

# MINUTES

## ORDINARY MEETING OF COUNCIL

**Tuesday, 22 November 2016**

Held at the  
Council Conference and Reception Centre  
City Hall, Little Malop Street, Geelong  
commencing at 5.30p.m.

**ADMINISTRATORS:**

Dr Kathy Alexander (Chair)  
Laurinda Gardner  
Peter Dorling

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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, 22 NOVEMBER 2016  
COMMENCING AT 5.30P.M.**

**PRESENT:** Dr K Alexander (Chair), L Gardner, P Dorling

**Also present:** K Spiller (Chief Executive Officer), W Tieppo (General Manager Strategy & Performance), P Bettess (General Manager Planning and Development), R Thomas (Acting General Manager City Services), L Quinn (General Manager Community Life), A Keen (Executive Manager People and Organisational Development), T McDonald (Manager Customer Support and Council Business)

**OPENING:** The Chair declared the meeting open at 5.30pm

**ACKNOWLEDGEMENTS:**

Council acknowledged Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:**

**P Dorling moved, L Gardner seconded –**

**That Leave of Absence be granted to Laurinda Gardner and Peter Dorling from 26 December 2016 to 9 January 2017, inclusive. Dr Kathy Alexander (Chair) withdrew her leave arrangements.**

**Carried.**

**CONFIRMATION OF MINUTES:**

**P Dorling moved, L Gardner seconded -**

**That the Minutes of the Ordinary Meeting held on 25 October be confirmed.**

**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, the Interim Administrator 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.*

**Andy Richards** submitted questions in relation to Asbestos Removal to which a written response will be provided within 14 days.

**Colin Wallace** asked the following:

Dr Alexander, in your letter to me dated 22 August 2016, you said you would not meet with me and did not mention my wife at all, even though when I asked here at public question time on 16 August if you would meet with my wife and me you said you would.

To explain this turnaround, you said in the letter you did some research. Your research did not extend to consulting me or my wife.

You had never met with us and had no communication of any sort to you from us except my questions here on 28 June and 16 August.

Since, according to your letter, the outcome of your research is that you will not meet with us despite saying you would, I am asking would you, Dr Alexander, provide a list of the resources you used in your research, such that each item of information is readily identifiable?

*Kathy Alexander indicated that she would not provide the requested information.*

**Mary Wallace** asked questions regarding personnel related matters, and as previously advised, "Council does not discuss personnel related matters in an open forum".

**Priscilla Pescott** asked questions regarding signage at Balyang Sanctuary:

Last time I was there, a young woman with several small children had come with a large bag full of french stick bread to feed the birds. She said she was unaware that feeding the birds was prohibited.

When I returned from my walk, there were several of the bread sticks floating in the water, and on the concourse.

The notice of prohibition is only on the bird identification signs, and not very prominent. So I would ask that more prominent signs with this message be erected fronting the car park and beside the lakes.

*Rodney Thomas responded that Council will have a look at the signage with a view to improving it.*

**Sue Clark** asked question in relation to 43 Upper Skene Street, Newtown:

Given that buildings and fences currently exist that are not in line with the overlay guidelines and that one side of the street has been excluded, what is the Heritage Overlay trying to achieve by including Upper Skene Street in the precinct?

*Kathy Alexander suggested Peter Bettess have some of the planning staff meet and discuss the issues further.*

**Michael Loughnan** asked questions regarding the Annual Global Costings of Armstrong Creek:

- so as to retrieve money from developers in keeping with real costs;
- to add weight to growing costs of delivery desirable qualities for subdivisions and efficient service delivery.

*Peter Bettess advised he would ask his Executive Assistant to make contact in regard to formalising a meeting.*

**Jennifer Bantow** asked questions in relation to the Newtown West Heritage Review and Johnstone Park Concept Plan:

*Newtown West Heritage Review:*

Is it planned to have any other areas reviewed in the near future?

Is there any annual budgetary allocation for this purpose until all the Outer Areas Heritage Study is completed?

*Peter Bettess responded he can't say what the next areas to be reviewed are, but would be putting to the heritage strategy which will identify those areas that haven't been studied, which should be.*

*Johnstone Park Concept Plan:*

Does Council consider the closure of Mercer Street and the demolition of the buildings within the Woolstores Heritage Overlay should be endorsed?

*Brett Luxford added the Johnstone Park Concept Plan is being put out for a period of 14 days for public consultation and added he is aware of the elements mentioned and is working with Heritage Victoria for the best outcome.*

## **PETITIONS:**

**Chris Auret** tabled a petition requesting Council resolve the lack of action to demolish or rectify the fire damaged derelict building at 336 Ryrie Street.

### **3. NEWTOWN WEST HERITAGE REVIEW 2016**

**Source:** Planning & Development - Planning Strategy  
**General Manager:** Peter Bettess  
**Index Reference:** Land Use & Development - Heritage Studies

#### **Purpose**

This report seeks approval from Council to adopt the findings and recommendations of the Newtown West Heritage Review, 2016 and to give them statutory effect by including them in the Greater Geelong Planning Scheme via a Planning Scheme Amendment.

#### **Background**

Council resolved to undertake a heritage review for the Newtown West area (see Appendix 1) in 2014.

The review was completed in early 2015 and recommends a Heritage Overlay over three heritage precincts/areas (103 sites) and 5 individual sites. All properties are dwellings with the exception of the Great Western Hotel.

#### **Key Issues**

- The application of a Heritage Overlay requires planning permits be obtained for all building and works (unless specifically exempt).
- Public notification occurred in July-August 2016 with 19 submissions received: 6 objected, 1 raised queries and 12 were supportive.
- Objections to the proposed overlay related to the restrictions a heritage overlay would impose on the owners ability to develop/build what they want. The Hotel objected to the additional red tape and potential development and investment implications.
- As a result of consultation with submitters the query and 1 objection were resolved.
- Supporters of the overlay were keen to see it introduced to protect the heritage character of the area.

**P Dorling moved, L Gardner seconded -**

**That Council:**

- 1) Adopts the Newtown West Heritage Review, 2016;**
- 2) Requests the Minister for Planning authorise the preparation of an amendment as detailed in this report; and**
- 3) Requests the Minister for Planning exercise powers under Section 20(4) of the Planning and Environment Act 1987 by applying an interim Heritage Overlay to the identified places while the formal Planning Scheme Amendment is prepared and considered.**

**Carried.**

## **Attachment 1**

### ***Discussion***

Council engaged Authentic Heritage Services Pty Ltd to conduct the review from November 2015 to May 2016. The Newtown West Heritage Review 2016 (Vol 1-5) recommended a Heritage Overlay be applied to the following:

- Newtown West heritage area (58 places in draft – 56 post public notification)
- Upper Skene Street heritage area (34 places)
- West Melbourne Road heritage area (13 places)
- 177 Aberdeen Street - hotel
- 15 Nantes Street – dwelling
- 31 Nantes Street – dwelling
- 321-323 Shannon Avenue – semi detached dwellings
- 325 Shannon Avenue - dwelling

The Newtown Housing Commission Estate (60 places) was also identified but not recommended for planning controls.

The draft Review was put out for public notification in July to August 2016 with all properties identified for a proposed heritage overlay notified by mail. A notice was also placed in the local papers on 15th and 16th July.

As a result of public notification 19 submissions were received. Of these 6 objected, 1 raised queries and 12 were supportive. A table summarising submissions and an officer response is provided in Appendix 2.

Generally, those opposing the overlay have future plans for building work including dwelling additions or demolishing the existing home and building a new home. The hotel opposed the additional 'red tape' and impact on development opportunities.

Generally, those supporting the overlay were keen for the established heritage character of the area to be preserved.

As a result of submissions some changes are recommended including:

- Removal of 9 Ruthven Street and 138 Aphrasia Street from the Newtown West Heritage Precinct. These properties are not significant and are on the edge of the precinct not fronting key heritage streetscapes.
- Introduction of an 'Incorporated Plan' and 'prohibited uses' clause for the Great Western Hotel site at 177-179 Aberdeen Street to exempt requirements for permits under the Heritage Overlay unless the 2 storey heritage building is affected. This recognises the significant heritage building takes up a small portion of the site and provides greater flexibility for the balance of the site. The 'prohibited uses' clause provides greater use opportunities than otherwise afforded under the zone.

The final planning scheme recommendations are summarised below (with copies of the proposed ordinance schedule provided in Appendix 3). A summary map, including the current and proposed heritage overlays is provided in Appendix 1:

- Update LPPF Clause 22.09 to reference the Newtown West Heritage Review, 2016
- Add new LPPF Clause 22 policies for:
  - Newtown West Heritage Area
  - Upper Skene Street Heritage Area; and
  - West Melbourne Heritage Area
- Add a new items to 43.01 Heritage Overlay schedule including heritage areas and individual places (Appendix 3)
- Delete HO from previously listed individual properties in 43.01 Heritage Overlay schedule and include them in relevant the Heritage Area:
  - 132 Aphrasia Street HO1927 (formally HO1242)
  - 15 Stephen Street HO1927 (formally HO 205)
  - 311 Shannon Avenue HO1929 (formally HO181)

Maps:

- Add Heritage Overlay to identified places (Appendix 1)

It is recommended Council apply for interim controls for the Heritage Overlay while the amendment is being considered. This will help ensure significant buildings aren't demolished and development will be in keeping with the proposed character objectives while the amendment is being considered. Council has consistently taken this approach in the past.

The Planning Scheme Amendment process will provide for further public consultation as part of the statutory exhibition process. Should submissions remain unresolved a Panel Hearing will be requested to hear submissions and make recommendations before Council makes a final decision.

#### ***Financial Implications***

There will be no significant financial implications on Council as part of the future Planning Scheme Amendment process or final Ministerial approval of the controls . All future statutory processes will be covered by respective departmental budgets.

No impact to budget.

#### ***Stakeholder Consultation and Communication***

The Project has considered the relevant State and local planning considerations. To give proposed controls statutory weight, a Planning Scheme Amendment will be initiated to implement them in the Greater Geelong Planning Scheme.

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

The Project has considered the relevant State and local planning considerations. To give proposed controls statutory weight, a Planning Scheme Amendment will be initiated to implement them in the Greater Geelong Planning Scheme.

***Alignment to City Plan***

This report aligns with the directions of the Sustainable and Built Environments theme in City Plan.

***Conflict of Interest***

No Council officers involved in the development of the Newtown West Heritage Review and preparation of the report have a direct or indirect interest in the issue, in accordance with Section 80(c) of the Local Government Act, to which this report relates.

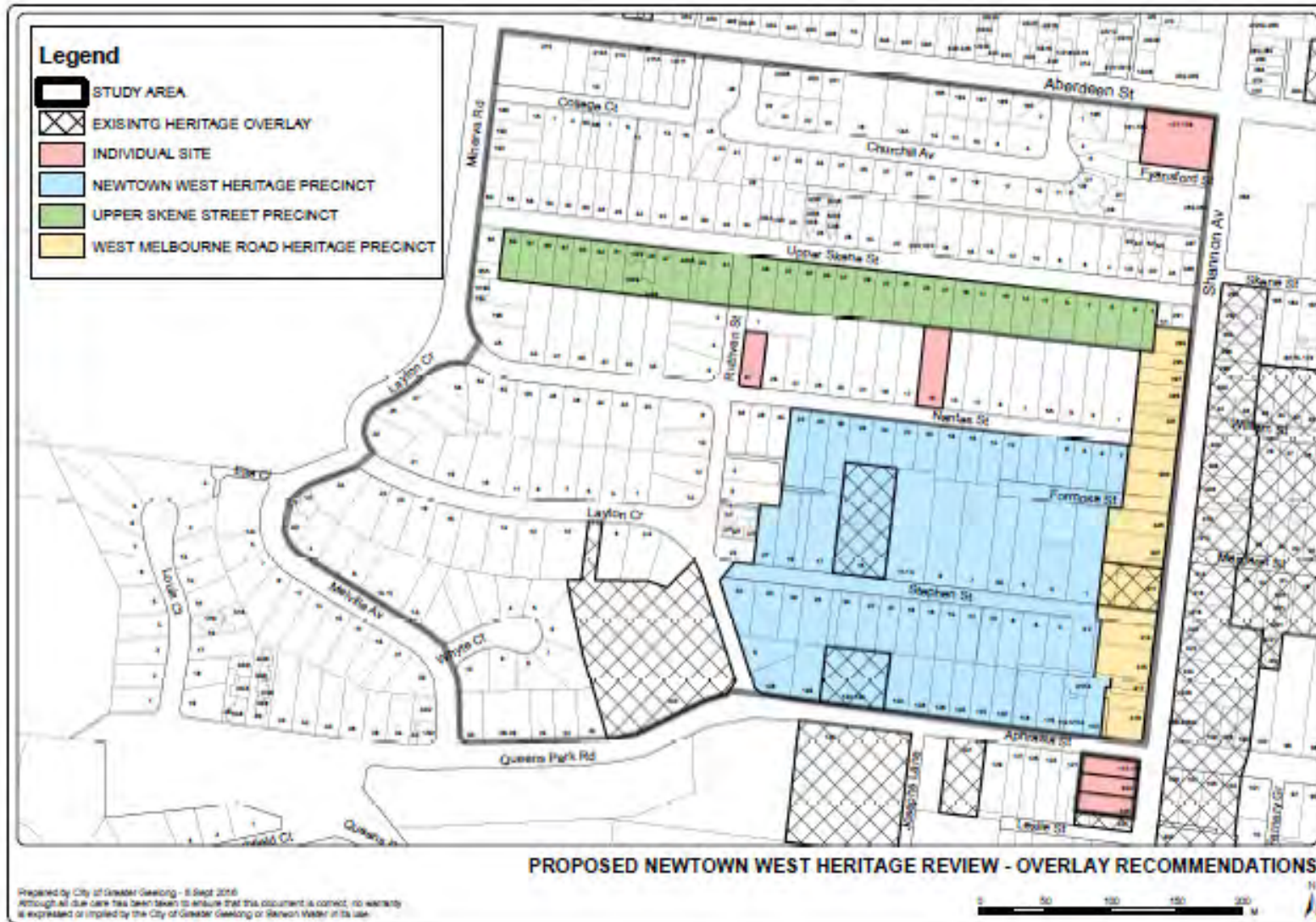
***Risk Assessment***

There is a risk that the identified heritage character will be lost without the introduction of the proposed planning controls.

***Environmental Implications***

There are no significant environmental implications as a result of this project.

## APPENDIX 1 – STUDY AREA & RECOMMENDED OVERLAYS



## APPENDIX 2 – SUMMARY OF SUBMISSIONS & OFFICER RESPONSE

SUBMISSION #	PRECINCT	COMMENTS	OFFICER RESPONSE
1	Newtown West	Concerned re 11 Stephen Street. Has questions and although they support the Heritage concept believe it is their prerogative to decide what to do with their property.	Council officer and consultant met onsite to discuss queries. Confirmed there is no significant exotic vegetation on-site and reference to this will be removed from citation and policy documents. Future development options discussed and owner generally happy with the HO once clarifications received. Resolved.
2	Upper Skene Street	Support the overlay as a means of protecting the character of the area.	Noted
3	Newtown West	Support the overlay as a means of protecting the character of the area.	Noted
4	Upper Skene Street	Support the overlay as a means of protecting the character of the area.	Noted
5	Upper Skene Street	Disagrees with listing one side of the street in the overlay, it will enhance the disparity between old & new. Points out the side to be listed has numerous examples of fencing, additions etc that do not meet the proposed policy, questions how a precinct can form on this basis. Already started planning construction of new two storey dwelling that could be compromised if HO controls come into effect.	Council officer met with owners during consultation period. The timing of the review and potential introduction of controls was explained. The site is centrally located in the Upper Skene Street precinct and although the site is vacant it is considered the overlay should apply so new development is in-keeping with the identified character of the area. Of the 34 sites in the precinct, 22 are considered to contribute to the heritage values, hence there remains a majority of significant housing stock to recommend a HO. Unresolved.
6	Newtown West	Support the overlay as a means of protecting the character of the area & request tree controls be extended to 7-9 Stephen Street in line with the listing of trees at 11-19 Stephen Street.	Noted. Council officers conducted site visits to determine whether the trees warranted tree controls. The trees identified were Australian natives and not 'mature exotic' species. Tree controls not recommended for 7-9 Stephen Street. Reference to trees at 7-9 being removed (see submission 1).
7	Newtown West	Support the overlay as a means of protecting the character of the area. Enjoyed learning the history of the area from the Report.	Noted

8	Newtown West	Strongly object to the overlay. House is not listed as significant. Prefer to see new development. Newtown has enough heritage listed already.	Council officer and heritage consultant reviewed the property in question which along with the neighbouring property are both identified as 'not significant'. The properties are located on the edge of the Newtown West Heritage Precinct and do not front the key streetscapes of Nantes, Stephen or Aphrasia Streets therefore it is recommended these properties be removed from the precinct. Resolved.
9	Newtown Housing Commission Estate	Support the recommendation of Review not to place Heritage Overlays over the Estate. Support recommendations to look at forms of interpretation for the site.	Noted
10	Newtown West	Support the overlay as a means of protecting the character of the area.	Noted
11	Newtown West	Support the overlay as a means of protecting the character of the area. Believe re-sale values will not be negatively affected as potential purchasers appreciate security and knowledge that the character will be preserved.	Noted
12	Upper Skene Street	Not supportive. Purchased the property knowing there was no heritage controls with the intention of building new home. The street has a miss match of homes including 'not significant' homes and needs further consideration.	Property listed as 'contributory' in the Review. The Upper Skene Street precinct meets the threshold of significant properties to warrant being described as a precinct suitable for HO consideration. No information was provided refuting or challenging the content of the Review. It is recommended the site remain within the precinct recommended for a HO. Unresolved.
13	Individual Site (Great Western Hotel)	Objects to the financial consequences and restriction of growth and development a HO could incur. Notes similar comparable hotels not HO listed. Notes site not previously picked up in heritage studies. Unfair to burden whole site with HO when only 2 storey building identified as significant. The use rather than the building fabric appears of significance. Does not think the hotel meets the required significance to incur a HO.	Council officer met with owners to discuss site and overlay during the notification period. Subsequent to the submission officers provided option of 'incorporated plan' which would only see work affecting the significant portion of the building trigger HO permits, all other buildings and works would not require a permit under the HO, although a permit will still be required under the zone. Officers also proposed to add the 'prohibited uses' clause allowing greater use opportunities than the current zone allows. The owners still strongly object the a HO. The site is considered to meet the threshold for a heritage listing and no refuting evidence was provided, it is recommended a HO apply to the site. Unresolved.
14		Congratulates the research that went into the	Noted.

		Review.	
15	Newtown West	Support the overlay as a means of protecting the character of the area. Would like to see protection of matures trees and landscapes.	Noted. Protection of trees and landscapes, unless they are of historical significance will not form part of the heritage controls. Trees and vegetation form part of a neighbourhood character assessment when planning permits are triggered.
16	Newtown West	Request for exclusion from the overlay. Looking at carrying out works that may not meet proposed HO policy.	Council officer met with owner to discuss. The proposed dwelling is on the edge of the precinct however the dwelling is considered 'contributory' and therefore it is considered it should remain in the precinct.
17	Upper Skene Street	Supports the overlay, additional historical information provided. Would like to see protection of matures trees.	Noted.
18	Upper Skene Street	Support the overlay as a means of protecting the character of the area which includes dwellings in garden settings. Concerns raised over demolition of neighbouring property given the imminent HO implementation.	Noted. Until interim HO controls are in place council is not in a position to intervene in the issuing of demolition consents. If interim HO controls are in place prior to works commencing on a vacant site the HO will apply.
19	Individual Site (31 Nantes St)	Request for exclusion from the overlay. Not supportive. Purchased the property knowing there was no heritage controls with the intention of building new home. The house is an individual property and does not form part of a precinct or contribute to the overall character of the area. Neighbouring properties are modern.	It is considered this property is of particular heritage significance. No information was provided refuting or challenging the content of the Review. The review notes the house is unusual for this part of Newtown and is a good example of an austere post war Georgian Revival design. It is a substantial home in the area. It is recommended a HO be applied to this site.



PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1929	Melbourne Road Heritage Area Generally bounded by: properties fronting the west side of Shannon Avenue between Aphrasia Street and Upper Skene Street.	Yes- 303 & 311 Shannon Avenue	No	No	Yes – Front fences at 303, 315 & 319 Shannon Avenue	No	No		No
HOXXXX	Great Western Hotel 177 Aberdeen Street	No	No	No	No	No	Yes	TBA	No
HOXXXX	<b>Dwelling</b> 15 Nantes Street, Newtown	Yes (dwelling only)	No	No	No	No	No		No
HOXXXX	<b>Dwelling</b> 31 Nantes Street, Newtown	Yes (dwelling only)	No	No	Yes – garage fronting Ruthven Street	No	No		No
HOXXXX	<b>Dwelling</b> 325 Shannon Avenue Newtown	Yes – (dwelling only)	No	No	Yes (front fence)	No	No		No