



19 July 2023

jf:mg

David Connoley  
President  
Queenscliff Community Association (QCA)  
Via email: [REDACTED]

Dear David Connoley

### **PUBLIC QUESTION TAKEN ON NOTICE**

I am writing in response to the QCA's public question at the Ordinary Meeting of Council held on Wednesday 28 June 2023. The Mayor has asked me to provide a written response to the items raised in the question.

#### **The public question reads as follows:**

The Borough is at a savage turning point where appropriate care of the natural environment and our fiercely protected heritage are under consistent and ongoing threats that are seriously eroding the important values this community holds dear and actively supports.

3 items can be referred to as being recently done either without a permit or without knowledge of Council including-

1. The EV Bowzers and offensive lime green road signage in front of the listed Town Hall completed by this Council without permit, despite all the relevant and prescribed heritage planning restrictions and protections.
2. The mass removal of coastal native vegetation in front of a private residence on Lovers Walk at Crows Nest with or without permit or Council knowledge and contrary to Vegetation Management policies and highly protective overlays and regulations.
3. The filling in of a noted Wetland on private property at Lakers Cutting and adjoining a RAMSAR protected site again without a permit.

Are these three actions without permits or permissions acceptable to Councillors and the Administration and if not, what are the consequences for either no permit or knowledge of Council to each of these transgressions and detailed tonight?

**Further to the response offered at the meeting, I now provide the following advice:**

Following the initial response to the QCA's questions during the Council meeting, I have provided further details and responded to further questions from you about the earthworks at 6 McDonald Road. I will not repeat those responses here.

With respect to the EV Chargers, the Mayor's response at the Ordinary Meeting referred to the planning permit exemption that was applied to this project but did not provide an explanation about the operation of exemptions in Victorian Planning schemes.

The Borough of Queenscliffe Planning scheme includes the following exemption relevant to the EV charger installation:

- Clause 62.02-1

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.

Council took legal advice on the function of exemptions in the Borough of Queenscliffe Planning scheme last year. The advice Council received was:

*'where a project does come within the exemption Council does not have a discretion to issue a planning permit.'*

As such, without discretion to issue a planning permit, Council cannot undertake a planning permit application process.

I can also provide an update on the illegal removal of vegetation in front of the Crows Nest property along Lovers Walk.

Council has not to this point been able to establish who undertook the vegetation removal.

Council is working with the relevant officers from the Department of Environment, Energy and Climate Action (DEECA) to:

- Gain approval to erect signage at the site in accordance with Council's Vegetation Vandalism Policy CP020
- Join Council at a discussion with the Crows Nest property owners to provide again the legislative context and vegetation management principles for the foreshore area.

Council will revegetate the area in the coming months using the relevant ecological vegetation class as the basis for species selection. This planting will be fenced until the vegetation has established.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'MG', with a long, sweeping horizontal line extending to the right.

**Martin Gill**  
**Chief Executive Officer**