**
3. Pillar 6. Adaptation and Resilience: **Action 12. Integrated Water Management (IWM) (p.66)**
4. Pillar 7. Consumption and Waste: **Action 6. Business Recycling (p.69)**

In addition, a recommendation to split an existing action from one action to two (Pillar 2. Renewable Energy: **Powercor Working Group** and **Pole Mounted Community Battery Trial** (moved to two separate actions). Another recommended minor changes includes changing **Action 5. Renewable Energy Production from Council Buildings (p.51)** from a **long** timeframe action to **short**.

The proposed changes are outlined in Attachment 13.1.3.

A five-year major review of the CERP will take place in 2027 following further community engagement processes with key stakeholders.

Options

1. Council adopt the two-year reviewed CERP as presented.
2. Council requests additional changes to the CERP before adopting the reviewed CERP.
3. Council does not adopt the proposed changes from the two-year consultation review resulting in the May 2021 Climate Emergency Response Plan remaining in place.

Communications and Engagement



Community Engagement

Council undertook consultation from January to March 2023 as part of the two-year review process. The engagement included workshops with the CERP Community Panel, community leaders representing local organisations who had previously committed to taking action, and Queenscliffe Climate Action Now (QCAN).

Council maintains a commitment to consult with the community in the delivery of actions identified within the CERP in accordance with Council's engagement framework with consideration to the International Association for Public Participation (IAP2).

Collaboration

Officers have benchmarked with other councils in the region.

Officers have collaborated with local community groups in relation to this report.

Governance Context

Relevant Law

Climate Change Act 2017

Local Government Act 2020

Marine and Coastal Act 2018

Planning and Environment Act 1987

Charter of Human Rights

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

Gender Equality Act 2020

The *Gender Equality Act 2020* requires a Gender Impact Assessment to be undertaken when the 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?

A Gender Impact Assessment has not been undertaken in respect to the two-year review of the CERP. It is the officer's assessment that the proposed amendments to the CERP do not have a direct and significant impact on the community. However, actions in this plan that have direct and significant impact on the public are required to have Gender Impact Assessments completed. These assessments will be made for



CERP actions using the Commission for Gender Equality in the Public Sector 'Gender Impact assessment toolkit'.

Regional, State and National Plans and Policies

Queenscliffe's action on climate change takes place within the context of a broader response at state and federal levels of government.

In 2022, the Federal Government passed the *Climate Change Act*, which legislates the Commonwealth's commitment to reduce emissions. The Act set targets of a 43% reduction in greenhouse gas emissions below 2005 levels by 2030 and net zero by 2050.

The Victorian Government increased its emissions reduction ambition in 2022, setting new targets of 75 to 80% reduction by 2035 and net zero by 2045. This is accompanied by a target of 95% of energy generation coming from renewables by 2035.

The CERP also takes into account legislative requirements such as the Victorian *Local Government Act 2020*, *Climate Change Action 2017*, *Marine and Coastal Act 2018* etc.

Legal and Risk Implications

Council's role in this area is defined by the Victorian *Local Government Act 2020*, which includes an overarching governance principle requiring councils to promote the economic, social and environmental sustainability of the municipality, including mitigation and planning for climate change risks.

This principle links with the *Climate Change Act 2017*, and Victoria's Climate Adaptation Plan 2017–2020 where the role of local government is to provide leadership and good governance, represent the needs and values of local communities, and foster community cohesion. It also explains why local governments are mandated to act on the climate emergency.

The *Climate Change Act 2017* and the *Local Government Act 2020* place a legislative obligation on Council to address and, where possible, mitigate the impacts of climate change. The CERP provides a framework for meeting our legislative responsibilities.

Related Documents

Annual Plan 2023–2024

Climate Emergency Response Plan 2021–2031



Community Vision 2021–2031

Council Plan 2021–2025

Financial Plan 2022–2032

CP015 Reconciliation

CP038 Waste Management

CP046 Street Tree Planting

Disclosure of Interest

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

Considerations

Environmental Sustainability

The Climate Emergency Response Plan provided extensive community involvement in the development of the Borough of Queenscliffe's Climate Emergency Response Plan. The reviewed CERP provides an environment for community participation and inclusion in decision making through activities designed to address a social issue that has been advocated by the local community.

Financial and Resource Implications

Council resourcing for the CERP will continue to be a consideration of the annual budgeting process. The two-year review has not proposed additional financial commitment for the 2023/2024 financial year budget. As a result, the CERP review does not have immediate financial or resource implications. Council currently has staff resources to manage the delivery of the climate change actions.

Innovation and Continuous Improvement

The Climate Emergency Response Plan, review and consultation process was undertaken within the deliberative engagement framework set out in the *Local Government Act 2020*. Council was one of the first local government authorities to invest and work within the framework. The CERP is often referred to as an exemplary plan by other local government organisations.

Implementation



Operational Impacts

The CERP will be delivered with existing operational resources. The implementation of the CERP has operational impacts; these are managed with each budget cycle and the successful appointment of state and federal funding grants for actions.

Implementation Process

The reviewed CERP is delivered by existing staff and resources.

Attachments

1. Climate Emergency Response Plan 2023 with track changes [**13.1.1** - 80 pages]
2. Revised Climate Emergency Response Plan 2023 [**13.1.2** - 80 pages]
3. Summary of changes of the CERP from the two year review [**13.1.3** - 13 pages]



14. Local Economy

No reports to consider.



15. Heritage, Planning & Infrastructure

15.1.	Planning Permit Activity Report
Author:	Senior Planner
Portfolio:	Heritage, Planning & Infrastructure Cr Grout

Purpose

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

Executive Summary

The following table provides a summary of the planning permit activity from the last report published at the close of business on 16 October 2023.

CATEGORY	TALLY
Current applications	9
Applications finalised since last report	7
New applications received since last report	3
Total number of active permit applications	12
VCAT matters yet to be determined	2
Development Plan & Planning Scheme Amendment Summary Report	

RESOLUTION

Cr Michael Grout / Cr Robert Minty

That the Planning Permit Activity Report be received.

CARRIED UNANIMOUSLY



a. Current Applications

App. No	Date Received	Address	Proposal	No. of objections	Status
PA2021-048	27/05/2021	200-204 Point Lonsdale Road Point Lonsdale	Buildings and works associated with the construction of a two storey building comprising four (4) shops and twelve (12) dwellings, use of the site for commercial premises, reduction of the standard car parking requirement of Clause 52.06, alteration to and creation of access to a road in a road zone category 1	9	Application on hold (at the request of the applicant)
PA2022-044	02/05/2022 (Amended 03/06/2022)	6 McDonald Road Queenscliff	Use of the land for a helicopter landing site	31	Decision deferred by Councillors. To be reported to October Council meeting.
PA2023-022	23/03/2023	34 Point Lonsdale Road Point Lonsdale	Removal and lopping of native vegetation	0	Under consideration
PA2023-042	26/06/2023	13 Nicholas Court Point Lonsdale	Construction of a two storey dwelling and front fence	2	Under consideration
VS202301	07/08/2023	1 Nicholas Court Point Lonsdale	Construction of a front fence	N/A	Further information requested 21/08/2023
PA2023058	14/08/2023	1-3 Swanston Street Queenscliff	Construction of two double storey dwellings and front fences and a two lot subdivision	2	Advertising
PA2023060	05/09/2023	36-38 & 40 Cheshunt Street Point Lonsdale	Demolition of outbuildings, alterations and extensions to a dwelling and front fence individually listed in a Heritage Overlay and removal of native vegetation	1	Advertising



PA2023062	12/09/2023	1 Simpson Street and 105-107 Point Lonsdale Road Point Lonsdale	Buildings and works associated with the construction of two townhouses, a commercial building comprising two retail units and two apartments, a 6 lot subdivision, partial waiving of the car parking required for the retail units, retail and residential development in the Bushfire Management Overlay and subdivision of land adjacent to a road in a Transport Zone 2.	0	Advertising
PA2023063	12/09/2023	5 Jennifer Crescent Point Lonsdale	Development of two dwellings, variation to the site coverage requirements of Design and Development Overlay Schedule 4, removal of a native tree and a two lot subdivision	0	Advertising

b. Applications Finalised Since Last Report

App. No	Date Received	Address	Proposal	Status
2022-131	09/05/2023	7 Henry Street Queenscliff	Construction of two dwellings (two storey), variation to the setback requirements of Design and Development Overlay Schedule 1 and subdivision of the land into two (2) lots	NOD issued
PA2023050	26/07/2023	6 Lockwood Street Point Lonsdale	Alterations and additions to existing dwelling construction of new garage removal of trees	Permit issued
PA2023052	02/08/2023	3/3 Waiora Court Point Lonsdale	Alterations and additions (two storey) to existing dwelling	Permit issued
PA2023053	02/08/2023	40 Flinders Street Queenscliff	Alterations and additions to existing dwelling and variation to the front setback requirements of Design and Development Overlay - Schedule 1	Permit issued
PA2023061	04/09/2023	56 Fellows Road	Alterations to an existing dwelling, construction of a deck to rear of existing residential dwelling and	Permit issued



App. No	Date Received	Address	Proposal	Status
			reinstatement of existing concrete stairs, landing and railing	
PA2023051	15/9/2023	127A Pt Lonsdale Road	Alterations and extensions to an existing dwelling and outbuilding and variation to the site coverage requirements of Design and Development Overlay Schedule 3	NOD issued
PA2023064	25/9/2023	23 Buckleys Road Point Lonsdale	Alterations to an existing dwelling and native vegetation removal	Permit issued

c. New Applications Received Since Last Report

App. No	Date Received	Address	Proposal	No. of objections	Status
P2023065	25/09/2023	14 Bedggood Ave Point Lonsdale	Alterations and extensions to an existing two storey dwelling	0	Under consideration
P2023066	25/09/2023	4 Baillieu Street point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	0	Under consideration
A2022-094.1	02/10/2023	61-63 Stokes Street Queenscliff	Construction of a two storey dwelling and outbuilding (amendment to windows)	0	Advertising
VS2300006	13/10/2023	2 St Andrews Drive Queenscliff	Installation of solar panels in a Heritage Overlay	0	Under consideration



d. VCAT Applications

App. No	Date Received	Address	Proposal	Status
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	VCAT application for review lodged by applicant Hearing 27/7/2023 & 28/7/2023 VCAT decision not yet issued
2022/119	21/11/2022	2A Nicholas Court Point Lonsdale	Alterations and extensions to an existing dwelling	VCAT application for review lodged by objector Hearing 16/10/2023 adjourned due to illness and new hearing date to be confirmed

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 DEECA



Legend

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

PA **Officer delegation removed**

PA Planning permit application

VS VicSmart application

A Application to amend a planning permit (under Section 72)



15.2.	Planning Permit Application 2022/044 at 6 McDonald Road Queenscliff
Author:	Senior Planner
Portfolio:	Heritage, Planning & Infrastructure
Councillor:	Cr Grout

Purpose

The purpose of this report is to present an updated assessment and recommendation for the use of the land at 6 McDonald Road, Queenscliff for a helicopter landing site.

Executive Summary

Portfolio 2: Environment

Strategic Objective: *To protect our environment and address climate change issues*

Priority 3: *Protect our coastal and public areas including their ecosystems and biodiversity*

Portfolio 4: Heritage, planning and infrastructure

Strategic Objective: *To protect our distinctive coastal, cultural and built environment, and provide sustainable, suitable infrastructure*

Priority 2: *Enhance planning controls to protect neighbourhood character and promote environmentally sustainable design*

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 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 1,000 feet in approximately 1.5 minutes.

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 was subject of a Planning review Meeting on the 7 December 2022 and was presented to the 14 December 2022 Council meeting for a decision. Council determined to defer consideration of the application.

Post the Council meeting of 14 December 2022 the following has occurred:

- Ecology and Heritage Partners were engaged by Council to review environmental information and issues submitted with the application and raised by objectors. Ecology and Heritage Partners has provided a final



report, included in Attachment 1, which has been shared with the applicant, the Department of Energy, Environment and Climate Action (DEECA) and objectors.

- The permit applicant has undertaken a self-assessment process against the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) and confirmed no referral under the EPBC Act 1999 is required. The self-assessment has been discussed by the applicant with officers of the federal Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Having reviewed the proposal against the relevant criteria in the Queenscliffe Planning Scheme, updated information, the original objections and any additional comments it is recommended the proposal be supported with appropriate conditions limiting the use as listed in the recommendation.

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 if one of 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.

RESOLUTION

Cr Ross Ebbels / Cr Michael Grout

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 Refuse 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 on the following grounds:

1. The proposal is not sensitive to the environmental values, fauna habitats and natural environments of the foreshore area in which the subject site is located.
2. The helicopter landing site will detract from the broad environmental qualities of the location and have impacts on a range of bird species.
3. The helicopter landing site will unreasonably impact on the environmental qualities of the Ramsar listed areas in proximity to the subject land through proposed take off and landings of the helicopter.
4. The helicopter landing site is a use that is at odds with the character of the location which is focused on minimising impact to the important terrestrial and marine environments adjacent to the area of McDonald Road.

CARRIED

Cr Grigau called for a division:



*For: Crs Tolhurst, Ebbels, Grout & Minty
Against: Cr Grigau*



REPORT

Background

The application was received in June 2022 and, after further information was provided, the application was placed on public notice and generated substantial interest and objection. The application was the subject of a Planning Review Meeting on 7 December 2022 and was presented to the 14 December 2022 Council meeting for a decision. Council determined to defer consideration of the application.

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 the former Department of Environment, Land, Water and Planning (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 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 which supported the helicopter take off and landings subject to requirements.

The deferment of consideration of the application in December 2022 has allowed for a further review of environmental issues associated with the application to be completed by Ecology and Heritage Partners. The following elements have been investigated in the report:

- The original report submitted with the application prepared by Nature Advisory.
- Reviewing data sources on significant flora and fauna in the area.
- Literature on impacts of flights on migratory birds.
- Acceptable flight elevation and distances from migratory birds.
- Bird strike risk with aircraft.
- Impacts to the Orange-Bellied Parrot and White-Bellied Sea Eagle.

The Ecology and Heritage Partners reports provides conclusion as follows:

- Agrees with the Nature Advisory report that flights should be directed to the west.



- Given the low frequency of flights and that the take off/landing area is sufficiently removed from roosting/foraging sites the proposal is not expected to have significant impacts to migratory birds in the area.
- Risk to the Orange-Bellied Parrot has been mitigated to an acceptable level.
- If there are known White-Bellied Sea Eagle nesting sites a 2 km buffer to that should be in place during the breeding seas (mid May to mid September).

The Ecology and Heritage Partners report has been shared with the applicant, objectors and Department of Energy, Environment and Climate Action (DEECA). All the original objections remain and no objections have been withdrawn. Eight objectors have restated their concerns and the issues with the Ecology and Heritage Partners report as follows:

- Concerns about what level of detail has informed the report.
- Concerns about the lack of field testing.
- General lack of definitive information about as to what level of noise impact and movement of a helicopter can have on different species of bird.

DEECA have also provided feedback suggesting that should any permission be granted, helicopter movements should only be to the west and suggested in the absence of such being available precautionary principles be applied. This advice suggests that if movements cannot be limited to the west then DEECA have concerns with the proposal.

It is noted the original DEECA response dated 8 December 2022 referenced the potential use of a Fly Neighbourly Agreement. It is understood this a voluntary based agreement that seeks to confirm flight details and movements primarily targeted to minimising noise impacts for airports and the like. While the planning permit can control landing and take offs as previously detailed in the report, it is understood that the Fly Neighbourly Agreement was suggested by DEECA as means to achieve control of the broader flight paths. It is considered the recommendation and draft conditions included in this report would provide the most effective means to control the helicopter landings and take offs, activities that are the key consideration under Clause 52.15. A Fly Neighbourly Agreement is not considered necessary in that regard and would have limited additional benefit beyond the recommended permit conditions. As such is not recommended for inclusion as planning permit condition. Despite that, such an outcome is available to Council beyond the planning permit



process and the approach of a Fly Neighbourly Agreement has been raised with the applicant with no opposition received.

Council is required to form a view on the application associated with the provision of Clause 52.19 of the Queenscliffe Planning Scheme related to helicopter landing sites. Other legislation such as the EPBC Act is not a requirement of Council to form a view on and is administered by federal government agency who the applicant has been in contact with.

Based on the information above, it is considered the issues associated with the proposed helicopter flights can be controlled at a level to mitigate any impacts to migratory birds in the area through limiting the number of movements further and requiring the movement to only occur to the west.

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

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 raised in the objections have focused on the likely impacts the proposal will have on the environmental values of the location primarily associated with the RAMSAR context of the area and the migratory bird species present in the location.

No objections have been withdrawn as a result of the information in the Ecology and Heritage Partners report.

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.



Governance Context

Relevant Law

Planning and Environment Act 1987

Charter of Human Rights

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

Gender Equality Act 2020

The *Gender Equality Act 2020* requires a Gender Impact Assessment to be undertaken when the 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

Queenscliffe Planning Scheme

Legal and Risk Implications

Not applicable.

Related Documents

Not applicable.

Disclosure of Interest

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

Considerations

Environmental Sustainability

Impacts on the environment have been considered as part of the assessment of the proposal.

Financial and Resource Implications

There are no financial or recourse implications associated with this report. There may be a financial implication to Council if any rights of appeal to VCAT are exercised.



Innovation and Continuous Improvement

No specific issues of innovation and continuous improvement are relevant to the consideration of the planning permit.

Implementation

Operational Impacts

This project will be delivered with existing operational resources.

Implementation Process

This project will be delivered by existing staff and resources. Any decision will be conveyed to all parties and depending on the decision different parties will have rights of appeal to VCAT.

Attachments

1. Peer Review of Biodiversity Impact Assessment at 6 McDonald Road [**15.2.1** - 28 pages]



15.3.	Fisherman's Flat Heritage Review
Author:	Strategic Planner
Portfolio:	Heritage, Planning & Infrastructure
Councillor:	Cr Grout

Purpose

The purpose of this report is to introduce and discuss the findings and recommendations of the *Heritage Review of Places in Fisherman's Flat Urban Conservation Precinct (HO1), Fisherman's Flat, Queenscliff, Victoria* (Ecology and Heritage Partners Pty Ltd 04/08/2023) and to identify the next steps in introducing strengthened heritage protections into the Queenscliffe Planning Scheme.

Executive Summary

Portfolio 4: Heritage, planning and infrastructure

Strategic Objective: To protect our distinctive coastal, cultural and built environment, and provide sustainable, suitable infrastructure

Ecology and Heritage Partners Pty Ltd have undertaken a review of the heritage values in Fisherman's Flat and the current provisions in the Queenscliffe Planning Scheme specific to the protection of those values. The consolidated analysis and views of Ecology and Heritage Partners are presented in the attached document *Heritage Review of Places in Fisherman's Flat Urban Conservation Precinct (HO1), Fisherman's Flat, Queenscliff, Victoria*.

This report outlines the findings of the review and recommends seeking authorisation, from the Minister for Planning, to prepare and exhibit a planning scheme amendment to incorporate the Ecology and Heritage Partners recommendations into the Queenscliffe Planning Scheme.

RESOLUTION

Cr Michael Grout / Cr Donnie Grigau

That Council:



1. Endorses the draft *Heritage Review of Places in Fisherman's Flat Urban Conservation Precinct (HO1), Fisherman's Flat, Queenscliff, Victoria* (Ecology and Heritage Partners Pty Ltd 04/08/2023) for the purpose of preparing an amendment to the Queenscliffe Planning Scheme.
2. Resolves to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Queenscliffe Planning Scheme to:
 - Introduce a Statement of Significance for Fisherman's Flat;
 - Amend the *Fisherman's Flat Urban Conservation Precinct Heritage Design Guidelines 2021* to strengthen policy guidance for applicants and Council officers; and
 - Insert the *Heritage Review of Places in Fisherman's Flat Urban Conservation Precinct (HO1), Fisherman's Flat, Queenscliff, Victoria* (Ecology and Heritage Partners Pty Ltd 04/08/2023) into the Queenscliffe Planning Scheme as a Background Document.

CARRIED UNANIMOUSLY



REPORT

Background

In October 2021 Council received the *Borough of Queenscliffe Planning Scheme Review Volumes 1, 2, 3 & 4*, prepared by Lovell Chen. The documents presented a contemporaneous review of the existing heritage values in the Borough.

In responding to at least two (2) recent development applications in Fisherman's Flat a group of community members, including Fisherman's Flat landowners, identified errors in the 2021 Lovell Chen report specific to the Fisherman's Flat precinct.

In response to these concerns, Council sought a 'peer review' of the *Borough of Queenscliffe Planning Scheme Review Volumes 1, 2, 3 & 4*. Taking into consideration time and financial constraints, Council determined to review the document on a precinct-by-precinct basis, with Fisherman's Flat nominated as the first precinct to be reviewed.

Ecology and Heritage Partners Pty Ltd were engaged by Council to undertake the review of heritage values in Fisherman's Flat. The brief was as follows:

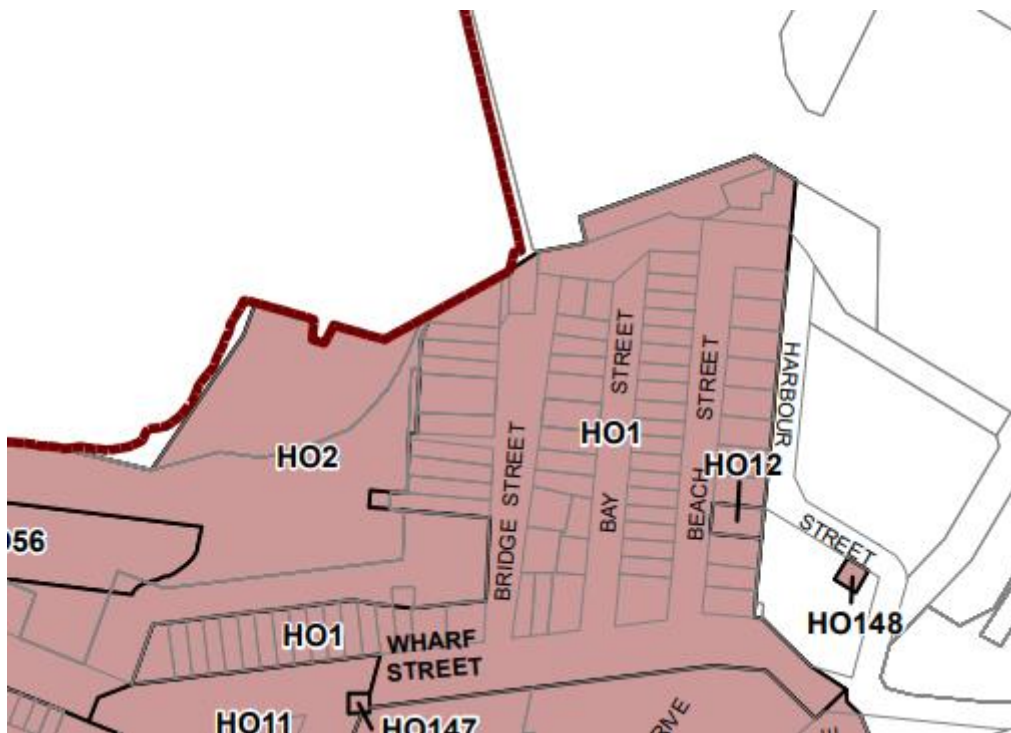
1. A comprehensive review of existing citations for places located within the Fisherman's Flat Heritage Precinct (HO1).
2. Review of the recommendations of the Borough of Queenscliffe Planning Scheme Review Volumes 1, 2, 3 and 4 as it relates to Fisherman's Flat.
3. Confirmation, or modification, of the 'contributory' and 'non-contributory' classifications within Fisherman's Flat.
4. Assessment of potential heritage buildings, in addition to those already nominated, within existing property boundaries in Fisherman's Flat and where relevant:
 - a. Nomination of items as 'contributory', 'non-contributory' or worthy of individual listing.
 - b. Citations in accordance with the requirements of *Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)*
5. Drafting of planning controls and planning scheme amendment documentation associated with the recommended changes.

The first draft of the review report, prepared by Ecology and Heritage Partners, was made available to the public for comment in February 2023. A community meeting was held at the Queenscliffe Hub on 9 March 2023 where Oona Nicolson, Director of Ecology and Heritage Partners, spoke to a group of residents interested in the heritage protection of Fisherman's Flat.

Submissions and feedback received on the draft report were forwarded to Ecology and Heritage Partners for incorporation into a final draft which was received on 4 August 2023. It is the final draft that is the subject of this Council report.

Fisherman's Flat

The geographic area of Fisherman's Flat is defined in the Queenscliffe Planning Scheme by the application of Heritage Overlay 1 (HO1).

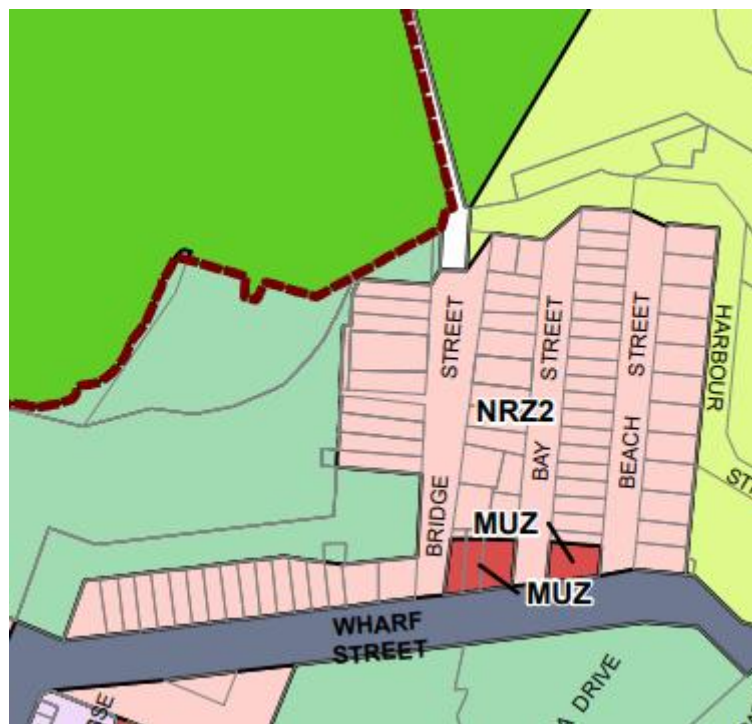


Within the boundary of HO1 are seventy-four (74) individual properties. Of these, 72 contain residential buildings and two (2) contain non-residential buildings (both of which are currently being utilised by the Queenscliffe Maritime Museum).

There is only one individual heritage listing in HO1, which is a Norfolk Island Pine with the designation in the planning scheme of HO12. The listing for HO12 in the

Queenscliffe Planning Scheme nominates the tree and *land beneath the canopy edge of the tree for a distance of three metres from the canopy edge.*

Seventy (70) of the properties are zoned Neighbourhood Residential Zone – Schedule 2 (NRZ2) with the remaining four (4) properties zoned Mixed Use Zone (MUZ). The MUZ is a residential zone which recognises the non-residential use of the Fisherman’s Co-operative building on the corner of Beach Street and Wharf Street and the historic use of the three individual parcels on Wharf Street, between Beach Street and Bay Street, as a Guest House.



HO1 triggers the requirement for a planning permit to demolish or remove a building or construct a building or carry out works. There are exemptions from the requirement for a planning permit, and for the advertising of an application for a planning permit, but these are limited to proposals that will not impact residential amenity for landowners and occupiers surrounding the subject site or detrimentally impact the identified heritage values of the area.

Examples of planning permit exemptions include internal works (where internal works are nominated as exempt in the Schedule to HO1) and works that do not alter the external appearance of a building. This includes maintenance and external painting using the same colour(s).



Examples of applications that do not require advertising include demolition of outbuildings that are not nominated in the Schedule to HO1, demolition and construction of fences, external painting, internal alteration (where internal alterations trigger the requirement for a planning permit) and services normal to a dwelling (hot water systems, heating and cooling, window shades, security devices etc.).

At present, any application for a planning permit in HO1 is assessed against the relevant provisions of the planning scheme which include the *Fisherman's Flat Urban Conservation Precinct Heritage Design Guidelines 2021*. The guidelines are an incorporated document at Clause 72.04 in the Queenscliffe Planning Scheme.

The content of an incorporated document is read, and has the same statutory effect, as any other planning scheme provision. An incorporated document can only be revised by a planning scheme amendment.

The guidelines identify the intent for conservation of Fisherman's Flat and nominate preferred building siting, design, form, materials, colours and finishes. The guidelines also specifically reference preferred outcomes and heights for fencing in the precinct.

The guidelines list the *Geelong Region Historic Buildings and Objects Study (Allan Willingham for the Geelong Regional Commission, 1986)* and the *Queenscliffe Urban Conservation Study (Allom, Lovell and Associates Pty Ltd, 1984)* as primary sources for information. The work undertaken by Lovell Chen in 2021 was an attempt to contemporise heritage references in the planning scheme.

Fisherman's Flat Heritage Review

The following discussion of the review has been grouped under each of the tasks nominated in the project brief.

A comprehensive review of existing citations for places within the Fisherman's Flat Heritage Precinct (HO1)

Ecology and Heritage Partners surveyed all the properties located within the area defined by HO1 on foot. Individual citations were then created for every property. Each citation references site history, historic allotment plans (where available),



property photographs and identification of contributory and non-contributory elements – including outbuildings where they are visible from the street.

Confirmation, or modification, of the 'contributory' and 'non-contributory' classifications within Fisherman's Flat.

The review report defines contributory and non-contributory as follows:

'Contributory' are those which contain original elements of fisherman's cottages and outbuildings or cladding over original structures, retain a low front fence, house single-storey dwellings/structures or contribute to the historical significance of the precinct.

'Non-contributory' contain little or no original elements of fisherman's cottages and outbuildings, were constructed post 1960, are constructed or brick and other modern materials or house two-storey dwellings and outbuildings.

The following table (Table 1) identifies each property and the determination of contributory and non-contributory status as a comparison between the work undertaken by Lovell Chen and Ecology and Heritage Partners.



Table 1 – comparison between properties identified as Non-contributory and Contributory in the Lovell Chen report of 2021 and the Ecology and Heritage Partners report of 2023.

Address	Place name	Lovell Chen (2021) recommendation	Ecology and Heritage Partners (2023) recommendation
2 Bay Street	Sparkling Waters	Non-contributory	Non-contributory
4 Bay Street	-	Non-contributory	Non-contributory
6 Bay Street	-	Non-contributory	Non-contributory
8 Bay Street	-	Non-contributory	Contributory
10 Bay Street	-	Contributory	Contributory
12 Bay Street	-	Non-contributory	Non-contributory
16 Bay Street	The Moorings	Contributory	Contributory
18 Bay Street	-	Non-contributory	Non-contributory
20 Bay Street	Maison par la Mer	Contributory	Contributory
22 Bay Street	-	Contributory	Contributory
24 Bay Street	-	Contributory	Contributory
1 Beach Street	Park	-	-
2 Beach Street	Fitz's Corner	Contributory	Contributory
4 Beach Street	-	Contributory	Contributory
5 Beach Street	Calala	Non-contributory	Contributory
6 Beach Street	Laganas	Non-contributory	Contributory
8 Beach Street	-	Contributory	Contributory
9 Beach Street	Brixham	Non-contributory	Contributory



Address	Place name	Lovell Chen (2021) recommendation	Ecology and Heritage Partners (2023) recommendation
10 Beach Street	-	Non-contributory	Non-contributory
11 Beach Street	-	Contributory	Contributory
12 Beach Street	-	Contributory	Contributory
14 Beach Street	-	Non-contributory	Contributory
15 Beach Street	-	Contributory	Contributory
16 Beach Street	-	Non-contributory	Non-contributory
18 Beach Street	Chidgeys	Non-contributory	Contributory
19 Beach Street	-	Non-contributory	Contributory
20 Beach Street	-	Contributory	Contributory
22 Beach Street	Lola's by the Sea	Non-contributory	Contributory
23 Beach Street	-	Non-contributory	Contributory
24 Beach Street	-	Contributory	Contributory
26 Beach Street	Marguerite	Contributory	Contributory
27 Beach Street	-	Contributory	Contributory
28 Beach Street	-	Non-contributory	Non-contributory
30 Beach Street	-	Non-contributory	Non-contributory
31 Beach Street	Sailmaker's Cottage	Contributory	Contributory
32 Beach Street	Beach Cottage (formerly Moyston)	Contributory	Contributory
34 Beach Street	La Bella	Contributory	Non-contributory
35 Beach Street	La Belle	Contributory	Contributory
36 Beach Street	-	Non-contributory	Contributory
37 Beach Street	Queenscliff Holiday House	Non-contributory	Contributory



Address	Place name	Lovell Chen (2021) recommendation	Ecology and Heritage Partners (2023) recommendation
39 Beach Street	Queenscliffe Maritime Museum Gil Allbutt Boat Shed	Non-contributory	Non-contributory
1 Bridge Street	-	Non-contributory	Non-contributory
6 Bridge Street	-	Contributory	Contributory
8 Bridge Street	-	Contributory	Contributory
10 Bridge Street	-	Non-contributory	Non-contributory
12-14 Bridge Street	-	Non-contributory	Non-contributory
15 Bridge Street	-	Contributory	Non-contributory
16 Bridge Street	-	Contributory	Contributory
18 Bridge Street	-	Contributory	Contributory
19 Bridge Street	-	Non-contributory	Contributory
20 Bridge Street	-	Contributory	Contributory
22 Bridge Street	-	Contributory	Contributory
23 Bridge Street	-	Contributory	Contributory
24 Bridge Street	-	Contributory	Contributory
4 Wharf Street	Fishing Co-op	Non-contributory	Contributory
6 Wharf Street	Bonnie Vue Guesthouse	Non-contributory	Contributory
8 Wharf Street	The Salt House/Le Quamby	Non-contributory	Non-contributory
10 Wharf Street	-	Contributory	Non-contributory
12 Wharf Street	-	Contributory	Contributory
14 Wharf Street	-	Contributory	Contributory



Address	Place name	Lovell Chen (2021) recommendation	Ecology and Heritage Partners (2023) recommendation
16 Wharf Street	-	Non-contributory	Non-contributory
18 Wharf Street	-	Non-contributory	Non-contributory
20 Wharf Street	-	Non-contributory	Contributory
22 Wharf Street	-	Non-contributory	Contributory
24 Wharf Street	Municipal drainage reserve	Non-contributory	Non-contributory
26 Wharf Street	-	Contributory	Contributory
28 Wharf Street	-	Non-contributory	Contributory
30 Wharf Street	-	Non-contributory	Non-contributory
32 Wharf Street	-	Non-contributory	Non-contributory
34 Wharf Street	Lauralea	Contributory	Non-contributory
36 Wharf Street	Stewart's Cottage	Contributory	Contributory
38 Wharf Street	-	Contributory	Contributory
40 Wharf Street	Skara Brae	Contributory	Contributory
42 Wharf Street	-	Non-contributory	Non-contributory
44 Wharf Street	-	Non-contributory	Contributory
46 Wharf Street	Station Cottage	Non-contributory	Contributory



Review of the recommendations of the Borough of Queenscliffe Planning Scheme Review Volumes 1, 2, 3 and 4 as it relates to Fisherman's Flat

The largest component of the review of the recommendations for Fisherman's Flat relates directly to the classification of buildings as contributory or non-contributory and proposed revised heritage provisions in the Queenscliffe Planning Scheme. Both are discussed under separate headings in this report.

Drafting of planning controls and planning scheme amendment documentation associated with the recommended changes

Ecology and Heritage Partners have reviewed the existing heritage provisions in the Queenscliffe Planning Scheme, as they relate to Fisherman's Flat, and make the following recommendations:

- Strengthen the *Fisherman's Flat Urban Conservation Precinct Heritage Design Guidelines 2021*;
- Prepare a Statement of Significance for Fisherman's Flat Urban Conservation Precinct; and
- Include the *Heritage Review of Places in Fisherman's Flat Urban Conservation Precinct (HO1), Fisherman's Flat, Queenscliff, Victoria* (Ecology and Heritage Partners Pty Ltd 04/08/2023) in the Queenscliffe Planning Scheme as a Background Document.

The *Fisherman's Flat Urban Conservation Precinct Heritage Design Guidelines 2021* were incorporated into the Queenscliffe Planning Scheme as part of the Planning Policy Framework (PPF) translation undertaken by the (then) Department of Environment, Land, Water and Planning (DELWP). Ecology and Heritage Partners have recommended changes to the guidelines with the aim of strengthening policy specific to the protection of the built form heritage located within Fisherman's Flat. The existing guidelines, including tracked changes as recommended by Ecology and Heritage Partners, is attached to this report.

A Statement of Significance lists what, how and why an area is significant. The Queenscliffe Planning Scheme does not currently contain any Statements of Significance as all the nominated heritage places and precincts were incorporated into the scheme prior to 31 July 2018. There is nothing preventing the preparation



and incorporation of a Statement of Significance and a draft Statement of Significance for Fisherman's Flat is attached to this report.

Options

1. That Council resolve to seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Queenscliffe Planning Scheme to incorporate the recommendations of the draft Fisherman's Flat heritage review.
2. That Council seek further input from interested community members on the draft review prior to deciding on pursuing a planning scheme amendment.
3. That Council note the draft Fisherman's Flat heritage review and do not pursue a planning scheme amendment to incorporate the recommendations into the Queenscliffe Planning Scheme.

Communications and Engagement

Community Engagement

Council will involve the community in the decision-making process for this project.

The proposed amendment to the Queenscliffe Planning Scheme will be undertaken in accordance with Part 3 of the *Planning and Environment Act 1987*. Individual notices will be sent to owners and occupiers of land that may be materially affected by the amendment (Part 3 19(1)(b)), a notice will be published in a newspaper generally circulating in the area (Part 3 19(2)) and a notice will be published in the Government Gazette (Part 3 19(3)).

The amendment will be exhibited for no less than 28 days. Any person may make a submission to the planning authority (Borough of Queenscliffe) within the 28 day exhibition period (Part 3 Division 2 21(1)).

Council officers also intend to hold a community information session during the public exhibition period to inform interested persons about the planning scheme amendment process.

Collaboration

Officers have collaborated with local community groups in relation to this report.



Governance Context

Relevant Law

Planning and Environment Act 1987

Queenscliffe Planning Scheme

Charter of Human Rights

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

Gender Equality Act 2020

The *Gender Equality Act 2020* requires a Gender Impact Assessment to be undertaken when the 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 matters in this report have a direct impact on the public, it is not considered sufficiently significant to require a Gender Impact Assessment.

Regional, State and National Plans and Policies

Queenscliffe Planning Scheme

Legal and Risk Implications

There are no known legal or risk implications relating to the heritage review of Fisherman's Flat. Fisherman's Flat is currently a nominated heritage precinct in the Queenscliffe Planning Scheme and, as a consequence, is afforded the protection of a Heritage Overlay and design guidelines in the Queenscliffe Planning Scheme. The current work is an attempt to strengthen the existing provisions and provide contemporary references in accordance with *Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)*.

Related Documents

Council Plan 2021–2025

Queenscliffe Planning Scheme

Disclosure of Interest

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



Considerations

Environmental Sustainability

The review represents an assessment of existing built form in a heritage context. As a result, environmental sustainability has not been a specific consideration in the development of the review of heritage in Fisherman's Flat.

Financial and resource implications

This project will be delivered using existing Council resources.

Innovation and Continuous Improvement

Innovation and continuous improvement is not a consideration in the development and implementation of the heritage review of Fisherman's Flat.

Implementation

Operational Impacts

This project will be delivered with existing operational resources.

Implementation Process

This project will be delivered by existing staff and resources.

Attachments

1. Heritage Review Fishermans Flat Queenscliff [**15.3.1** - 296 pages]
2. Draft Fishermans Flat Statement of Significance [**15.3.2** - 2 pages]
3. Draft Fishermans Flat Urban Conservation Precinct Heritage Design Guidelines [**15.3.3** - 3 pages]



15.4.	Victorian Container Deposit Scheme
Author:	Chief Executive Officer
Portfolio:	Heritage, Planning & Infrastructure
Councillor:	Cr Grout

Purpose

The purpose of this report is to provide Council with an update on the implementation of the State Government’s Container Deposit Scheme (CDS Vic) which will be implemented across Victoria in November this year.

Executive Summary

Portfolio 2: Environment

Strategic Objective: *To protect our environment and address climate change issues*

Priority 2: *Respond to the impacts of climate change and reduce carbon emissions through the Climate Emergency Response Plan*

Portfolio 4: Heritage, planning and infrastructure

Strategic Objective: *To protect our distinctive coastal, cultural and built environment, and provide sustainable, suitable infrastructure*

Priority 5: *Maintain and improve community infrastructure within the Borough*

Victoria’s container deposit scheme, CDS Vic, will commence in November 2023. The State Government describes it as a *‘part of important work that is transforming Victoria’s waste and recycling system’*.

CDS Vic will be run by a Scheme Coordinator and three Network Operators. TOMRA Cleanaway has been appointed as the Network Operator for the western zone of Victoria. The Network Operator is responsible for establishing and maintaining a network of refund points in their appointed zones.

TOMRA Cleanaway has advised Council that to meet the State Government distribution and location criteria, one (1) refund point is required in the Borough of Queenscliffe. The refund point to be installed in the Borough is a Standalone Refund



Vending Machine (RVM). This facility is a small, automated collection point with a footprint of less than 2 square metres.

TOMRA Cleanaway has been working with local organisations seeking a partner to run a collection point in Queenscliff. TOMRA Cleanaway have now identified the Queenscliff Bowling Tennis & Croquet Assoc Inc (QBTCA) as their preferred partner and the preferred site.

RESOLUTION

Cr Ross Ebbels / Cr Robert Minty

That Council notes this update on the implementation of the State Government's Container Deposit Scheme including how it will be implemented in the Borough of Queenscliffe.

CARRIED UNANIMOUSLY



REPORT

Background

The State Government describes the role of the Container Deposit Scheme (CDS Vic) as follows:

The CDS will turn waste into value by providing a clean stream of materials that can be recycled. It will complement Victoria's new household waste collection system by making recycling easier, even when you're away from home.

It will lower clean-up costs for councils and make producers more responsible for their products once used.

The CDS Vic website describes the broader benefits of the scheme as:

- more and better recycling
- less waste – old containers become new ones
- less litter – cut by up to half
- hundreds of new jobs and economic opportunities across Victoria
- a cleaner, greener state

The scheme works by providing collection points where people can deposit drink cans, bottles and cartons in return for a small financial reward.

CDS Vic will be run by a Scheme Coordinator and three Network Operators. The Network Operator is responsible for the following:

- establish and maintain a network of refund points in their appointed zones;
- distribute refund amounts to consumers;
- distribute payments to refund point operators; and
- report on CDS participation and redemption rates.

Further information about CDS Vic can be found here:

<https://www.vic.gov.au/container-deposit-scheme>

Discussion

Network Operators have been appointed to network operation zones where they will be required to establish and maintain a network of refund collection points. TOMRA



Cleanaway has been appointed as the Network Operator for the western zone of Victoria.

TOMRA Cleanaway is preparing for the commencement of the scheme in November 2023. This preparation includes:

- Setting up refund collection point infrastructure; and
- Liaising with organisations who express interest in becoming a collection point operator.

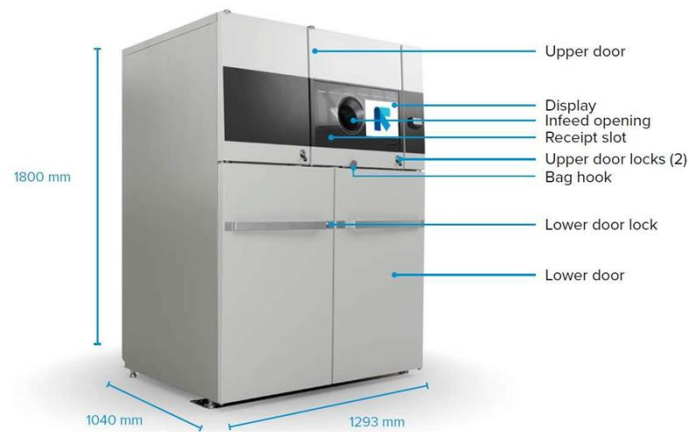
TOMRA Cleanaway is required under the contract with the State Government to provide specific collections points per population. The State Government has said:

Having an accessible and convenient network of collection points is central to the design of Victoria's CDS. This enables participation in the scheme and maximises the return of containers for the benefit of Victoria's community, economy and environment.

In response to this and their contractual obligation, TOMRA Cleanaway has determined that one (1) collection point is required in the Borough of Queenscliffe to meet this requirement.

Council received a briefing on the CDS Vic initiative at an assembly in July 2023. At the briefing TOMRA Cleanaway introduced Council to CDS Vic, the criteria for locating a collection point and the type of collection point to be installed in the Borough.

TOMRA Cleanaway advised Council that the population of the Borough will require a Standalone Refund Vending Machine (RVM).



Following the briefing to Council, TOMRA Cleanaway has been working with local organisations in search of a partner to run a collection point in Queenscliff. TOMRA Cleanaway has now identified the Queenscliff Bowling Tennis & Croquet Assoc Inc (QBTCA) as their preferred partner and the preferred site as shown in Attachment 15.4.1.

Next steps

Recent changes to the Queenscliffe Planning Scheme gazette on 26 September 2023 introduced new land use controls to improve the facilitation of the CDS Vic.

Amendment VC246 introduced additional exemptions from requiring a planning permit in an overlay for small automated collection points that are no greater than 2 square metres in total combined area and less than 2.5 metres in height. The Standalone RVM meets the criteria for permit exemption.

If the standalone RVM meets conditions in Clauses 52.13-3, 52.13-6, it is exempt from a permit requirement for land use and for building and works.

The exemption sits under Planning scheme is 52.13.5:

52.13-5 – Permit exemption for an automated collection point

Any requirement in a zone or overlay, or a schedule to a zone or overlay, to obtain a permit to construct a building or construct or carry out works does not apply to an automated collection point if the requirements of clause 52.13-3 and clause 52.13-6 are met.



Clause 52.13-3 says:

An automated collection point should not:

- Be attached to another building.
- Be more than 3 metres in height. This includes an attached sign.
- Restrict a vehicular or pedestrian accessway to or from the land or an entry or exit to a building

Clause 52.13-6 says:

For the purposes of clause 52.13-5, an automated collection point with a gross floor area less than 2 square metres, and a building height less than 2.5 metres must:

- Be set back at least 30 metres from land (not a road) not in the same ownership in a residential zone (other than a Mixed Use Zone or Township Zone) or a Rural Living Zone.
- Be set back at least 30 metres from a dwelling in a Township Zone.
- Not be located on vacant land in a residential or rural zone.
- Not be located in an area set aside for vehicle access or occupy a car parking space. Be of muted, non-reflective external colours and finishes.

For the purposes of clause 52.13-5, an automated collection point with a gross floor area of 2 square metres or more, and a building height of 2.5 metres or more must:

- Occupy no more than:
 - 4 existing car parking spaces on the land; or,
 - 5 existing car parking spaces on the land if the land contains 50 or more car parking spaces.
- Be set back at least 4 metres from the frontage.
- Be set back at least 30 metres from land (not a road) not in the same ownership in a residential zone, Rural Living Zone or Urban Growth Zone.
- Not be located on vacant land in a residential or rural zone.
- Be of muted, non-reflective external colours and finishes.

The RVM and the proposed location at QBTCA satisfy the conditions required to meet the exemption. As such no planning permit application will be required.



QBTCA and TOMRA Cleanaway do however need landlord consent to install the RVM at the QBTCA site. The Department of Environment, Energy and Climate Action and the Borough of Queenscliffe are both required to give this consent.

Before Consent is granted Council has asked TOMRA Cleanaway to conduct an information session for the community. This will occur in the coming weeks. Council will promote the session on its website and through Facebook.

Following the information session Council will consider the request to grant landlord consent.

Options

1. Councillors note the report on the CDS Vic collection point in the Borough.
2. Councillors request further information in relation to CDS Vic.

Communications and Engagement

Community Engagement

The purpose of this report is to inform the community about the CDS Vic and the installation of a collection point in the Borough.

Collaboration

There are no collaboration requirements associated with this report.

Governance Context

Relevant Law

Climate Change Act 2017

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

While the matters in this report do have a direct impact on the public, it is not considered sufficiently significant to require a Gender Impact Assessment.



Regional, State and National Plans and Policies

Recycling Victoria: A new economy

Legal and Risk Implications

There are no implications for Council as a result of this report.

Related Documents

Not applicable.

Disclosure of Interest

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

Considerations

Environmental Sustainability

It is anticipated that the container deposit scheme will encourage more recycling and reduce litter, create less waste, create jobs and economic opportunities across Victoria.

Financial and Resource Implications

There are no financial or resource implications associated with this report.

Innovation and Continuous Improvement

Not applicable.

Implementation

Operational Impacts

This project will not impact Council's operational resources.

Implementation Process

This project will be delivered by TOMRA Cleanaway on behalf of the State Government of Victoria. Council and DEECA are required to give landlord consent for the infrastructure to be located at Queenscliff Bowling Tennis & Croquet Assoc Inc.

Attachments

1. Victorias Container Deposit Scheme Factsheet [**15.4.1** - 3 pages]



2. TOMRA Cleanaway container collection point site plan proposal [**15.4.2** - 5 pages]



16. Governance & Finance

16.1.	Strategic Risk Register
Author:	Manager Finance & Corporate Services
Portfolio:	Governance & Finance
Councillor:	Cr Grigau

Purpose

The purpose of this report is to provide Council an update on the Strategic Risk Register.

Executive Summary

Portfolio 5: Governance and Finance

Strategic Objective: To provide a financially viable Council that is accountable, transparent and practices good governance.

Priority 1: Maintain and build the financial sustainability of the Borough

Priority 3: Accountable and transparent governance

Officers have developed a suite of policies and procedures to ensure that Borough has an effective risk management system in place.

Regular review of the Strategic Risk Register will provide an opportunity to assess the current external context to identify any new or emerging strategic risks. It will also enable strategic opportunities to be included as they are identified.

RESOLUTION

Cr Donnie Grigau / Cr Robert Minty

That Council receives the update on the Strategic Risk Register.

CARRIED UNANIMOUSLY



REPORT

Background

The following policies and procedures form part of Council's risk management process.

Risk Management Policy

The policy outlines Council's commitment to managing risks and sets Council's risk management objectives. It also defines and explains how responsibility for managing risks is distributed among Councillors, officers and committees of the organisation.

Through the policy, Council confirms its risk appetite. The risk appetite is the amount of risk exposure, or potential adverse impact from an event, that the Borough of Queenscliffe is willing to accept in pursuit of its objectives. The policy indicates the Borough will tolerate a low to moderate level of risk depending on the risk category defined in the risk management policy. The policy was last reviewed and adopted by Council at its December 2022 ordinary meeting.

Risk Management Framework

The risk management framework details the roles and responsibilities of risk management within Council, and the reporting structures that provide Council with the appropriate oversight of risk management within the organisation. In other words, the risk management framework explains how risk is identified, managed and reported internally in line with the risk appetite of the Council. The Audit and Risk Committee reviews and approves the Risk Management Framework.

Strategic Risk Register

The strategic risk register articulates risks that could impact on Council's strategic objectives. It is presented at each Audit and Risk Committee meeting, and the minutes of the Audit and Risk Committee are tabled at the following ordinary meeting of Council.

Operational Risk Register

The operational risk register is used to identify and record risks and controls (controls that can be used to manage the risk within the risk appetite of the Council), of each business unit/area. The head of each directorate is responsible for ensuring the



accuracy, completeness, and timeliness of the operational risk register. The internal Risk and Governance Committee oversees the operational risk registers of each business unit.

Discussion

A strategic risk is something that is unplanned and, if it occurs, forces a change in the strategic direction of Council. The responsibility of strategic risk management is assigned to Councillors and the management team as it relates to achievement of the strategic objectives in the Council Plan.

Strategic risk is different to operational risk; operational risk is something that would impact on the organisation's ability to achieve the current strategy and is managed within the organisation.

A list of strategic risks has been identified as relating to delivery of the strategic objectives of Council and form the Strategic Risk Register, which is attached to this report.

In accordance with Local Government Performance Reporting Framework (LGPRF), Council is required to assess its strategic risks every six months, including their likelihood and consequences of occurring and risk minimisation strategies.

The Borough assesses its strategic risk quarterly and reports to the Council through its Audit and Risk Committee.

The likelihood and consequences are identified in Council's Risk Management Framework. The Risk Level Matrix is the result of assessing likelihood by consequence across the various consequence types.

The Risk Level Matrix rates identified risk from 1 to 25 where 1 represents the lowest level of risk and 25 represents the highest level of risk.

The first level of assessment of each of the strategic risks is gross risk. The second level of assessment is residual risk. Gross risk is commonly defined as "the risk without considering internal controls" or alternatively "a raw risk that has no mitigation factors or treatments applied to it." Residual risk on the other hand is commonly defined as "the level of risk remaining after controls have been applied."



Therefore, the difference between gross and residual risk is the controls in place to reduce or mitigate the risk.

In the Strategic Risk Register, in addition to identifying the effectiveness of current controls, it assesses the benefit and effort required if mitigation continues or is introduced across a risk. Although this is a subjective assessment, it will provide some insight into where effort could be applied in the future for the most benefit.

It should be noted that for some strategic risks even the best controls may not mitigate the overall impact, for example, impacts of climate change.

As a part of the initial risk assessment exercise conducted by RSD Audit (Council's internal auditors), a comprehensive review of Council's strategic risk register was also performed by the internal auditors. Subsequently, the strategic risk register has been updated to reflect feedback from our internal auditors. The Audit and Risk Committee has reviewed and approved these changes.

Options

1. That Council receive the update regarding the Strategic Risk Register.
2. That Council request further information or amendments to the document.

Communications and Engagement

Community Engagement

The purpose of this report is to inform the community regarding this proposal.

Collaboration

There are no collaboration requirements associated with this report.

Governance Context

Relevant Law

Local Government Act 2020

Council's responsibility for risk management is identified in the *Local Government Act 2020* which states:



- Section 9(2)(c): A Council must in the performance of its role give effect to the overarching governance principles, including the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.
- Section 53(1): A Council must establish an Audit and Risk Committee.
- Section 53(3)(b)(i): An Audit and Risk Committee must consist of majority of members who are not Councillors of the Council and who collectively have expertise in financial management and risk and experience in public sector management.
- Section 54(2)(c): The Audit and Risk Committee Charter must specify the functions and responsibilities of the Audit and Risk Committee including: 'monitor and provide advice on risk management and fraud prevention systems and controls'.

Council has an active Audit and Risk Committee which has oversight for the risk management function of Council and provides important advice to Council on risk management documents and activities.

Council has further responsibilities under the Local Government (Planning and Reporting) Regulations 2020 (Regulations) which outline annual reporting requirements for Council. Part of the requirements are the Local Government Performance Reporting Framework (LGPRF). The indicators within the LGPRF are reported in Council's Annual Report.

Item 19 of the Governance and Management Checklist in Schedule 1 of the Regulations contains the requirement for risk reporting which includes "six-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies" under the LGPRF.

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 the 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; this is an update on Council's strategic risk register but it is not considered a program or service in its own right and therefore a Gender Impact Assessment is not required.

Regional, State and National Plans and Policies

Not applicable.

Legal and Risk Implications

Not applicable.

Related Documents

Climate Emergency Response Plan 2021–2031

Community Vision 2021–2031

Council Plan 2021–2025

Financial Plan 2022–2032

CP017 Risk Management

Disclosure of Interest

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

Considerations

Environmental Sustainability

Risk associated with the environment are identified in the Strategic Risk Register.

Financial and resource implications

There are no financial or resource implications associated with this report.

Innovation and Continuous Improvement

Not applicable.

Implementation



Operational Impacts

There are no operational impacts associated with this report.

Implementation Process

This project will be delivered by existing staff and resources.

Attachments

1. Strategic Risk Register [**16.1.1** - 5 pages]
2. Risk Management Framework [**16.1.2** - 17 pages]



16.2.	Borough of Queenscliffe Annual Report 2022-2023
Author:	Communications Coordinator
Portfolio:	Governance & Finance
Councillor:	Cr Grigau

Purpose

This report presents the Borough of Queenscliffe Annual Report for the financial year ended 30 June 2023 for Council’s endorsement.

Executive Summary

Portfolio 5: Governance and Finance

Strategic Objective: To provide a financially viable Council that is accountable, transparent and practices good governance.

Priority 3: Accountable and transparent governance

The *Local Government Act 2020* requires Council to prepare an annual report and provide a description of its required contents. In accordance with the Act, Council officers have prepared an annual report for the 2022–23 financial year. The annual report must include the following:

- Report of operations: information about the operations of the council
- Performance statement: audited results achieved against the prescribed performance indicators and measures
- Financial statements: audited financial statements prepared in accordance with the Australian Accounting Standards.

The report provides an account of Council’s operations over the 2022–23 financial year as well as the achievements, challenges, and directions for the year ahead.

RECOMMENDATION

That Council endorses the Borough of Queenscliffe Annual Report 2022–2023.



RESOLUTION

Cr Robert Minty / Cr Donnie Grigau

That Council:

1. Endorses the Borough of Queenscliffe Annual Report 2022-2023.
2. Prior to the publication of the Annual Report on the Council website, requests officers amend the document by completing final edits, including those requested by the Victoria Auditor General Office.

CARRIED UNANIMOUSLY



REPORT

Background

The *Local Government Act 2020* (Act) requires Council to prepare an annual report in respect of each financial year. Subsection 98(2) of the Act states that the report must contain the following:

- a) a report of operations of the Council
- b) an audited performance statement
- c) audited financial statements
- d) a copy of the auditor's report on the performance statement
- e) a copy of the auditor's report on the financial statements under Part 3 of the *Audit Act 1994*
- f) any other matters prescribed by the regulations.

The 2022–2023 report is Council's second annual report prepared in line with the requirements of the new Act. In continuing with our standard of high-quality publications, these requirements are supplemented with an in-depth report of operations that addresses Council's performance against the strategic objectives listed in our Council Plan. Officers employed the services of Martlette Graphic Design who have produced an engaging and eye-catching document.

In preparing this report, the Audit and Risk Committee reviewed the financial statements, performance statement and government and management checklist included in this report at its meeting held on 12 September 2023 prior to completion of the 2022–23 audit and Council adoption of the statements 'in principle' at its Ordinary Meeting held on 27 September 2023.

Council received unqualified audit opinions on the performance statement and financial statements from the Victorian Auditor-General's Office on 6 October 2023. These documents were subsequently incorporated into the Annual Report.

The *Local Government Act 2020* no longer requires Council to submit a copy of the Annual Report to the Minister for Local Government. However, subsection 99(1) of the Act still requires Council, as soon as practicable after the end of the financial year, to prepare the performance statement and financial statements of the Council for the financial year. Section 100 of the Act requires that Council present the Annual Report at an open meeting of the Council within four months of the end of the financial



year. This requirement of the Act gives reason for Council considering the report at this October Ordinary Meeting of Council.

Discussion

The Annual Report complies with the legislative requirements of the Act, detailing the achievements of Council during the 2022–23 financial year. The structure of the annual report reflects the second year of the Borough’s Council Plan 2021–2025.

While the economic, social and trade effects of the pandemic continued to be felt for much of the financial year, Council sustained numerous successes, which have been outlined in the publication.

These highlights include:

- Officially opening Wirrng Wirrng – Queenscliffe Hub
- Raising the rainbow flag at Council offices for IDAHOBIT
- Co-hosting the first annual Nightide event
- Opening the new amenities block at Queenscliff Recreation Park
- Continued to develop our Reconciliation Action Plan
- Continued to support our local businesses through pandemic recovery
- Provided sponsorship grants that brought the community together.

This year, the Borough of Queenscliffe’s Annual Report’s chapter heading photography focuses on showcasing the distinctive vegetation, animal life and natural environment observed across Queenscliff and Point Lonsdale. This imagery highlights aspects of the Borough’s landscapes and vegetation from a perspective not often seen in local promotional publications.

Council officers engaged the services of photographer Alan Barber of Barefoot Media, who photographed an exceptional suite of high-quality shots to meet this brief. To complete this look and feel, Council officers incorporated an artwork from First Nations artist Chloe Chatterton titled *Wadawurrung Dja*.

This detail acknowledges the steps Council has taken to walk with the Borough’s First Nations and Indigenous peoples and communities. In a year where the Borough of Queenscliffe has worked on developing its Reflect Reconciliation Action Plan, the artwork seen throughout the Annual Report captures the significance of Country and our connection to it.



Options

1. Endorse the Annual Report as presented.
2. Choose not to endorse the Annual Report.

Communications and Engagement

Community Engagement

The purpose of this report is to inform the community regarding this proposal.

Collaboration

There are no collaboration requirements associated with this report.

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 the 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; this is an update on Council programs and services but is not a program or service in its own right and therefore a Gender Impact Assessment is not required.

Regional, State and National Plans and Policies

Not applicable.

Legal and Risk Implications

Not applicable.



Related Documents

Annual Plan 2023–2024

Climate Emergency Response Plan 2021–2025

Community Vision 2021–2031

Council Plan 2021–2025

Financial Plan 2022–2032

Disclosure of Interest

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

Considerations

Environmental Sustainability

The Annual Report provides information in relation to Council's commitment to Environmental Sustainability.

Financial and Resource Implications

There are no financial or resource implications associated with this report.

Innovation and Continuous Improvement

Not applicable.

Implementation

Operational Impacts

There are no operational impacts associated with this report.

Implementation Process

This project will be delivered by existing staff and resources.

Attachments

1. Borough of Queenscliffe Annual Report 2022–2023 [**16.2.1** - 4 pages]



17. Signing & Sealing of Documents

No reports to consider.

18. Questions Without Notice

18.1. Questions Without Notice Status Update

No Questions Without Notice are outstanding.

18.2. Questions Without Notice

Cr Grigau asked the CEO if the solar panels on the new Queenscliffe Hub were new panels, or if the solar panels from the older building were re-installed.

The CEO advised that the solar panels were taken down and then reinstated on the new Queenscliffe Hub building as part of the contract works.

19. List of Council Meetings

Councillor Listening Post

Sunday 29 October 2023 at 11:00am to 12:00pm

Queenscliff Market

Planning Review Meeting

Wednesday 8 November 2023 at 7:00pm (if required)

Councillor Listening Post

Sunday 12 November 2023 at 11:00am to 12:00pm

Point Lonsdale Market

Ordinary Meeting of Council

Wednesday 22 November 2023 at 7:00pm

Queenscliff Town Hall



20. Closed Session of Meeting

The Chair will close the meeting to consider confidential items.

RESOLUTION

Cr Ross Ebbels / Cr Isabelle Tolhurst

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. Audit and Risk Committee Appointment of Independent Members

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 relates to a confidential committee nomination process.

CARRIED UNANIMOUSLY

21. Ratification of Confidential Items

Having considered confidential items, the Chair will resume the meeting.

RESOLUTION

Cr Robert Minty / Cr Michael Grout

That Council reopen the meeting and resume standing orders.

CARRIED UNANIMOUSLY



RESOLUTION

Cr Ross Ebbels / Cr Robert Minty

That the decisions made in camera be ratified by Council.

CARRIED UNANIMOUSLY

22. Close of Meeting

Cr Isabelle Tolhurst declared the meeting closed at 8:29 pm.



23.1. 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
Councillor Assembly Briefing 27 September 2023 2:40pm – 3:55pm Wirrng Wirrng	Cr Tolhurst, Mayor Cr Ebbels Cr Grout Cr Grigau Cr Minty	Martin Gill, CEO Tim Crawford, MPC Stuart Hansen, MIE Abbey Tatterson, AMC Steve Ward, AMC Melissa Gunn, VFO	1. Queenscliffe Climate Action Now (QCAN) Murray Road conservation proposal	Nil.
CEO & Councillor Meeting 27 September 2023 3:55pm – 4:15pm	Cr Tolhurst, Mayor Cr Ebbels Cr Grout Cr Grigau	Martin Gill, CEO	1. Freedom of Information request 2. Council meeting schedule and upcoming items	Nil.



Informal Meeting	Councillors	Officers	Agenda items	Conflict of interest disclosures
Wirrng Wirrng	Cr Minty		3. Proposed meeting with Wadawurrung Traditional Owners Aboriginal Corporation regarding Golightly Caravan Park	
CEO & Councillor Meeting 4 October 2023 12:30pm – 1:00pm Wirrng Wirrng	Cr Tolhurst, Mayor Cr Ebbels Cr Grout Cr Grigau Cr Minty	Martin Gill, CEO	1. Dogs on beaches restrictions 2. Shortlands Bluff progress 3. Cottage by the Sea event	Nil.
Councillor Assembly Briefing 4 October 2023 2:30pm – 5:00pm Wirrng Wirrng	Cr Tolhurst, Mayor Cr Ebbels Cr Grout Cr Grigau Cr Minty	Martin Gill, CEO Tim Crawford, MPC Gihan Kohobange, MFS Stuart Hansen, MIE Abbey Tatterson, AMC Carly Douglas, AMC Steve Ward, AMC	1. Bellarine Catchment Network 2. Aged Care options and opportunities 3. Upcoming local events	Nil.
Councillor Induction and Refresher training 11 October 2023 10:00am – 5:25pm Wirrng Wirrng	Cr Tolhurst, Mayor Cr Ebbels Cr Grout Cr Grigau Cr Minty	Martin Gill, CEO Jenni Walker, HR&GC	1. Fundamentals of local government 2. Councillor conduct obligations 3. Councillor integrity obligations 4. Other matters	Nil.



Informal Meeting	Councillors	Officers	Agenda items	Conflict of interest disclosures
CEO & Councillor Meeting 18 October 2023 12:35pm – 1:30pm Wirrng Wirrng	Cr Tolhurst, Mayor Cr Ebbels Cr Grout Cr Grigau Cr Minty	Martin Gill, CEO	1. Container Deposit Scheme 2. Coastal and Marine Management Plan 3. Planning Application 2022/044 at 6 McDonald Road, Queenscliff	Nil.
Councillor Assembly Briefing 18 October 2023 2:30pm – 5:24pm Wirrng Wirrng	Cr Tolhurst, Mayor Cr Ebbels Cr Grout Cr Grigau Cr Minty	Martin Gill, CEO Tim Crawford, MPC Gihan Kohobange, MFS Stuart Hansen, MIE Abbey Tatterson, AMC Carly Douglas, AMC Steve Ward, AMC Jodie Hunt, FSC Makenna Bryon, CC	1. Avenue of Honour, external presenters 2. Budget process 2024–2025 3. Roads, Parks & reserves maintenance contract 4. Proposed Queenscliff Maritime Museum solar panels project	Nil.

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