

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 11 December 2012

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

COUNCIL:

Cr. K. Fagg - Mayor	(G21 Geelong Regional Alliance, Governance Regional Cities, Women in Community Life)
Cr. T. Ansett (<i>Windermere</i>)	(Heritage, Rural Communities)
Cr. L. Ellis (<i>Coryule</i>)	(Coastal Communities, Infrastructure, Parks and Gardens)
Cr. J. Farrell (<i>Beangala</i>)	(Community Safety, Education and Youth)
Cr. K. Fisher (<i>Corio</i>)	(Community Development)
Cr. B. Harwood (<i>Kardinia</i>)	(Enterprise Geelong)
Cr. M. Heagney (<i>Brownbill</i>)	(Arts and Culture, Central Geelong)
Cr. J. Irvine (<i>Austin</i>)	(Sport and Recreation)
Cr. E. Kontelj (<i>Cowie</i>)	(Aboriginal Affairs, Multicultural Affairs)
Cr. Dr. S. Kontelj (<i>Kildare</i>)	(Finance)
Cr. R. Macdonald (<i>Cheetham</i>)	(Major Projects, Planning, Knowledge Economy)
Cr. R. Nelson (<i>Deakin</i>)	(Major Events, Tourism)
Cr. A. Richards (<i>Buckley</i>)	(Environment & Sustainability, Transport, Primary Industries)

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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, GEELONG
TUESDAY, 11 DECEMBER 2012
COMMENCING AT 7.00 P.M.**

PRESENT: Cr K Fagg (Chair), Crs T Ansett, L Ellis, J Farrell, K Fisher,
B Harwood, M Heagney, J Irvine, E Kontelj, S Kontelj, R Macdonald,
R Nelson, A Richards

Also present: S Griffin (Chief Executive Officer), J Wall (General Manager
Corporate Services), P Bettess (General Manager Economic
Development, Planning and Tourism), G Van Driel (General Manager
City Services), J McMahon (General Manager Community Services),
D Frost (General Manager Projects, Recreation and Central
Geelong), J Brown (Manager Administration and Governance),
R Bourke (Governance Co ordinator), J Merlo (Senior Media Officer)

OPENING: The Mayor declared the meeting open at 7.00pm

ACKNOWLEDGEMENTS:

**The 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: Nil.

LEAVE OF ABSENCE:

Cr Richards moved, Cr Ellis seconded –

**That Leave of Absence be granted to Cr Macdonald from 21 December 2012 to 20
January 2013, inclusive, and Cr Heagney from 22 December 2012 to 7 January 2013,
inclusive.**

Carried.

CONFIRMATION OF MINUTES:

Cr Ansett moved, Cr Irvine seconded -

**That the Minutes of the Ordinary Meeting held on 13 November 2012 be confirmed
and signed.**

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Richards declared an Indirect Interest by Close Association in Agenda Item 3 – Proposed Light Tower Signage at Simonds Stadium – Planning Scheme Amendment C284, in that he is President of Geelong Harness Racing Club which may include a future application for signage.

Cr Eddy Kontelj declared a Conflict of Interest in Agenda Item 15 – Contractual Matter, in that the subject contractor is a large and significant customer of his employer

PRESENTATION:

Cr Farrell presented the Mayor with a trophy awarded to the City of Greater Geelong in relation to the L2P Mentoring Program. L2P is a community based volunteer program designed to provide young learner drivers with equal access to driving experience and instruction.

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.

Paul Secen asked the following questions in relation to Amendment C243:

- 1) The proponents of C243 are relying solely on the evidence of Ecology and Heritage Partners engaged by the City of Greater Geelong. Does Council have any other reports to substantiate the finding of Ecology and Heritage Partners?

Peter Bettess responded that mapping of the grassland is being carried out by the Department of Sustainability that maps the grassland and classifies the situation. Report of ecology is looking at more detail of this classification. The study is where the grasslands exist and it exists in north of the industrial estate, shown in map attached to report.

Jeff Wall responded the question would be taken on notice.

- 2) When did Council first start to purchase land in the NCE and what was the last figure paid (and date) for a block of land in the NCE? A senior strategic planner submitted (to the hearing panel) that Council would consider an amendment to zone the NCE to Public Conservation and Resource Zone at a time when all the land was in public ownership. Why and how much is Council currently offering landowners in order to acquire private land for conservation purposes? What is the intention of Council in regards to this land should it fail to convince all landowners to forfeit their land?

QUESTION TIME:

Jeff Wall responded that the future of the land is that it cannot be built on and is a voluntary purchase not compulsory. The land is subject to planning requirements and it would be restricted for that purpose.

Peter Bettess responded that the land is covered by grasslands protected under Federal legislation and requires approval to remove or disturb those grasslands.

- 3) Does Council have a copy of the 'more appropriately scaled plan (or plans) into the NVPP that identifies the area of significant vegetation and property boundaries in both the GREP and NCE areas' as recommended by the panel?

Peter Bettess responded that Council does have such a plan, but would take the question on notice.

- 4) Being that the grassland is within a bushfire zone, and that grassland fires are the biggest threat this season (as reported by Council), will bushfire prevention measures affect the conservation values of the NCE?

Gary Van Driel responded that slashing some of that area is not detrimental, in fact fire protection works actually enhance the area. Works are subject to negotiation with the Municipal Fire Protection Officers.

Anne Brackley addressed Council as follows:

In community meetings during June and August this year more than 200 people came together to discuss issues that they faced because of the proposed town boundary changes to Drysdale.

During the meetings the council officers spoke of the growth of Ocean Grove and compared that growth and the town boundary changes to Ocean Grove in Drysdale and its necessary boundary changes.

Cr Macdonald at the opening of the new shelter at Clifton Springs Tennis Club the other evening also referred to the current growth in Drysdale area.

How does the Council reconcile these words but resolves to reduce the size of the Drysdale township, our residents don't understand these contradictory words and action.

What can be done to ensure that the words Council says aligns with the actions the Council takes?

Jeff Wall responded that the growth in Drysdale has been quite significant and Council needs to consider and make decisions for the future. There have been different views and I believe Council has taken on board those views. The proposal is currently out for exhibition with regard to areas 3 & 4 and people have the opportunity through this process to raise their views/comments.

Cr Macdonald added there are two different issues – boundary review and the development of Drysdale as part of the area growth plan.

QUESTION TIME:

Colin Wallace asked:

- 1) As part of the Ropeworks Planning Permit, the permit holder/owner was to provide Council with \$100,000 for post-development traffic mitigation works and Council was to provide the permit holder/owner with half-yearly summaries for up to five years of investigations/works undertaken and associated costs. The Ropeworks development, called Pakington Strand, opened in November 2008.

In relation to this, would the Mayor and other Councillors note that, when in 2011 my wife and I requested copies of these half-yearly summaries from Council, we were told that no half-yearly summaries had been provided to the permit holder/owner, with no explanation and no undertaking to do something about it, even though two and a half years, that is five periods of half a year, had gone by since the opening and I ask, why did this evident breach of the Ropeworks Planning Permit on Council's part occur?

The Mayor noted the first part of the question.

Peter Bettess indicated he would have to check the details, but believed it was done with the consent of the permit holder, in that reports from Council were not required as all works were performed to their satisfaction.

PETITIONS: Nil.

Cr Richards declared an Indirect Interest by Close Association in Agenda Item 3 – Proposed Light Tower Signage at Simonds Stadium – Planning Scheme Amendment C284, in that he is President of Geelong Harness Racing Club which may include a future application for signage and left the meeting room at 7.35pm prior to discussion.

3. PROPOSED LIGHT TOWER SIGNAGE AT SIMONDS STADIUM – PLANNING SCHEME AMENDMENT C284

Portfolio: Planning – Cr Macdonald
Source: Economic Development, Planning and Tourism - City Development
General Manager: Peter Bettess
Index Reference: Application C284

Summary

- The purpose of this report is to seek Council's in-principle support for an amendment to the planning scheme to amend the Schedule to the Public Park and Recreation Zone to allow for signage on the light towers at Simonds Stadium to be considered for a planning permit.
- The proposal seeks to erect advertising signage on the soon to be constructed light towers at Simonds Stadium Kardinia Park. The signage is classified as promotion or major promotion signs, and is currently prohibited in the Category 4 advertising control applicable to the site.
- The sponsorship and advertising for the light towers is intended to offset the electricity operating costs of the light towers.
- To meet this timeline a fast-track process is being sought with a section 20(4) Ministerial amendment preferred to guarantee that the land is rezoned and planning permit issued prior to the commencement of the 2013 AFL home and away season.
- In the event that the Minister for Planning does not consent to a ministerial amendment, it is proposed to seek a section 20(2) 'no public exhibition' amendment process.
- Category 2 advertising control will allow for a permit application to be made for the signage sought on the light towers. This provides the opportunity for community views to be taken into account.
- The benefits to the local sporting community from the sponsorship and advertising outweigh any effect on third parties.

Cr Macdonald moved, Cr S Kontelj seconded -

That Council supports the:

- 1) preparation of a planning scheme amendment to amend the schedule to the Public Park and Recreation Zone to include the land at 360 – 380 Moorabool Street Geelong (Simonds Stadium) in the Category 2 for advertising signage; and**
- 2) amendment being processed as either a section 20(4) Ministerial amendment or a section 20(2) "no public exhibition" amendment under the Planning and Environment Act 1987.**

Carried.

3. PROPOSED LIGHT TOWER SIGNAGE AT SIMONDS STADIUM – PLANNING SCHEME AMENDMENT C284 (CONT'D)

Report

Background

Simonds Stadium is undergoing a multi-million dollar transformation to upgrade the facility to a capacity of approximately 33,500 for AFL and other sporting/entertainment events and community uses. The scope of the project includes the installation of light towers at the Stadium to facilitate increased usage by a wider variety of sports, such as a future Geelong team in the national 20/20 cricket league.

Simonds Stadium is located at 360 – 380 Moorabool Street Geelong, and sits within the broader Kardinia Park. The surrounding Kardinia Park is the base for community sport with facilities including a cricket oval, football oval, public swimming pool and a regional netball complex.

G21 has outlined the financial and economic outcomes and benefits for Victoria and the G21 Region from the redevelopment of the Stadium as:

- An additional \$49.3 million to the regional economy over the next 10 years
- Direct employment of up to 47 FTEs and indirect employment of up to 21 FTEs over the construction phase
- Direct ongoing employment of up to 6 FTEs per year.
- The redevelopment also provides outcomes and benefits in the following areas:
 - Social (e.g. increased community usage of Skilled Stadium through the development of new multi-use facilities within Stage 3)
 - Sports Development (e.g. improved spectator facilities and increased opportunities to host major events)
 - Environmental (e.g. reduction of the stadium's Carbon footprint through the incorporation of state-of-the-art Environmentally Sustainable Design features and Universal Design Principles).

The land is zoned Public Park and Recreation Zone (PPRZ). The default advertising sign Category for this Zone is Category 4 – Sensitive areas. There are no overlays.

The Geelong Football Club has raised with Council the need to obtain a planning permit for signage to be installed on the four new light towers. It has been determined that the type of signage proposed is not permitted within the current provisions of the PPRZ. To support the proposed advertising signs, Council is seeking an amendment to the Schedule to the PPRZ to change the advertising signage Category applicable to Simonds Stadium. Rezoning of the land is not proposed.

Discussion

Four new light towers are proposed to be erected at Simonds Stadium at the completion of the Players Stand development.

The Club intends to generate revenue from the signage to help off-set electricity costs associated with the lights but not be too intrusive to the community.

3. PROPOSED LIGHT TOWER SIGNAGE AT SIMONDS STADIUM – PLANNING SCHEME AMENDMENT C284 (CONT'D)

The signage could include:

- A full wrap around the bottom of the pole. Approximately six metres high. This can easily be replaced and changed.
- Pole signage above the roof lines of the stadium and only facing inwards.

The signage is to remain in place for 12 months of the year.

Advertising sign provisions

Advertising sign provisions are contained in the Particular Provisions section of the Planning Scheme at Clause 52.05. This clause specifies categories of advertising control, with the zone provisions specifying which category of advertising control applies to the zone.

There are 4 categories of advertising control, including Category 1 – Business areas with minimum limitation, Category 2 – Office and Industrial with low limitation, Category 3 – High Amenity areas with medium limitation and category 4 – Sensitive areas with maximum limitation. Each category has differing permitted and prohibited signs.

Kardinia Park (including Simonds Stadium) is zoned Public Park and Recreation Zone and is subject to advertising signage Category 4 - Sensitive areas. The light tower signage contemplated by the Geelong Football Club is classified as either a promotion sign or a major promotion sign.

Promotion signs are signs of less than 18 square metres, and major promotion signs are 18 square metres or greater signs that promote goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.

Legal Advice

Legal advice has been sought and obtained from Harwood Andrews Lawyers about whether the advertising signs proposed on the light towers can be the lawful subject of a planning permit application. The legal advice concluded that the proposed signage is prohibited under the Category 4 signage provisions that apply to the land within the PPRZ.

If the proposed signage is to be realised there is a need to address the nature of signage controls through the schedule to the PPRZ.

Harwood Andrews advises that a ministerial advisory committee considered the advertising provisions in 2007, and specifically addressed the issue of the restrictive nature of the signage provisions in the PPRZ. Submissions from various Councils sought to lessen the control to make it a Category 2 control. The Committee determined not to change the provisions at the time due to the wide variability of context and locations of the PPRZ across the State and that a more detailed analysis of signage was required. The Committee noted that the schedule to the PPRZ already provided for local variations which Councils could use to manage local need and circumstances.

3. PROPOSED LIGHT TOWER SIGNAGE AT SIMONDS STADIUM – PLANNING SCHEME AMENDMENT C284 (CONT'D)

Subsequent to this advisory committee report, a number of Council's have sought planning scheme amendments to list particular reserves in the Schedule to the PPRZ and allocate those reserves a different advertising signage Category. For example, Maroondah Planning Scheme was amended in 2008 to change the Schedule to the PPRZ to allow for 20 Council recreation reserves to be classified as signage Category 3 (high amenity areas). A similar situation exists in the Banyule Planning Scheme.

More recently, advertising signage in a public reserve within a PPRZ was recently the subject of a ministerial intervention with respect to the Bendigo Planning Scheme where advertising signage was prohibited in a reserve in which a football ground was situated. The Minister determined to intervene to exempt himself from the requirements of section 17, 18 and 19 of the Act, with the effect that third parties would not have the opportunity to make submissions to the planning authority in relation to the amendments and for that submission to be considered by a panel. The Minister considered this appropriate because the "benefits to the local sporting community of bringing forward the opportunity for advertising signs, of as type normally associated with a sporting ground of this nature, and associated sponsorship – outweigh any effect on third parties". The amendment identified a particular reserve in the schedule to the PPRZ and Urban Floodway Zone as land to which advertising sign Category 2 would apply.

Recommended Action

Harwood Andrews recommends that Council consider preparing a similar amendment to the Scheme to identify Simonds Stadium in the Schedule to the PPRZ as advertising signage in either Category 2 (low limitation) or Category 1 (minimum limitation). The Minister should be requested to exempt himself from the requirements of sections 18, 18 and 19 of the Act on the same grounds as the Bendigo example, that is, that the benefits to the local sporting community outweigh any effect on third parties.

Clause 52.05-8 provides for Category 2 – Office and industrial areas. Section 2 of Clause 52.05-8 provides that a permit is required for any sign not in Section 1 and the proposed signs are not included in Sections 1. Section 3 of Clause 52.05-8 provides that no signs are prohibited. If Simonds Stadium Park were identified in the Schedule to the PPRZ as being Category 2 or indeed Category 1 for advertising signs, Council could issue a permit for the proposed signs.

As advised by Harwood Andrews, this would allow the applicant to apply for a planning permit for the signs and for Council to regulate the use with appropriate conditions. It is noted that the light towers will be set back from residential areas and the prominent road frontage, that being to Moorabool Street, is of a relatively robust commercial nature.

As recommended by the legal advice, it is proposed to seek a ministerial amendment to change the planning scheme in a timely manner on the grounds that the type of advertising proposed is appropriate for the location and its sporting ground nature, and to meet the commencement of the 2013 AFL season.

Should the Minister choose not to prepare an amendment, it is recommended that the Minister be requested to grant Council an exemption from the notification requirements of Sections 17, 18 and 19 of the Planning and Environment Act 1987 and to proceed with a Section 20(2) amendment.

3. PROPOSED LIGHT TOWER SIGNAGE AT SIMONDS STADIUM – PLANNING SCHEME AMENDMENT C284 (CONT'D)

Environmental Implications

The proposed amendment will facilitate a planning permit to be issued for promotion and major promotion signs. The signs will be established on the light towers of Simonds Stadium and will be visible in the surrounding area. They are intended to be of minimal intrusion to the local area.

Financial Implications

The proposed amendment has no financial impost on Council's budget.

Policy/Legal/Statutory Implications

The Planning Scheme allows for the Schedule to the PPRZ to be amended to prescribe an appropriate advertising sign category for Simonds Stadium. This has been done previously for the Ocean Grove Park which is nominated as being in signage Category 3.

Council's *Advertising Sign Guidelines, November 1997* provide guidance about the objectives and policies relating to the various categories and types of signage, and give guidance for planners assessing signage applications. These have been reviewed but as yet no amendment has been prepared to update the Planning Scheme.

Officer Direct or Indirect Interest

In accordance with section 80(c) of the local Government Act no Council officers have any direct or indirect interest in the matters to which this amendment relates.

Risk Assessment

The change to the signage Category applied to Simonds Stadium poses minimal risk to Council. The signage sought for Simonds Stadium light towers will require a planning permit and will be assessed primarily under the particular provisions at Clause 52.05.

Social Considerations

The amendment to the signage Category applied to Simonds Stadium will have minimal social impacts. Matters of a social nature in terms of amenity etc are covered under Clause 52.05 and in the 2012 Guidelines.

Communication

Request will be made to the Minister for Planning seeking his preparation of the amendment to the Planning Scheme.

Appendix 1 – Subject Land Map

