

# MINUTES

## ORDINARY MEETING OF COUNCIL

**Tuesday, 11 October 2011**

Held at the  
Council Conference and Reception Centre  
City Hall, Little Malop Street, Geelong  
commencing at 7.00pm

**COUNCIL:**

Cr. J. Mitchell ( <i>Austin</i> ) - <i>Mayor</i>	(Communications / Sport and Recreation / Democracy & Governance / Central Geelong Looking Forward)
Cr. B.H. Abley ( <i>Brownbill</i> )	(Arts and Culture)
Cr. J. Doull ( <i>Coryule</i> )	(Environment and Sustainability / Climate Change)
Cr. J. Farrell ( <i>Beangala</i> )	(Education and Youth / Community Safety)
Cr. K. Fisher ( <i>Corio</i> )	(Community Development)
Cr. C. Granger ( <i>Windermere</i> )	(Heritage)
Cr. B. Harwood ( <i>Kardinia</i> )	(Finance / Tourism / Major Events / Strategic Development)
Cr. E. Kontelj ( <i>Cowie</i> )	(Aboriginal Affairs / Multicultural Affairs)
Cr. Dr. S. Kontelj ( <i>Kildare</i> )	(Major Projects)
Cr. R. Macdonald ( <i>Cheetham</i> )	(Economic Development / Planning)
Cr. R. Nelson ( <i>Deakin</i> )	(Rural and Regional Affairs)
Cr. A. Richards ( <i>Buckley</i> )	(Transport / Infrastructure / Parks and Gardens)

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**MINUTES OF THE ORDINARY MEETING  
OF THE GREATER GEELONG CITY COUNCIL  
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE  
CITY HALL, LITTLE MALOP STREET  
TUESDAY, 11 OCTOBER 2011  
COMMENCING AT 7.00 P.M.**

**PRESENT:** Cr C Granger (Acting Mayor), Crs B Abley, J Doull, J Farrell\*(7.07pm),  
K Fisher, S Kontelj, R Macdonald, A Richards

**Also present:** J McMahon (Acting Chief Executive Officer), H Oorloff (Acting General  
Manager Corporate Services), P Bettess (General Manager Economic  
Development, Planning and Tourism), D Frost (General Manager Projects,  
Recreation and Central Geelong), G Van Driel (General Manager City  
Services), J Brown (Manager Administration and Governance), J Bleazby  
(Governance Co ordinator), J Merlo (Senior Media Officer)

**OPENING:** The Acting Mayor declared the meeting open at 7.00pm

**ACKNOWLEDGEMENTS:**

The Acting Mayor acknowledged that we are here today on the land of the Wathaurong  
People and we pay our respects to Aboriginal elders past and present.

**APOLOGIES:** Crs E Kontelj (Leave of Absence), B Harwood, J Mitchell, R Nelson

**CONFIRMATION OF MINUTES:**

**Cr Abley moved, Cr Fisher seconded -**

**That the Minutes of the Ordinary Meeting held on 27 September 2011 be confirmed  
and signed.**

**Carried.**

**DECLARATIONS OF CONFLICTS OF INTEREST:** Nil.

**QUESTION TIME:**

*Question Time is an opportunity for questions to be addressed to Council and while the minutes record the general content, they do not purport to be a transcript of what was said by individuals. Likewise Councillor or Officer verbal responses are in summary form only. Views expressed may not be the views of Council.*

*Council's practice is to provide a separate document on its website setting out questions and responses including any more detailed written responses which may be provided subsequent to the meeting.*

## **QUESTION TIME (CONT'D)**

### **Peter Linaker asked the following questions in relation to Terminals Pty Ltd:**

Are Councillors aware:

- 1) That there is no emergency plan to communicate to residents for a chemical emergency, such as a Butadiene BLEVE explosion, from Terminals in Geelong Port?
- 2) That six years after the VCAT order, this still has not been done; nor in Melbourne 20 years after the disastrous fires at COODE Island.  
Butadiene is too great a hazard to be stored at COODE Island.
- 3) That in the TGCCC we have prepared and circulated with authorities a "proposed Chemical Safety Notice" for the North Shore and Corio area, but the CFA are opposed because the HQ are not ready in Melbourne.

Therefore, in order to get action in this matter:

- 4) Will Mr Bettess, Planning Manager on behalf of the City of Greater Geelong, the Responsible Authority for the Permits held by Terminals P/L, and for the TGCCC Liaison Committee, take legal steps at VCAT against Terminals P/L to have them provide without further delay the order of VCAT from September 2005 (para 148) "an annual .. .. emergency response plan should include details of an annual communication to residents within the broader North Geelong, Corio area."

I have started on this matter in December of last year, 10 months ago, pointing out the effects of the "shut down" of the TGCCC committee, one year ago, by Terminals P/L, and the events and impediments since then.

I am assured this Council cares for its residents.

Somewhere in Australia, there is a disaster every day.

Will the City now take action, and achieve for the residents what is rightfully theirs - an adequate warning and communication system, in the precincts of Geelong Port?

*Peter Bettess, General Manager Economic Development, Planning and Tourism, responded that the answer to the fourth question is "No, Council will not be taking action at VCAT". Council has no standing to take any action. Para 148 relates to issues to do with the Victorian Workcover Authority and the Victorian EPA and the section you quoted of that para is relating to EPA works approval. Council has no standing to bring such an action to VCAT.*

\* Cr Farrell entered the meeting room at 7.07pm

## **PETITIONS:**

Cr Macdonald presented a petition totally 503 residents in relation to a Public Toilet Community Survey in Ash Road.

**1. AMENDMENT C220:- REZONING OF 10 AND 18 ALKARA AVENUE & 8 - 10 MILL ROAD, LARA**

**Portfolio:** Planning – Cr Macdonald  
**Source:** Economic Development, Planning and Tourism - Strategic Implementation  
**General Manager:** Peter Bettess  
**Index Reference:** Application: C220

**Summary**

- The purpose of this report is to seek Council approval to proceed with the preparation and exhibition of Planning Scheme Amendment C220, subject to authorisation being obtained from the Minister for Planning.
- The proposal is a Council-initiated Amendment made by the Recreation and Open Space Department.
- It is proposed to rezone Council-owned land at 10 and 18 Alkara Avenue and 8-10 Mill Road, Lara, from Rural Living Zone (RLZ) to Public Park and Recreation Zone (PPRZ) to support the adopted Lara Recreation Reserve Master Plan.
- Under the current zoning provisions, a planning permit is required to use the land at 18 Alkara Avenue and 8-10 Mill Road as an open sports ground and any associated buildings and works also require a permit. A planning permit for a minor sports and recreation facility was recently issued by Council. Some objections received opposing the proposal on traffic, amenity and drainage grounds were dealt with via the planning permit conditions.
- Rezoning the land to PPRZ will reflect its land ownership and land use and bring the zoning into consistency with other sports grounds/facilities in Lara and wider Geelong.
- Rezoning the land to PPRZ will reflect its practical use and eliminate any future planning permit requirements for sports/recreation uses, whilst facilitating the provision of valuable additional sports and recreation facilities to the local community.
- Council became the owner of 10 Alkara Avenue on 10 May 2011, with the land to be incorporated into the Lara Recreation Reserve and used/developed for the relocated Lara Bowling Club.
- It is recommended that Council resolve to exhibit the proposed Amendment, subject to the Minister's authorisation being obtained.

**Cr Macdonald moved, Cr Richards seconded -**

**That Council resolves to support the preparation and exhibition of Amendment C220 to the Greater Geelong Planning Scheme to rezone the land situated at 10 and 18 Alkara Avenue and 8-10 Mill Road, Lara from Rural Living Zone to Public Park and Recreation Zone subject to the authorisation of the Minister for Planning being obtained.**

**Carried.**

**1. AMENDMENT C220:- REZONING OF 10 AND 18 ALKARA AVENUE & 8 - 10 MILL ROAD, LARA (CONT'D)**

**Report**

**Background**

On 17 November 2009 the Strategic Implementation Unit received a rezoning request from Recreation & Open Space Unit regarding Council-owned land at 18 Alkara Avenue and 8-10 Mill Road, Lara. The subject land is currently zoned Rural Living Zone (RLZ) and it is proposed to be rezoned to Public Park and Recreation Zone (PPRZ) to recognise the public ownership/nature of the land and to facilitate the use and development of recreation and sporting facilities. The subject land is shown in Appendix 1-1. An aerial image of the subject land and surrounds is shown in Appendix 1-2.

Recreation & Open Space provided the following information with the application:

*"Council is currently undertaking concept and design works to develop much needed sport and recreation playing fields and will be seeking relevant funding to undertake these works. By way of background information the subject land was purchased by Council a few years ago to increase capacity of the Lara Recreation Reserve to better cater for community sport and recreation. In 2008 Council endorsed the Lara Outdoor Recreation Facilities Study which provided a master plan for the newly acquired land".*

The Council report, dated 10 February 2009, endorsed the Lara Outdoor Recreation Facilities Study and Lara Recreation Reserve Master plan.

The request from Recreation & Open Space Unit also noted that the land at 10 Alkara Ave (which was privately owned with a detached house) would be suitable to include in the Reserve and that it was Council's intention to acquire the site in order to provide a more integrated reserve. Since the rezoning application was made Council has purchased the land with settlement occurring on 10 May 2011.

Planning permit 715/2010 to use and develop the land at 18 Alkara Avenue Lara for a minor sports and recreation facility was issued on 23/3/2011.

**Discussion**

The subject land was purchased by Council specifically to provide additional sport and recreation facilities co-located to existing like uses making the current RLZ no longer the appropriate land use zone.

The proposed PPRZ is the most appropriate zone as its purpose includes recognising areas for public recreation and open space with parks, reserves and sporting ovals zoned PPRZ across Lara and wider Geelong. It is the accepted Victoria Planning Provisions (VPP) tool to apply to public open spaces.

Should the land be rezoned to PPRZ, no future planning permits will be required to use the land as an 'Open sports ground' or undertake buildings and works. Council, as the public land manager, will retain the responsibility to communicate with adjoining property owners regarding any activities it proposes to undertake.

**1. AMENDMENT C220:- REZONING OF 10 AND 18 ALKARA AVENUE & 8 - 10 MILL ROAD, LARA (CONT'D)**

The Amendment is consistent with relevant Practice Notes and Ministerial Directions. This includes having regard to the *Practice Note; Applying the Public Use Zones February 1999*, which states that "public land zones can only be applied to public land". The Practice Note is reinforced by the Ministerial Direction on *The Form and Content of Planning Schemes, 15 December 2008*, which states that "A planning scheme may only include land in a Public Use Zone, a Public Park and Recreation Zone or a Public Conservation and Resource Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council." In this case, the test is clearly met by Council.

The Lara Outdoor Recreation Facilities Study 2008 and Lara Recreation Reserve Masterplan address the future development of the area and includes the then privately owned land at 10 Alkara Avenue as the future location for two netball courts, car parking and passive open space facilities. This site is now to be the location for the Lara Bowling Club which is being relocated from Station Lake Road (adjacent to The Centreway and Austin Park) as part of the town centre redevelopment.

***Environmental Implications***

The rezoning of the subject land for public park and recreation purposes will not have any significant environmental impacts to surrounding residents or waterways. Increased noise can be expected to emanate from the site from sports participants. Traffic will increase in the area, particularly in Mill Road and Alkara Avenue as a result of the development of the site for sporting activities.

Much of the subject land (and adjoining land) is affected by the 100 year flood extent due to its lack of grade and with limited overland drainage infrastructure. The rezoning will not affect this designation. A future planning scheme amendment will include the Lara flood and drainage studies into the planning scheme.

The adjoining owner at 38 Mill Road previously opposed the proposed rezoning (as part of Amendment C162 which was subsequently withdrawn) raising concerns about security of the open space, flooding onto surrounding properties as a result of on-site drainage, on-going maintenance of the land and car parking. These matters were similarly raised in relation to planning permit application 715/2010 and have been addressed by conditions on the planning permit issued for the minor sports ground.

***Financial Implications***

It is not expected that the rezoning will result in any financial implications for Council, other than those associated with the usual processing of a planning scheme amendment.

***Policy/Legal/Statutory Implications***

The proposal is consistent with the State Planning Policy Framework (SPPF), particularly the purpose of the PPRZ which includes recognising areas for public recreation and open space, and Clause 11.03 which seeks to respond to the needs of existing and future communities through the provision of zoned and serviced land for recreation and open space.

**1. AMENDMENT C220:- REZONING OF 10 AND 18 ALKARA AVENUE & 8 - 10 MILL ROAD, LARA (CONT'D)**

The proposal is consistent with the Local Planning Policy Framework (LPPF), particularly the purpose of clause 21.08-4 Open space which is: *To develop a comprehensive, safe and accessible open space network* and which includes the strategy to: *Require land provided as open space to be useable for its intended recreational purpose.* Rezoning the Council owned land will assist in implementing Council's open space policy for the area.

The Lara Structure Plan 2011 supports the rezoning of the 18 Alkara and 8-10 Mill Road sites (page 29 of Lara Structure Plan adopted 2011). It also supported the acquisition of the 10 Alkara Avenue site which has subsequently been achieved by Council, with settlement of the purchase on 10 May 2011.

***Officer Direct or Indirect Interest***

No Council Officers have any direct or indirect interest, in accordance with section 80(c) of the Local Government Act, to which this Amendment relates.

***Risk Assessment***

There is no risk associated with this Amendment.

***Social Considerations***

The rezoning of the land will recognise the land as much needed sport and recreation facilities in Lara and will assist in supporting community benefit and enjoyment.

The development of the land for the recreation facilities and open space may impact on nearby residents through increased noise and traffic, particularly on weekends, though this has been considered and addressed as part of planning permit 715/2010.

***Communication***

In late 2008 as part of Amendment C162 General Anomalies, Council officers considered the rezoning of the subject land to PPRZ (not including 10 Alkara Avenue) giving informal notice to adjoining landowners. One adjoining landowner at 38 Mill Road raised concerns about the proposed rezoning and it was decided that the rezoning should not proceed at that time as Amendment C162 was exempted from public exhibition.

If Amendment C220 proceeds and receives authorisation from the Minister for Planning, the usual statutory notifications in accordance with the Planning and Environment Act 1987 will take place, including the publication of notices in the locally circulating newspapers, and letters to surrounding land owners and occupiers.



Appendix 1-2 – Aerial Image of the subject land and surrounds

