

# Borough of Queenscliffe

## Ordinary Meeting of Council

### Minutes

Wednesday 13 December 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

Abbey Tatterson, Acting Manager Customer Experience

Makenna Bryon, Communications Coordinator

Jackie Fletcher, EA to the CEO, Mayor & Councillors

### Apologies:

Stuart Hansen, Manager Infrastructure & Environment

## **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

On 29 November 2023, the Chief Executive Officer received advice from Cr Isabelle Tolhurst indicating that she will be taking a leave of absence from Council from 17 January to 7 February 2024.

### RESOLUTION

#### Cr Robert Minty / Cr Ross Ebbels

That Council grant a leave of absence to Cr Isabelle Tolhurst from 17 January to 7 February 2024.

**CARRIED UNANIMOUSLY**

## 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 6 public questions had been received by Council within the prescribed timelines.



### **Public Question 1 from Point Lonsdale Civic Association**

We have reviewed the tender document for the proposed bike park development. This is nominated as a design construct project in two stages as described in the tender document, which nominates two features that should be included in the design, and no other design requirements, but indicates that other issues, fencing, signage, safety issues etc, should be included as the contractors responsibility.

Stage 1, design and approval process, and Stage 2, construction, to proceed only after funding confirmed. A budget of \$520,000 is indicated as available for this project.

Q1. How can a contractor quote a firm price on an undefined scope

Q2. Is it appropriate to indicate a budget for a tendered project.

Thank-you

### **Response from the CEO**

Bike Parks are a unique concept and industry practice is that the best outcome is achieved where the design and construction are undertaken by the one company.

The scope provided for a defined area and a hybrid of a pump track and jumps track, sufficient to allow creativity by the designer and they can provide a fixed price due to their experience in this field.

In accordance with Council's public question time guidelines, the second question was taken on notice and will be responded to in writing.

### **Public Question 2 from Queenscliffe Community Association**

It is noted in the ATS Strategy 4.2 Sustainable Transport Action 3 of the Borough of Queenscliffe Climate Emergency Response Plan seeks to convert Council's fleet to zero emissions vehicles. It is noted Council allocated \$200,000 in the current Budget for renewal vehicles.

Has Council purchased any zero emission vehicles and if so can the items/assets be individually listed and costed for the benefit of ratepayers and what are the expected 3 year costs for further replacements as part of the ATS strategy and CERP Action 3?

Will there be additional demands for electric vehicles beyond the annual renewal program?



### **Response from the CEO**

The allocation of \$200,000 includes funds for changing over the community care (aged care) vehicle and the CEO's vehicle during the financial year. These new vehicles will be electric vehicles.

Council has one electric vehicle in its fleet, which was purchased early in the 2022–2023 financial year for a total cost of \$49,700. This vehicle is being used as a pool vehicle for use by Council officers.

In accordance with Council's public question time guidelines the second question was taken on notice and will be responded to in writing.

### **Public Question 3 from Zelda Walters**

What is the Council officers proposal for linking the Bellarine Rail Trail to Queenscliff and the preferred concept for Murray Road?

Has Council fully considered the impacts on residents/ratepayers and locals who live in Murray Road who will be most affected by these changes?

Why is Council looking to make alterations to Murray Road for the benefit of visitors/tourists, bike riders and walkers at the expense of accessibility to their properties for residents/ratepayers.

I understand Council are employing consultants to offer concepts for the extension of the Bellarine Rail Trail along Murray Road.

What is the cost of this?

### **Response from the CEO**

There is no preferred concept for Murray Road or the proposal to link the Bellarine Rail Trail between Fellows Road and the Bellarine Highway. Community consultation is scheduled for the first quarter of 2024 to help determine the preferred solution.

### **Public Question 4 from David Kenwood**

On Page 30 of today's Age (December 13 2023) a Notice of an application for determination of native title in Victoria is listed. The claim on behalf of the Wadawurrung covers about 12,511 square kilometres and is located in the area surrounding Geelong and Ballarat, including parts of Bass Strait and Port Phillip Bay.





The relevant LGA's included are: The Borough of Queenscliffe, Ararat Rural City, the Cities of Ballarat, Greater Geelong, Melton, Wyndham and the Shires of Colac Otway, Corangamite, Golden Plains, Hepburn, Moorabool, Pyrenees and Surf Coast.

Will the Borough of Queenscliffe become a party to this application and in general terms are there any issues for the Borough and the operations of Queenscliffe Council if the claim is successful.

### **Response from the CEO**

Council has until 26 March 2024 to determine if it will apply to become a party to the matter. In the coming months, Council will work through the details of the Native Title claim and a process to inform a decision about whether it will become a party to the hearing on the application.

### **Public Question 5 from David Connoley**

The current CEO report notes implementing a revised corporate structure following completion of a staff consultation process that apparently did not save overall employee costs. There are reported around 70 staff on what the Council terms a 'small team' with the FTE rising to over 46 staff in the past year (near 10% increase). Given Council is operating with a series of 4 annual deficits based on the LGPF measure over the past 5 years (as per Annual Report data) and potentially unsustainable should the level of losses continue, can the CEO outline what this recent 'staff consultation process involved' and whether he has identified where efficiencies and cost savings can be made in this 'small team' to reverse the operating deficits both in the current and upcoming financial year?

### **Response from the CEO**

This question will be taken on notice and responded to in writing.

### **Public Question 6 from Michelle Jepson**

Re: The Active Transport Strategy.

This is a three-part strategy (walkway, cycle lanes and roadworks), with three potential funding sources. In its current form, I do not believe the ATS should be passed, before the completion of the Coastal Management Plan, and a more detailed Implementation Plan for the ATS.



Is it your intention to complete an Implementation Plan that would permit a closer examination of individual road works, standards guidelines and surfaces applicable to walking and cycle paths, and potential costs to individual property owners?

Such information, had it been available, may have avoided the kickback Council have received from the hasty installation of road calming infrastructure on Ocean Road, and the installation and subsequent removal of the roundabout on Kirk Road.

### **Response from CEO**

Council officers will develop an implementation plan that identifies priority actions for the Active Transport Strategy over the next two years.

The adoption of the Active Transport Strategy does not commit any budget expenditure. The Strategy will be used to guide priorities when seeking external grant funding for projects. Council may also give budget consideration and commitment for proposed active transport priorities through the annual budget process.

## **6. Confirmation of Minutes of Previous Meetings**

### **6.1. Ordinary Council Meeting held on 22 November 2023**

A copy of the minutes from the Ordinary Council Meeting held on 22 November 2023 was distributed to Councillors under separate cover.

#### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 22 November 2023, as distributed, be confirmed as an accurate record.

#### **RESOLUTION**

**Cr Isabelle Tolhurst / Cr Donnie Grigau**

That the minutes of the Ordinary Council Meeting held on 22 November 2023, as amended, be confirmed as an accurate record.

**CARRIED UNANIMOUSLY**



## **6.2. Special Meeting Confidential Minutes on 8 November 2023**

A copy of the previous confidential minutes from the Special Meeting Confidential Minutes on 8 November 2023 was distributed to Councillors under separate cover.

### **RESOLUTION**

#### **Cr Ross Ebbels / Cr Robert Minty**

That the minutes of the Special Meeting Confidential Minutes on 8 November 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.

- 22 November 2023 – Councillor Assembly briefing
- 29 November 2023 – CEO & Councillor meeting
- 29 November 2023 – Budget Assembly briefing
- 6 December 2023 – CEO & Councillor meeting
- 6 December 2023 – Councillor Assemble briefing

### **RESOLUTION**

#### **Cr Ross Ebbels / Cr Robert Minty**

That the Record of Informal Meetings of Councillors, as presented 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.*

### **9.1. Petition: Relocation of the EV chargers from Learmonth Street**

At the Ordinary Meeting of Council held on 22 November 2023, Council received a petition addressed to the Mayor and Councillors from Josephine Pitt and Linda Pettigrove regarding the electric vehicle charging stations in Learmonth Street, Queenscliff.

The petition was signed by 133 people, 127 of the signatories are Borough residents.

Consistent with Division 9 of the Governance Rules, the petition was laid on the table for consideration at this meeting.

Given the short time between the November and December Council Meetings, it is suggested that this item is deferred until the next Council Meeting to allow officers more time to consider the petition and collate information in response to the issues in the petition.



The CEO has written to the submitters of the petition to provide an update on the matter.

## **RESOLUTION**

### **Cr Robert Minty / Cr Ross Ebbels**

That Council:

1. Notes the petition received with a total of 133 signatures, regarding the Relocation of the EV chargers from Learmonth Street;
2. Defers the item to the next Ordinary Meeting of Council to allow more time to consider the implications associated with the request; and
3. Requests the CEO to write to the authors of the petition regarding the outcome of this decision.

**CARRIED**

*Cr Grigau called for a division:*

*For: Cr Tolhurst, Ebbels, Grout, Minty*

*Against: Cr Grigau*



## 10. Functions Attended

Council was represented at the following meetings and functions between 16 November and 7 December 2023.

<b>Date</b>	<b>Meeting or Function</b>
16 November 2023	Compassionate hearts on the Bellarine Annual General Meeting (Cr Grigau)
16 November 2023	Municipal Association of Victoria Rural & Regional Forum (CEO & Cr Ebbels)
16 November 2023	Geelong Regional Library Corporation Board Meeting (Cr Ebbels)
17 November 2023	Geelong Regional Library Corporation Service Review Meeting (Cr Ebbels)
21 November 2023	Citizenship Ceremony (CEO, Cr Tolhurst & Cr Ebbels)
23 November 2023	G21 Annual General Meeting (CEO)
23 November 2023	Queenscliff Music Festival Launch (Cr Tolhurst, Cr Ebbels & Cr Minty)
24 November 2023	Joint Councillor and Officer VLGA Governance Advisory Network Meeting via videoconference (CEO)
26 November 2023	HMAS Goorangai Commemoration Service (Cr Tolhurst)
27 November 2023	Tourism Greater Geelong & The Bellarine Board Meeting (Cr Tolhurst)
27 November 2023	Point Lonsdale Lighthouse Reserve Stage 2- PCG meeting via videoconference (Cr Tolhurst & Cr Grout)
27 November 2023	Geelong Major Events Strategy Workshop via videoconference (CEO)
30 November 2023	Bellarine Community Health Annual General Meeting (CEO)
1 December 2023	G21 Transport & Planning Pillar Meeting (Cr Ebbels)
1 December 2023	Coastal & Marine Management Plan Councillor briefing session (Cr Tolhurst & Cr Grout)
2 December 2023	Queenscliff Croquet Club Christmas Luncheon (Cr Tolhurst)
2 December 2023	Geelong Chamber of Commerce After 5 event (Cr Grigau)
2 December 2023	Lighting of the Christmas Tree (Cr Tolhurst & Cr Minty)
4 December 2023	Meeting with the Queenscliffe Planning Team (Cr Ebbels)



5 December 2023	Tourism Greater Geelong & The Bellarine Industry Christmas Function (Cr Minty)
5 December 2023	Meeting with the Queenscliffe Historical Museum executive team (Cr Ebbels)
7 December 2023	Coastal & Marine Management Plan Project Steering Committee Meeting #7 via videoconference (Cr Tolhurst & Cr Grout)
7 December 2023	CEO Emergency Management Briefing via videoconference (CEO)
7 December 2023	Geelong Heritage Centre Collection Advisory Committee meeting (Cr Ebbels)
7 December 2023	Geelong Regional Library Corporation Annual Board Strategic Planning Workshop (CEO & Cr Ebbels)
7 December 2023	The Bellarine School of Art of the Sea opening (Cr Tolhurst)
7 December 2023	St Aloysius Primary School Awards Presentation (Cr Tolhurst)
8 December 2023	Meeting with Tourism Greater Geelong & The Bellarine (Cr Tolhurst)
8 December 2023	Meeting with Alison Marchant, Member for Bellarine (CEO & Cr Tolhurst)
8 December 2023	Visitor Information Centre Volunteers Christmas celebration (Cr Tolhurst)

## **RESOLUTION**

### **Cr Robert Minty / Cr Ross Ebbels**

That the Functions Attended report be received.

**CARRIED UNANIMOUSLY**



## 11. Chief Executive Officer

### 11.1. Chief Executive Officer Report for December 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**

##### *Citizenship Ceremony*

On 21 November 2023 the Borough had the pleasure of welcoming three new Australian citizens, Philip, Jessica and Gerhard, who were inducted in a Citizenship Ceremony. The Ceremony was held at Wirrng Wirrng and was attended by family and friends, of the new citizens as well as Councillors and officers. Wadawurrung man Ash Skinner opened the formalities with a welcome to Wadawurrung Country, before the Mayor conducted the ceremony and welcomed our new citizens.

Citizenship ceremonies are special events. They fulfil requirements under Australian citizenship law, but they also provide an opportunity to reflect on what it means to be part of a community. The ceremony is a celebration and a chance to officially welcome new citizens as full members of the Australian community.

##### *16 Days of Activism against gender-based violence*

This month Council participated in the 16 Days of Activism Against Gender-Based Violence, a global campaign dedicated to advancing gender equality and preventing violence against women and girls.

Council is committed to working towards a society where everyone is safe and equal. The campaign runs every year from 25 November (the International Day for the Elimination of Violence Against Women) to 10 December (Human Rights Day). Find out more by visiting the website below.

[16 Days of Activism against Gender-Based Violence 2023 | Respect Victoria](#)





### *Bike Park Design Tender Released*

This month Council released a tender for a bike park design alongside the existing Point Lonsdale Skate Park. Taking into account the feedback Council has already received, the bike park would feature a dirt jumps track and an asphalt pump track. It would be a win for everyone in our community; local riders would have a safe, all-ages location suitable for all levels of experience to practice. It would better protect fragile vegetation in other areas previously used for riding.

Once a consultant has been appointed, the design process for the bike park will commence. The design will assist in future bids for external funding to progress construction of the bike park.

To find out more about the project visit the Council website [Point Lonsdale bike park | Borough of Queenscliffe](#)

### *Organisation Restructure 2023*

On 11 December 2023 the CEO implemented a revised corporate structure following the completion of a staff consultation process.

- The restructure included minor changes to the Finance and Corporate Services directorate which recognise that the ICT Transformation project is moving out of a change and implementation phase and into a business-as-usual phase.

The Community Care team will now report to the Manager Planning and Community Services, along with Planning, Law Enforcement, Environmental Health and Municipal Building Surveyor. A new position has been added to the directorate, being the Community Care Administration Support Officer.

The Community directorate has been renamed as Customer Experience. The directorate will bring together Customer Service Team, Tourist Parks, the Queenscliffe Hub Coordinator and the Visitor Information services.

The Planning and Community Safety directorate has been renamed and will now be known as Community and Regulatory Services. The Community Care team (aged care services) will join the directorate.



The restructure will not increase the operational budget or staff costs, but has been put in place to better distribute resources within the organisation.

*Christmas closure*

The Council office will be closed from 4:00pm on Friday 22 December 2023 and reopen on Tuesday 2 January 2024. Key services will continue over the break and the Visitor Information Centre will be open every day except Christmas Day. Council looks forward to welcoming residents and visitors over the summer season and wishes the community a safe and Merry Christmas.

**RESOLUTION**

**Cr Robert Minty / Cr Ross Ebbels**

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

**CARRIED UNANIMOUSLY**



## 12. Health & Wellbeing

<b>12.1.</b>	<b>Queenscliff Rural Australian for Refugees</b>
<b>Author:</b>	Chief Executive Officer
<b>Portfolio:</b>	Health & Wellbeing
<b>Councillor:</b>	Cr Minty

### Purpose

The purpose of the report is to confirm that Council will write to the Federal Government to advise that Council supports the Combined Refugee Action Group resolution calling for a review of the Federal Government 'Fast Track' determination process.

### Executive Summary

*Portfolio 1: Health and wellbeing*

*Strategic Objective: To support community wellbeing and encourage an active lifestyle*

*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*

In June 2023 Cr Ross Ebbels attended the Australian Local Government National Assembly (Assembly) representing the Borough of Queenscliffe. At the assembly Cr Ebbels worked with the Greater Dandenong City Council and Kingston City Council to put a motion acknowledging:

- the federal government's pathway to permanency for over 19,000 Temporary Protection Visas and Safe Haven Enterprise Visas holders*
- the contrasting federal government policy towards the remaining 12,000 people who have been failed by, or are still subjected to, the Fast Track Refugee Status Determination (RSD) process*

Cr Ebbels put an amendment to the original motion with the support of Greater Dandenong City Council. The amendment incorporated into the motion, a call to the



Australian Government to create a review process for those people who had been failed by the 'Fast Track' system prior to the Australian Government decision early this year. The amendment put by Cr Ebbels reflected the request made to Council by the Queenscliff Rural Australians for Refugees (QRAR) to advocate for a review process.

The motion was carried by the Assembly.

QRAR have now joined with Bellarine for Refugees (BfR), to resolve to combine actions and write to the Federal Government reinforcing the need to review the 'Fast Track' system. The partnership is called the Combined Refugee Action Group (CRAG),

The CRAG have written to Council seeking support in the form of a letter to the Federal Government indicating our support for the resolution made by CRAG at a forum in September 2023.

## **RESOLUTION**

### **Cr Ross Ebbels / Cr Donnie Grigau**

That Council writes to the Federal Government to advise that it supports and endorses the Combined Refugee Action Group resolution calling for a review of the Federal Government 'Fast Track' determination process.

**CARRIED**



## REPORT

### Background

The Borough of Queenscliffe became a Refugee Welcome Zone signatory in 2014. A Refugee Welcome Zone is an initiative of the Refugee Council of Australia where councils have made a commitment to welcoming and upholding the human rights of refugees.

The Mayor and Cr Ebbels attended a forum hosted by CRAG in September this year. The forum was held to give Geelong region residents a better understanding of the situation for the up to 12,000 people who remain in limbo after their applications for asylum were rejected in the "Fast Track" refugee determination process.

At the forum CRAG passed the following resolution:

We call on Australian Government to:

1. Commit to taking action to address the injustice caused by the discriminatory, flawed and unfair "Fast Track" refugee determination process;
2. Urgently review the cases of all asylum seekers in Australia whose applications were rejected by Fast Track, including those who have exhausted all existing avenues of appeal and/or had Ministerial Intervention Requests previously refused;
3. Ensure that this review:
  - is accessible and comprehensive,
  - carefully considers country information reports developed by the UN and other international human rights organisations, and
  - provides opportunity for the presentation of new information relevant to protection claims;
4. Cease deportations, and provide people with ongoing bridging visas while this review is being undertaken;
5. Provide permanent residency to those found to be owed protection as a result of the review process; and
6. Ensure that decisions on all Ministerial Intervention Requests are made by the Immigration Minister, rather than Requests being dismissed by Home Affairs staff, and that the Minister takes into consideration factors such as family relationships, connection to community, contribution to the workforce and economy, personal losses suffered and physical and mental health support needs, granting permanent visas to people with these circumstances.



## **Discussion**

In correspondence with Council, CRAG have highlighted the need to continue advocacy on the issue, stating:

*The platform that the Labor Party took to the 2022 federal election included statements about abolishing Fast Track and establishing a thorough and fair review process, ensuring that everyone who is owed protection is granted a permanent visa. However, this review has not yet been implemented by the government*

The CRAG resolution is consistent with previous decisions Council has made with respect to temporary protection visas and the advocacy the Council has undertaken.

In particular the resolution is consistent with the motion put by Cr Ross Ebbels on behalf of Council at the Australian Local Government General Assembly in June 2023.

For these reasons Council officers have recommended that Council write to the Federal Government indicating support for the CRAG resolution.

## **Options**

1. Council resolves approve the recommendation
2. Council elects to amend the recommendation
3. Council election to not support the recommendation.

## **Communications and Engagement**

### Community Engagement

The purpose of this report is to inform the community regarding this proposal. Council has a commitment to community engagement and effective consultation.

### Collaboration

Council has previously supported QRAR work and advocacy.

## **Governance Context**



### Relevant Law

Immigration legislation  
Migration Amendment 2021

### Charter of Human Rights

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

### Gender Equality Act 2020

The *Gender Equality Act 2020* requires a Gender Impact Assessment to be undertaken when 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 advocacy work by Council and not a Council policy, program or service and therefore does not require a Gender Impact Assessment.

### Regional, State and National Plans and Policies

Not Applicable.

### Legal and Risk Implications

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

### Related Documents

Community Vision 2021–2031  
Council Plan 2021–2025

### Disclosure of Interest

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

## **Considerations**

### Environmental Sustainability

Not applicable.

### Financial and Resource Implications

There are no financial or recourse 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 advocacy project will be delivered by existing staff and resources.

**Attachments**

Nil





## 13. Heritage, Planning & Infrastructure

<b>13.1.</b>	<b>Planning Permit Activity Report</b>
<b>Author:</b>	Senior Planner
<b>Portfolio:</b>	Heritage, Planning & Infrastructure Cr Ebbels

### 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 4 December 2023.

<b>CATEGORY</b>	<b>TALLY</b>
Current applications	12
Applications finalised since last report	7
New applications received since last report	5
<b>Total number of active permit applications</b>	<b>14</b>
VCAT matters yet to be determined	2
Development Plan & Planning Scheme Amendment Summary Report	3

### RESOLUTION

#### **Cr Ross Ebbels / Cr Robert Minty**

That the Planning Permit Activity Report be received.

**CARRIED UNANIMOUSLY**



**a. Current Applications**

<b>App. No</b>	<b>Date Received</b>	<b>Address</b>	<b>Proposal</b>	<b>No. of objections</b>	<b>Status</b>
PA2021048	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)
PA2023022	23/03/2023	34 Point Lonsdale Road Point Lonsdale	Removal and lopping of native vegetation	0	Under consideration
PA2023042	26/06/2023	13 Nicholas Court Point Lonsdale	Construction of a two storey dwelling and front fence	2	Under consideration
PA2023058	14/08/2023	1-3 Swanston Street Queenscliff	Construction of two double storey dwellings and front fences and a two lot subdivision	4	Under consideration
PA2023062	12/09/2023	105-107 Point Lonsdale Road & 1 Simpson Street 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.	9	Under consideration
PA2023065	25/09/2023	14 Bedgood Ave Point Lonsdale	Alterations and extensions to an existing two storey dwelling	1	Under consideration
PA2023066	25/09/2023	4 Baillieu Street Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	1	Under consideration



App. No	Date Received	Address	Proposal	No. of objections	Status
PA2023068	17/10/2023	218 Fellows Road Point Lonsdale	Construction of a two storey extension to an existing dwelling	1	Under consideration
PA2023069	24/10/2023	67 Kirk Road Point Lonsdale	Alterations and extensions (two storey) to an existing dwelling	2	Under consideration
PA2023070	25/10/2023	19 Lawrence Road Point Lonsdale	Construction of a two storey dwelling and removal of native vegetation	2	Under consideration
A2022071.1	27/10/2023	6 Roddick Grove Queenscliff	Construction of a two storey dwelling (amendment to roof)	1	Under consideration
PA2023072	10/11/2023	32 Ocean Road Point Lonsdale	Alterations and additions (single storey) to an existing dwelling	0	Public notification

## **b. Applications Finalised Since Last Report**

App. No	Date Received	Address	Proposal	Status
A2022-094.1	01/10/2023	61-63 Stokes Street Queenscliff	Amendment: Construction of a two storey dwelling and outbuilding	Notice of decision to amend a permit issued
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	Permit issued
PA2023067	20/10/2023	1 Lonsdale & 28 Simpson Streets Point Lonsdale	Two lot subdivision (boundary re-alignment)	Permit issued
VS2300009	31/10/2023	36 Gellibrand Street Queenscliff	Construction of an outbuilding	Permit issued
VS2300012	14/11/2023	1 Tobin Drive Queenscliff	Paint building (retrospective)	Permit issued
VS2300011	20/11/2023	23 Glaneuse Road Point Lonsdale	Building and works to enclose an existing car port	Permit issued
VS2300013	16/11/2023	76 Hesse Street Queenscliff	Display business identification signage	Permit issued



### c. New Applications Received Since Last Report

App. No	Date Received	Address	Proposal	No. of objections	Status
VS2300012	14/11/2023	1 Tobin Drive Queenscliff	Paint building (retrospective)	N/A	Permit issued
VS2300013	16/11/2013	76 Hesse Street Queenscliff	Display business identification signage	N/A	Permit issued
PA2023073	16/11/2023	30 Wharf Street Queenscliff	Demolition of an existing dwelling in a Heritage Overlay area, construction of a new dwelling and front fence including variation to the site coverage standard under the Design and Development Overlay 6	0	Public notification
VS2300011	20/11/2023	23 Glaneuse Road Point Lonsdale	Building and works to enclose an existing car port	N/A	Permit issued
VS2300014	30/11/2023	37 Stokes Street Queenscliff	Alterations to an existing outbuilding	N/A	Under consideration

### d. VCAT Applications

App. No	Date Received	Address	Proposal	Status
2022-119	21/11/2022	2A Nicholas Court Point Lonsdale	Alterations and extensions to an existing dwelling	VCAT application for review lodged by objector VCAT hearing: 23/11/2023, decision yet to be issued
2022-131	23/12/2022	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	VCAT application for review lodged by objector VCAT compulsory conference 12 April 2024 & hearing 17 June 2024



## 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/extension of time request to application previously determined by Council

**Bold text** Officer delegation removed

PA Planning permit application

VS VicSmart application

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



<b>13.2.</b>	<b>Active Transport Strategy</b>
<b>Author:</b>	Manager Infrastructure & Environment
<b>Portfolio:</b>	Heritage, Planning & Infrastructure
<b>Councillor:</b>	Cr Ebbels

**Purpose**

The purpose of this report is to present the updated Active Transport Strategy for adoption by Council.

**Executive Summary**

*Portfolio 4: Heritage, planning and infrastructure*

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

*Priority 6: Facilitate walking, cycling and active transport*

Active Transport is anything that gets people moving while travelling from one destination to another. This includes walking, riding, and other non-motorised forms of mobility such as skating, rollerblading or scooting. It also includes non-motorised wheelchairs.

The Active Transport Strategy (ATS) sets out the strategies, actions, and initiatives that should be implemented over the next 10 years to achieve the overarching vision which was developed with the community in early stages of consultation:

*“A connected Borough, where walking, riding and wheeling are safe and enjoyable ways of moving to, from and around the Borough regardless of age or ability.”*

**RECOMENDATION**

That Council adopts the Active Transport Strategy 2023–2033 as presented.



## **RESOLUTION**

### **Cr Isabelle Tolhurst / Cr Michael Grout**

- a) Adopt the Active Transport Strategy 2023-2033 as presented;
- b) Directs Council officers to develop an implementation plan that identifies priority actions for the next two years;
- c) Directs Council officers to present a draft of the implementation plan to Council at an Assembly in the first quarter of 2024; and
- d) Directs Council officers to include the Murray Road speed reduction options community consultation in the implementation plan as an action to be undertaken in the first quarter of 2024.

**CARRIED**

*Cr Grigau called for a division:*

*For: Cr Tolhurst, Ebbels, Grout, Minty*

*Against: Cr Grigau*

*Cr Grigau noted that the Active Transport Strategy states tourism is by far the most significant economic activity in the Borough. He asked the CEO to clarify the percentage that tourism makes in the local economy.*

*The CEO took the question on notice.*



## REPORT

### Background

The draft Active Transport Strategy (ATS) was developed through a comprehensive community engagement process. In addition to community and stakeholder engagement activities, analysis was undertaken on the existing pathway and cycling networks to locate existing gaps in the network.

A draft ATS was endorsed at the Ordinary Meeting of Council on 22 February 2023 and placed on public exhibition in April for a period of 28 days. The response during the exhibition period was extensive, and Council received 168 individual responses on the document, and a petition containing 2,179 signatories.

A number of key themes were identified following the public engagement period, and a number of changes were made to the proposed ATS.

The amended ATS was presented at the Ordinary Meeting of Council on 23 August 2023 where Council deferred the ATS for further consideration.

Following the deferral, further amendments were made to the ATS, specifically:

- Removal of the section *Safer Speeds in Local Streets* in Section 7;
- Refinement of the priority pathways program; and
- Updates to the document for improved readability and visibility.

This version of the amended ATS was then put on display at the Town Hall at a series of drop-in sessions throughout November 2023. Community members were encouraged to come along to learn more about the ATS and ask any questions they might have about the strategy and the changes that had been made.

### Discussion

The dominant theme identified throughout the initial public exhibition period in April 2023 was the proposal to implement 30km/h speed limits trial in a number of residential streets within the Borough. Seventy-nine per cent of respondents, plus a *change.org* petition, objected to the proposal, while eight per cent were supportive of the proposal.





The proposal to implement 30km/h speed limit trial within the Borough has since been removed from the ATS in its entirety.

The discussions at the drop-in sessions in November 2023 covered a wide range of topics, the most common being requests for:

- New footpaths to fill gaps in the existing network;
- Improved pedestrian safety at key crossing locations;
- Improved cycling linkages throughout the Borough, especially Point Lonsdale;
- Upgrades to the Point Lonsdale and Lawrence Road intersection;
- Improved vegetation management across the transport network; and
- Improved cycling linkages to Ocean Grove.

All of the topics above are listed within and will be supported by the ATS.

The other consistent topic was the proposal to complete the missing link in the Rail Trail along Murray Road, with various suggestions presented by local residents. Requests from the community included maintaining existing conditions, installation of speed humps, and implementation of one-way traffic movements. All three options received both opposition and support during the drop-in sessions.

Due to its complexity, the Murray Road project will be investigated further as a standalone project. Extensive community consultation is planned in the early stages of 2024 to help determine the preferred solution.

### **Options**

1. That Council adopts the Active Transport Strategy as presented.
2. That Council chooses not to adopt the Active Transport Strategy.

### **Communications and Engagement**

#### Community Engagement

The purpose of this report is to inform the community regarding this proposal. Extensive community consultation has already been undertaken and is summarised below.



A range of community engagement activities were undertaken in early 2022 to help inform the direction of the ATS. An online community engagement platform called Crowdsport was used to identify active transport issues, constraints, and ideas. This had input from approximately 500 unique users.

A community webinar was held on 3 February 2022, and a range of additional submissions were received and incorporated into development of the ATS including emails, letters and surveys.

To ensure the outcomes of the ATS aligned with other transport agencies and authorities, a range of workshops and discussions were held with key stakeholders, including the Department of Transport, City of Greater Geelong, Victoria Police, Bellarine Community Health, and local schools.

At the conclusion of this engagement, Ratio Consultants finalised a draft of the ATS. It was endorsed at the Ordinary Meeting of Council on 22 February 2023 and placed on public exhibition in April for a period of 28 days.

During the public exhibition period, 168 individuals provided a submission, and a *change.org* petition was received with 2,179 signatures that directly objected to the Strategy to implement 30km/h speed limits at select locations within the Borough of Queenscliffe.

The amended ATS was presented at the Ordinary Meeting of Council on 23 August 2023 where Council deferred the ATS for further consideration.

A series of drop-in sessions were hosted at the Town Hall throughout November 2023, with members of the community encouraged to come along to speak to the Roads & Infrastructure Engineer about the ATS. Fourteen individuals attended these drop-in sessions over a period of 4 days. The average duration of these visits was 36 minutes, and a wide range of topics were discussed during these sessions.

### Collaboration

There are no collaboration requirements associated with this report.

## **Governance Context**



### Relevant Law

Not applicable.

### Charter of Human Rights

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

### Gender Equality Act 2020

The *Gender Equality Act 2020* requires a Gender Impact Assessment to be undertaken when 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 ATS has a direct impact on the public, it considers the accessibility of active transport for all ages, abilities, and genders at a high strategic level only. New and upgraded assets resulting from the ATS will be subject to individual Gender Impact Assessments as required, which consider the impact of each new asset specifically.

### Regional, State and National Plans and Policies

Victoria Cycling Strategy 2018–2028

Victorian Road Safety Strategy 2021–2030

Movement & Place Framework 2019

### Legal and Risk Implications

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

### Related Documents

Annual Plan 2023–2024

Climate Emergency Response Plan 2021–2031

Community Vision 2021–2031

Council Plan 2021–2025

### Disclosure of Interest

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



## **Considerations**

### Environmental Sustainability

Objective 4 within the ATS is dedicated to designing for and protecting the natural environment. It states that the movement of people and supporting infrastructure will be respectful of the natural environment, and outlines the following four strategies to help achieve this in the context of active transport:

- Encourage recycled and environmentally friendly materials in new active transport infrastructure.
- Audit existing or implement new facilities to encourage active transport uptake in Council workplaces.
- Update / create policy regarding vegetation and path maintenance on key routes and within the active transport network.
- Utilise solar energy to power new active transport infrastructure.

### Financial and Resource Implications

The ATS identifies priority active transport projects. These projects include new and upgrade pathways, infrastructure improvements, and other investigation and design projects. The aggregated cost of these projects is estimated at approximately \$2 million.

Adoption of the ATS does not commit any budget expenditure. The Strategy instead will be used to guide priority when seeking external grant funding for projects. Council may also give budget consideration and commitment for proposed active transport priorities through the annual budget process.

### Innovation and Continuous Improvement

A number of objectives and strategies documented within the ATS incorporate innovative solutions. Examples include investigation of tactical urbanism, utilisation of solar-powered infrastructure, use of recycled and environmentally friendly materials, and others.

## **Implementation**

### Operational Impacts

This project will be delivered with existing operational resources.



### Implementation Process

This project will be delivered by existing staff and resources. Council officers will review the ATS annually and incorporate specific actions into the Annual Plan and Annual Budget as required. It will also be used as a tool to assist in applying for external grant funding opportunities to help deliver specific actions listed within the ATS.

### **Attachments**

1. Active Transport Strategy Final [**13.2.1** - 76 pages]



<b>13.3.</b>	<b>Point Lonsdale Lighthouse Reserve Project Update</b>
<b>Author:</b>	Acting Manager Customer Experience
<b>Portfolio:</b>	Heritage, Planning & Infrastructure
<b>Councillor:</b>	Cr Ebbels

**Purpose**

This report provides an update on the capital work projects Council are currently undertaking at the Point Lonsdale Lighthouse Reserve.

**Executive Summary**

The projects currently being undertaken at the Point Lonsdale Lighthouse Reserve align to the following portfolio objectives including:

*Portfolio 4: Heritage, planning and infrastructure*

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

*Priority 4: Maintain and promote military, maritime and historic features on Council-managed land*

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

Council currently has two projects underway at the Point Lonsdale Lighthouse Reserve. These projects are known as:

- The Point Lonsdale Lighthouse Reserve Development – Stage 1.  
Stage 1 is funded by Regional Development Victoria and the Borough of Queenscliffe. Stage 1 of the project is nearing completion.
- The Point Lonsdale Lighthouse Reserve Development – Stage 2.  
Stage 2 is funded by the Department of Energy, Environment and Climate Action (DEECA). Works for stage 2 of the project will commence in the first quarter of 2024.

**RECOMMENDATION**

That Council notes the Point Lonsdale Lighthouse Reserve project update.



## **RESOLUTION**

### **Cr Isabelle Tolhurst / Cr Michael Grout**

That Council:

- a) Notes the Point Lonsdale Lighthouse Reserve project update;
- b) Directs officers to bring monthly project updates to Ordinary Council Meetings detailing the progress of this project; and
- b) Directs officers to update the Council website in line with the Ordinary Meeting updates.

**CARRIED UNANIMOUSLY**



## REPORT

### **Background**

In 2019, following community consultation and consideration by a representative reference group, Council resolved to adopt a masterplan to guide the development and restoration of the Point Lonsdale Lighthouse Reserve.

In October 2019, Council commenced a development approval process to implement the elements of a landscape Master Plan for the Lighthouse Reserve adopted at the Ordinary Council Meeting in January 2019.

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

In March 2021, Council amended the 2019 resolution to reflect the limitations to works resulting from the new heritage controls and advice from the Wadawurrung Traditional Owners Aboriginal Corporation about the cultural significance of the site.

Following the decision in March 2021 Stage 1 of the Point Lonsdale Lighthouse Reserve Development works became:

- External restoration of P1 Huts;
- Additional works in line with the site Masterplan that includes a sculptural component that observes the aboriginal historical significance of the site; and
- General site clean up.

As part of this work a Conservation Management Plan was developed for the area included in the updated heritage citation.

In September 2022, Council was advised that the State Government had included \$1million in the 2022–2023 state budget for Stage 2 of the Point Lonsdale Lighthouse Reserve Development.

Council formed a project control group to manage Stage 2 in June 2023.





## **Discussion**

### Stage 1

Stage 1 was funded by Regional Development Victoria and works include the following:

- Removal and disposal of all asbestos material lining the exterior of the P1 Huts
- External restoration of P1 Huts to original condition, including cladding external walls, replacing roof sheeting and restoration of windows, doors, and base boards
- Manufacture and installation of interpretive signage
- Restoration of existing pathways and landscaping surrounding the P1 Huts
- Installation of a sculptural component that observes the aboriginal historical significance of the site

This project is 90% complete with the installation of the Wadawurrung sculptural component the only works outstanding. Council has liaised extensively with the Wadawurrung Traditional Owner Aboriginal Corporation regarding this artwork and a design has been agreed to and manufacturing will begin shortly. Installation will be completed in coordination with the Stage 2 project in the first quarter of 2024.

A further site clean-up will be completed this month with fencing around the P1 Huts to be removed prior to Christmas.

### Stage 2

The Borough of Queenscliffe has received funding of \$1 million from the Department of Energy, Environment and Climate Action (DEECA) for the stage 2 project. The funding is allocated over a 1-year period for works to improve public access to the historic precinct (all abilities) and provide strategic building and precinct restoration works.

Stage 2 works include the following:

- Mains power improvements across the site
- All abilities pathway and parking zones
  - From Southern carpark to Point Lonsdale Pier
  - Accessible Ramp to Pier (subject to detailed design/DDA review)



- Restoration works on the WW1/2 Directing and Ranging Station and WW2 Eastern Search light
  - Including consolidated sand around emplacement
  - Gravel lookout with seating
- Improved pathway to gun emplacement
- Restoration works on the lighthouse surrounds
  - Weather protection
  - Renewal of existing balustrade
  - Seating
  - Renewal of Garden beds
- Improved fencing and signage across the precinct
  - Repair and replace timber post fencing
  - Install interpretive signage, including heritage/traditional owner interpretation and QR code features

A Project Control Group (PCG) was appointed for the project and has taken responsibility for its oversight, management, and delivery. The PCG consists of 2 Councillors, a representative from DEECA, and two Council appointed community members, who were selected through an Expression of Interest Process.

Following a public tender process Accuraco was appointed as the project manager for the stage 2 project in July 2023.

The initiation and establishment phase of the project was completed in September 2023. The consultant procurement phase of the project has been completed with the below consultants being appointed:

- Landscape Architect
- Heritage Advisor
- Quantity Surveyor
- Electrical Engineer
- Cultural Heritage Management Plan Consultant

The project is in the design development phase with a draft landscape plan being prepared by the Landscape Architect for the PCG for review and feedback. The PCG endorsed landscape plan will be available for community feedback in the first quarter of 2024.



Major project risks have been identified and include delays in the obtainment of an endorsed Cultural Heritage Management Plan and delays with receiving Marine and Coastal Management consent from DEECA. Contingencies have been identified to allow the progression of specific components of the project that do not require these approvals.

Stage 2 of the project remains on schedule and within the project budget.

### **Options**

1. Note the officer report as presented.
2. Request further information regarding the projects.

### **Communications and Engagement**

#### Community Engagement

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

#### Collaboration

Since being transferred ownership of the Point Lonsdale Lighthouse Reserve from the Victorian Government in 2012, Council has been working with various government stakeholders in conjunction with the local community to restore and revitalise this area.

A community reference Group has driven the key components of the masterplan that was adopted by Council 2019.

Council has worked closely with Regional Development Victoria, the Department of Jobs, Precincts and Regions, and the Wadawurrung Traditional Owners to agree to a way forward on progressing the project, including making variations to the original grant.

### **Governance Context**

#### Relevant Law

Marine and Coastal Act 2018



### 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 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

Not Applicable.

### Legal and Risk Implications

The legal and risk implications associated with these projects will continue to be monitored.

### Related Documents

Council Plan 2021–2025

### Disclosure of Interest

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

## **Considerations**

### Environmental Sustainability

The main aim of the P1 Hut restoration works is to make the area safe by removing asbestos in and around the buildings, enabling Council to remove the fences which restrict access to the site.

### Financial and Resource Implications

There are no financial or recourse 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 an external contractor.

**Attachments**

Nil



## 14. Governance & Finance

<b>14.1.</b>	<b>Review of Draft Governance Rules</b>
<b>Author:</b>	Executive Project Officer HR & Governance Coordinator
<b>Portfolio:</b>	Governance & Finance
<b>Councillor:</b>	Cr Grigau

### Purpose

The purpose of this report is to present revised draft Governance Rules for Council's consideration and to place the draft Governance Rules on public exhibition seeking community feedback.

### 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*

Council's Governance Rules are a requirement of the *Local Government Act 2020* (section 60) and are in place to ensure that meeting procedures are consistent with good governance principles. It is essential to ensure that the Borough of Queenscliffe Governance Rules reflect community expectations.

A draft of the updated Governance Rules has been prepared for a formal community notification and engagement process.

### RESOLUTION

#### **Cr Donnie Grigau / Cr Robert Minty**

That Council place the draft Governance Rules on public exhibition and seek community feedback for the period from Monday 18 December 2023 to 11.59pm Friday 19 January 2024.

**CARRIED UNANIMOUSLY**



**REPORT**

**Background**

In accordance with the *Local Government Act 2020* councils must adopt Governance Rules which must include rules to address:

- The conduct of Council meetings;
- The conduct of meetings of delegated Committees;
- The form and availability of meeting records;
- The election of Mayor and the Deputy Mayor;
- The appointment of an Acting Mayor;
- An election period policy, in accordance with section 69 of the Act;
- The procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee, under section 130 of the Act;
- The procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- The disclosure of a conflict of interest by a member of council staff when providing information in respect of a matter within the meaning of section 126(1) of the Act;
- Any other matters prescribed by the regulations.

**Discussion**

The Borough of Queenscliffe Governance Rules were first adopted by Council in August 2020 following the introduction of the *Local Government Act 2020*, which required councils to replace their meeting procedures local laws.

Council’s Governance Rules have since been reviewed and amended twice, once in October 2021 with minor amendments and again in September 2022 following the release of Ministerial guidelines regarding virtual meetings.

Regular review of the Governance Rules is a part of good governance and is considered best practice. The following amendments are proposed for public exhibition and community feedback:

<b>SECTION</b>	<b>SECTION DESCRIPTION</b>	<b>PROPOSED AMENDMENT</b>
Introduction	Definitions	Section #4: *Update definition of <i>Chief Executive Officer</i> and <i>Mayor</i> to



SECTION	SECTION DESCRIPTION	PROPOSED AMENDMENT
		that contained in Chapter 2 Meeting Procedures for Council Meetings to the Introduction as those definitions apply to the entire rules, not just Chapter 2. *Insert definition of <i>Election Period</i> *Include footnote that further definitions in Chapter 2 Meeting Procedures for Council Meetings that particularly relevant to just that section
Chapter 2 - Part 1 Preliminary	Definitions	Section #3.2: *Include clarification that the definitions contained in this Chapter are in addition to those in the Introduction. * Remove definitions of <i>Act, Chief Executive Officer, Council &amp; Mayor</i> as they have moved to the Introduction. *Update definition of <i>Council Meeting</i> , to include the different types of meetings. * Delete reference to 'Lot', not actually used in Rules *Amend definition for <i>Reasonable Notice</i> *clarify <i>Urgent Business</i> *Add further wording to clarify a <i>Vote</i> can be in person or virtual
Chapter 2 - Part 1 Preliminary	Part 2 – Election of Mayor	Section #9.3: remove this clause thereby allowing for a division to be called when electing the Mayor and Deputy Mayor
Chapter 2 – Part 3 Council Meetings	Division 1 - Agendas	Section #13.1: remove reference to the <i>Act</i> , section was in 1989 Act which is no longer relevant #15.4 clarify agenda delivery
Chapter 2 – Part 5 Procedure at Council Meetings	Division 2 - Quorums	Section 21: *clarify procedure relevant to quorums
Chapter 2 – Part 5 Procedure at Council Meetings	Division 1 – Order of Business	Section #28: reworded to reiterate what clause 18(h) of the <i>Act</i> says
Chapter 2 - Part 5 Procedure at Council Meetings	Division 3 – Conduct Chairpersons Duty to Reject	Section #40.1: insert new (e) to include inaccurate or misleading information to be rejected
Chapter 2 - Part 5 Procedure at Council Meetings	Division 4 - Motions	Section #47: insert new (e) to include inaccurate or misleading information to be rejected





<b>SECTION</b>	<b>SECTION DESCRIPTION</b>	<b>PROPOSED AMENDMENT</b>
Chapter 2 - Part 5 Procedure at Council Meetings	Division 4 - Motions	Section #56.2: amended to read better
Chapter 2 - Part 5 Procedure at Council Meetings	Division 7– Notice of Motion	Section #79: significant changes to Notice of Motion procedures to clarify the Notice of Motion process
Chapter 2 - Part 5 Procedure at Council Meetings	Division 8 - Notice of Amendment or Rescission	Section #95 (proposed to be #88): expand Urgent Business requirements
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9– Questions and Petitions	Division 9: re-title Division 9 to read Questions, Petitions and Deputations
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9 - Questions, Petitions and Deputations	Section #99.2 (proposed to be #92.2): increase public question time from 20 minutes to 30 minutes
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9 - Questions, Petitions and Deputations	Section #99.3 (proposed to be #92.3): amend to clearly state questions need to be received four hours prior to the meeting; that it is only preferable they are on the Public Question Time form; and that all questions will be answered and provided a link to where the minutes are located which will provide their answer, particularly if they are not present the meeting
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9 - Questions, Petitions and Deputations	New Section #99.4 (proposed to be #92.4): to allow for grouping of similar themed questions to allow for one group response
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9 - Questions, Petitions and Deputations	Section #99.7 (proposed to be #92.7): the answering of questions is proposed to be covered in section 99.3 (proposed to be #92.3)
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9 - Questions, Petitions and Deputations	Section #99.12 (proposed to be #92.12): amend to clarify one additional question to clarify the original question, with any subsequent clarification required to be at the discretion of the Chairperson
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9 - Questions, Petitions and Deputations	New Section #100.2 (proposed to be #93.2): new section to allow for deputations at a future meeting once a petition or joint letter has been received



<b>SECTION</b>	<b>SECTION DESCRIPTION</b>	<b>PROPOSED AMENDMENT</b>
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9 - Questions, Petitions and Deputations	New Section #100.3 and #103 (proposed to be #93.3 and #96): new section to outline how deputations would be invited and address a meeting of Council
Chapter 2 - Part 5 Procedure at Council Meetings	Division 9 - Questions, Petitions and Deputations	New Section #100.7 (proposed to be #93.7): to clarify what is meant by petitions and joint letters and the difference between the two terms
Schedule 1	Public Question Time form	Amendment to submission required four hours prior to meeting to allow for flexibility if meeting start time requires changing
Chapter 5 – Disclosure of Conflicts of Interest	Introduction	Section #1: Amend introduction information to expressly reference 2020 Local Government Act
Chapter 5 – Disclosure of Conflicts of Interest	Obligations with regard to Conflict of Interest	Section #3: Insert new section to clearly state conflict of interest obligations
Chapter 5 – Disclosure of Conflicts of Interest	Disclosure of a Conflict of Interest at a Council Meeting	Section# 4.2.3: minor rewording for ease of reading
Chapter 6 – Miscellaneous	Confidential Information	Section 12.1: Delete reference to Local Government Act 1989

### **Options**

1. Make further amendments to the draft Governance Rules prior to considering public exhibition
2. Adopt the recommendation as presented.

### **Communications and Engagement**

#### Community Engagement

Council will consult the community regarding aspects of this project.

#### Collaboration

Officers have benchmarked with other Councils in the region.

### **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; 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

Not Applicable.

### Legal and Risk Implications

To ensure legislative compliance, Governance Rules need to be in alignment with the *Local Government Act 2020*. Regular review of Council's Governance Rules within the prescribed legislative compliance dates mitigates Council's risk of non-compliance.

### Related Documents

Not Applicable.

### Disclosure of Interest

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

## **Considerations**

### Environmental Sustainability

Not applicable.

### Financial and resource implications

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



### Innovation and Continuous Improvement

Regular review of Council's Governance Rules enables Council to continually improve its governance processes whilst providing for the opportunity to incorporate new innovative ideas as they are identified.

### **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. DRAFT Governance Rules December 2023 [**14.1.1** - 52 pages]
2. DRAFT Governance Rules December 2023 in TRACK CHANGES [**14.1.2** - 53 pages]



## 15. Signing & Sealing of Documents

### 15.1. Asbestos Containing Material Replacement Works 4 Wharf Street Queenscliff: Contract 2023/03

At the Special Meeting of Council on 8 November 2023, Council resolved to sign and seal the Asbestos Containing Material Replacement Works 4 Wharf Street Queenscliff: Contract 2023/03.

Council applied the Common Seal to the Asbestos Containing Material Replacement Works 4 Wharf Street Queenscliff: Contract 2023/03 on 21 November 2023.

#### RESOLUTION

#### Cr Robert Minty / Cr Ross Ebbels

That Council note the use of the Common Seal on Asbestos Containing Material Replacement Works 4 Wharf Street Queenscliff: Contract 2023/03 on 21 November 2023.

**CARRIED UNANIMOUSLY**

## 16. Questions Without Notice

### 16.1. Questions Without Notice Status Update

At the Ordinary Meeting of Council on 22 November 2023, one question without notice was taken on notice. The response is provided at adjunct to 18.1.

No questions without notice are outstanding.



## 16.2. Questions Without Notice

Cr Ebbels asked the CEO about the trimming of vegetation at carparks like the Springs Beach Carpark. He wanted to clarify if it is possible for Council to trim back the foliage to open up the views for locals and tourists alike.

The CEO advised that Council would need MACA consent to trim any native foliage along the coastal area. Council recently wrote to DECCA regarding the trimming of vegetation at 3 coastal car parks being Shortlands Bluff, Springs Beach and RipView to assist with views. On 30 November 2023 Council received the following advice:

*'DECCA has considered your enquiry and it has been deemed that MACA consent will not be provided for this activity as it does not align with the Marine and Coastal Policy (the Policy) 2020 Chapter 2 – Ecosystems and Habitats 2.2: The ecological values of ecosystems and habitats in the marine and coastal environment must be protected and enhanced, including by managing indirect and cross boundary effects and 2.5: Maintain and enhance the overall extent and condition of native habitats across public and private land in the marine and coastal environment.'*

Cr Grout asked if trimming of native vegetation for the health of the plant is permitted. The CEO reiterated that trimming of any native vegetation along the coast without MACA consent is not permitted consistent with the advice recently received from DECCA.

Cr Grigau asked if the public toilets located at the Queenscliffe Hub would be open during the Hot rod event in January.

CEO advised that the toilets will be accessible during the event, and that the local police have requested to use the venue throughout the event.

## 17. List of Council Meetings

### Planning Review Meeting

Wednesday 14 February 2024 at 7:00pm (if required)

### Ordinary Meeting of Council

Wednesday 28 February 2024 at 7:00pm

Queenscliff Town Hall



## **18. Close of Meeting**

Cr Isabelle Tolhurst declared the meeting closed at 8:14 pm.



## 19.1. 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.*

<b>Informal Meeting</b>	<b>Councillors</b>	<b>Officers</b>	<b>Agenda items</b>	<b>Conflict of interest disclosures</b>
<b>Councillor Assembly Briefing</b> 22 November 2023 2:30pm – 3:35pm 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. Review of Council Policy CP022 Event Sponsorship	Nil.
<b>CEO &amp; Councillor Meeting</b> 29 November 2023	Cr Tolhurst, Mayor Cr Ebbels Cr Grout	Martin Gill, CEO	1. Kerbside waste contract 2. Country Fire Authority advice 3. Homecare client	Nil.





<b>Informal Meeting</b>	<b>Councillors</b>	<b>Officers</b>	<b>Agenda items</b>	<b>Conflict of interest disclosures</b>
12:30pm – 12:55pm Wirrng Wirrng	Cr Grigau Cr Minty		4. Electric vehicle charger petition	
<b>Budget Assembly Briefing</b> 29 November 2023 2:35pm – 4:00pm 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 Steve Ward, AMC Jodie Hunt, FSC Makenna Bryon, CC Sarah Hawkins, CO	1. Proposed budget timetable 2024–2025 2. Community Engagement proposal	Nil.
<b>CEO &amp; Councillor Meeting</b> 6 December 2023 12:30pm – 1:00pm Wirrng Wirrng	Cr Ebbels (Chair) Cr Grout Cr Grigau Cr Minty	Martin Gill, CEO	1. Planning Application 2022/044 at 6 McDonald Road, legal and VCAT matters 2. G21 Transport & Planning Pillar	Nil.
<b>Councillor Assembly Briefing</b> 6 December 2023 2:30pm – 4:45pm Wirrng Wirrng	Cr Ebbels (Chair) Cr Grout Cr Grigau Cr Minty	Martin Gill, CEO Tim Crawford, MPC Gihan Kohobange, MFS Stuart Hansen, MIE Abbey Tatterson, MCE Brydon King, SP Dinah O'Brien, STP	1. Pt Lonsdale Basketball Association presentation 2. VCAT Decision for Planning Application 2022/083 at 5 Beach Street, Queenscliff	The CEO declared a conflict of interest with regard to item 1.1 being the presentation by the Pt Lonsdale Basketball



Informal Meeting	Councillors	Officers	Agenda items	Conflict of interest disclosures
		Steve Quick, RIE	3. Planning Application 2023/062 at 1 Simpson Street/105-107 Point Lonsdale Road 4. Roads, Parks & Reserves Maintenance contract workshop	Association, noting that he is a member of the Club. Martin Gill did not attend the briefing for this item.

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	FSC – Financial Services Coordinator	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	MCE – Manager Customer Experience	VFO – Vegetation and Foreshore Officer



## 19.2. ADJUNCT TO 16.1 – QUESTIONS WITHOUT NOTICE STATUS UPDATE

Date	Question	Action	Status
22/11/2023	<p><b>Cr Grout</b></p> <p>Cr Grout asked the CEO to provide an update on the preparation for seasonal camping. Up until about 3 or 4 years ago, preparation for the seasonal camping in Royal Park and in Victoria Park included the arborist assessments and tree works. There was also mulching and staking of trees, as well as leveling and top dressing of sites on an needs basis. Can you please outline for us which of these maintenance items Council continue with as they do contribute to better recreational camping experiences.</p>	Nil	Complete
	<p><b>Response from the Acting Manager Community</b></p> <p>Arborist inspections are conducted in all Council operated Tourist Parks annually.</p> <p>The inspections for this year were undertaken between 24 August and the 12 September 2023. All recommended works identified within these reports have been completed, including mulching of a tree in the Recreation Reserve.</p> <p>Works relating to top soiling, aerating, and levelling of sites are completed in low season on an as needs bases.</p>		