

QUESTIONS AND RESPONSES TO QUESTION TIME TUESDAY, 22 APRIL 2014
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The following questions were addressed to the above meeting. Some questions were adequately responded to at the meeting, however others required a more detailed response in writing.

This document includes both verbal and written responses. In this instance, no written responses were provided as issues were adequately addressed at the meeting.

Dr Maria Neagle asked the following in relation to the Hamlyn Reserve Mobile Phone Antenna:

- 1) Are you aware that the community continues to be steadfastly opposed to the proposed Telstra tower development in Hamlyn Park Reserve?
- 2) Are Councillors aware that in following due process, community representatives attended a VCAT hearing on 17 March at which time VCAT upheld their decision to issue a planning permit to Telstra?
- 3) Are you aware that as a community group we have prepared an 11 page objectors submission in response to the public submission process that was delivered to the Mayor and Councillors?
- 4) Finally, are Councillors aware that the community sincerely appreciates the opportunity you have given us to share our position with the Mayor and Councillors, through the public submission process?

Cr Harwood responded that the questions would be addressed during debate of the item later this evening and added the comments are noted by Council officers and Councillors. He also congratulated the group for the respectful way in which they conducted themselves during the process.

David King presented the following questions on behalf of R & C Johnson in relation to Amendment C267 – Armstrong Creek Town Centre Precinct Structure Plan and Development Contributions Plan:

- 1) Are Councillors aware that recommendations 14 and 15 on page 70 are not in accordance with that of the Independent Panel's recommendations?
- 2) Are Councillors aware that clarification was sought from the Independent Panel and that the clarification received from Planning Panels Victoria is not contained in the officer's report in tonight's agenda?
- 3) Are Councillors aware that this intersection is designed to cater for around 29,000 vmpd whilst the land owner will only generate approximately 2000-3000 vmpd from their development once fully completed?
- 4) Are Councillors aware that roads with traffic volumes in excess of 7000 vmpd are defined in Clause 56 of the Planning Scheme as Arterial Roads; and as such would normally be a fully funded DCP? This intersection has an estimated 29,000 vmpd).
- 5) Are Councillors aware that this intersection is on the boundary of two separate precincts and will carry the greatest volume of traffic into the ACTC but the construction is the responsibility of just one landowner in one precinct?

- 6) Are Councillors aware that the cost burden of this intersection on one landowner is unjust, inequitable and puts this land owner at a disadvantage over other land owners in the town centre, and as such, is inconsistent with the objectives of planning as stated in the Planning and Environment Act 1987?

Cr Harwood responded the questions would be taken on notice for a written response. As the item is listed for discussion later this evening some of these issues will be addressed at that time.

**A subsequent written response was provided by the
General Manager Planning and Tourism in the following terms:**

I refer to your questions raised at Council's meeting of 22nd April 2014 regarding Greater Geelong Planning Scheme Amendment C267 Armstrong Creek Town Centre Precinct Structure Plan and Development Contributions Plan. Please find below responses to the 6 questions you raised at the meeting.

1. Are Councillors aware that recommendations 14 & 15 on page 70 are not in accordance with that of the Independent Panel's recommendations?

The report to Council stated that the Panel's recommendations were not supported by Officers. Council Officers recognise there is some inconsistency in the Independent Panel report relating to recommendations 14 and 15. Council Officers believe that any change in scope for this intersection would be inconsistent with the precedent set in similar Development Contributions Plans across the municipality. Based on this assessment the recommended Council position is to not support the recommendations.

2. Are Councillors aware that clarification was sought from the Independent Panel and that the clarification received from Planning Panels Victoria is not contained in the Officer's report in tonight's agenda?

Council is aware that the landowner (via Kings Lawyers) sought further clarity from Planning Panels Victoria regarding recommendation 14 and 15. This information was provided to Council on 14 March 2014, however the content did not change Council Officers position to not support recommendations 14 and 15.

3. Are Councillors aware that this intersection is designed to cater for around 29,000 vmpd whilst the land owner will only generate approximately 2000-3000 vmpd from their development once fully completed?

The figure of 29,000 vehicles per day is incorrect. The estimated traffic volume through the intersection was modelled at between 13,700 (along Boundary Road) and 15,950 vehicles per day (along Connector Road A). refer Armstrong Creek Town Centre – Movement and Access Background Technical report (10 December 2012, Cardno).

4. Are Councillors aware that roads with traffic volumes in excess of 7000 vmpd are defined in Clause 56 of the Planning Scheme as Arterial Roads; and as such would normally be a fully funded DCP? (Noting this intersection has an estimated 29,000 vmpd)

There are many local roads controlled by Council that cater for traffic volumes of approximately 15,000 vehicles per day, however these are not classified as arterial roads. These roads are often referred to as a major connector road, reflecting their localised high traffic volumes and not being part of a declared VicRoads arterial corridor. These types of volumes are also very common around activity centres due to traffic generation from higher density residential development and commercial development. It should also be noted that volumes along Boundary Road fall away to the east and west as you move further away from the Armstrong Creek Town Centre, reflecting its localised nature.

5. *Are Councillors aware that this intersection is on the boundary of 2 separate precincts and will carry the greatest volume traffic into the ACTC but the construction is the responsibility of just one landowner in one precinct?*

The treatment of this intersection within the Armstrong Creek Town Centre Development Contribution Plan is consistent with other examples across Geelong (within Development Contribution Plans), including three other similar intersections within the Armstrong Creek Town Centre Precinct that carry traffic volumes between 11 – 13,000 vehicles per day.

6. *Are Councillors aware that the cost burden of this intersection on one landowner is unjust, inequitable and puts this landowner at a disadvantage over other landowners in the town centre, and as such, is inconsistent with the objectives of planning as stated in the Planning and Environment Act 1987?*

Council Officers believe Council has met its obligations under the Planning and Environmental Act (1987), and with particular reference to Objective 4(1-a) which states “to provide for the fair, orderly, economic and sustainable use, and development of land”. The Council has taken a balanced approach to the equitable funding of infrastructure across the Armstrong Creek growth area and all landowners play an important role in the provision of infrastructure.

Should you or your client have any further concerns regarding this matter please contact Rob Anderson, Acting Manager, Planning Strategy & Urban Growth on 5272 4905 or randerson@geelongcity.vic.gov.au

Lesley Harper asked:

Council minutes for the April 8 meeting stated that “Cr Harwood and Cr Heagney presented petitions from residents asking Council to revise the C300 zoning for the whole of Belmont that is proposed to be zoned Residential Growth Zone 2 and General Residential Zone 2 - to instead be zoned Neighbourhood Residential Zone 2 to match the proposed zoning for Newtown Hill and Drumcondra.” This is inaccurate as the petition presented by Geelong's Western Resident Action Group to Councillor Heagney specifically requested NRZ2 for Geelong West, rather than the current RGZ2 and GRZ1 classifications, and included over a thousand signatures. Will Council please ensure that the Minutes be altered to include the correct information?

Cr Harwood took the question on notice.

Reece Booth outlined several heritage/tourism related projects which he viewed would be beneficial to the City.

Cr Harwood took the comments on notice for a written response.

Colin Wallace asked the following:

Bearing in mind that Engineering Services is within City Services, was Dean Frost, who is not an engineer, the General Manager of City Services or the Acting General Manager of City Services during the period from April 2009 to February 2010?

Cr Harwood took the question on notice.

**A subsequent written response was provided by the
Acting Chief Executive Officer in the following terms:**

I refer to your attendance at the Council meeting of 22 April 2014 and your participation in public question time.

In response to your question, I confirm that I was employed in the role General Manager - City Services, Infrastructure and Recreation from April 2009 through to April 2010.

I trust this satisfies your query.

Michael Tate asked the following questions in relation to Amendment C300:

- 1) The first part of our questions are to Cr S Kontelj – could you please detail the specific mis-information and scaremongering you refer to in your letter?
- 2) Are you accusing our group Geelong's Western Residents Action Group as the source of this supposed mis-information and scaremongering?
- 3) As the bulk of these letters were circulated in Geelong West, and more specifically in the heritage overlay areas of Geelong West, an area which is not even your ward, did you have Cr Heagney's endorsement to undertake this mailer?
- 4) If so, why is Cr Heagney not mentioned anywhere in this letter, and why is she not a co-signatory?
- 5) If not why was this letter circulated in another Councillor's ward?
- 6) To Council, does the City of Greater Geelong support and endorse this letter and its content from Cr S Kontelj?

Finally, can I ask why Crs Heagney, E Kontelj, S Kontelj and Harwood have not even acknowledged the request to meet with the Geelong's Western Residents Action Group which was emailed to them on 25 March? That would have been a more appropriate forum to have a discussion about any concerns that the Council has, rather than to adopt the approach that has been taken here?

Cr S Kontelj responded he would take the questions on notice and added he was not aware of any request to meet, however was more than happy to meet regarding this issue.

Cr Heagney responded that she too was unaware of the 25 March emailed request, but was also happy to meet.

Cr Heagney added that the photo that is being used was superimposed, the building is not an accurate representation of what can happen under C300.

Cr Harwood advised Councillors are restricted as to what they can say and are awaiting the Panel submission at the moment and report to come to Council for reading and more discussion.

Cr E Kontelj also apologised, but did not recall receiving any email. He also would be happy to meet.

Colin Nightingale asked the following in relation to Amendment C300:

Cr Heagney, at the Council meeting on 9 April, whilst presenting GWRAG's petition, you stated that our supporting materials and petition were misleading. We believe our information was correct. Under the revised RGZ2, three storey dwellings at a height of 10.5 metres are possible, even probable. Under GRZ1, three storey dwellings with flat roofs are possible, as the 9 metre height is not mandated and so could be raised with a Council permit, if necessary.

As per Cr Kontelj's letter, he clearly states that: *"by moving to the General Residential Zone in these areas we are effectively maintaining the status quo and to a certain degree are applying a more conservative zone than the existing Residential 1 zone. Medium density developments (units, townhouses, apartments) are already permissible in the Residential 1 zone provided they meet the requirements of Rescode and other planning controls (e.g. heritage overlays). The three storey units on Villamanta Street in Geelong West are an example of the type of density of development that can already occur under the current residential zone.*

This is of little solace to residents living under a heritage overlay on the other side of Villamanta Street, as their architectural context has been almost totally destroyed.

This would be different under NRZ2, where the 8 metre height maximum is mandated, and tighter controls are in place.

Moreover the three storey apartments in the photograph are in Brownbill Ward at 50 Eastern Beach Road. There are two heritage places to the city side of the apartments at 48 and 46. On the Botanical Gardens side, there is a heritage structure at numbers 52 and 54 and two Heritage Places at number 56. These buildings/structure are heritage places in the City Fringe Heritage Area.

So, there is no guarantee that this situation will not occur throughout Geelong West under RGZ2 or GRZ1, whereby three storey apartments/town houses are erected in Heritage Overlay areas.

My question to Crs Heagney and Kontelj is, "In the light of this information, will you retract your statements that GWRAG's information was misleading for people signing our petition and GWRAG is involved in an act of scaremongering?"

Cr Heagney responded that the pictures are not the ones she was referring to and was not prepared to retract the statement.

Justin Teague asked:

- 1) Consultation – regarding sale of Ocean Grove Netball Reserve – what can Council do to ensure consultation measures are adequate?
- 2) Given limited availability of flat, usable, open parkland in Ocean Grove, forsaking economic rationale, what reasoning does Council have for selling this rare Environmental Good in the town?
- 3) How are reasons for sale validated by the entire community when consultation has been inadequate?

Cr Farrell responded that consultation has been through Council, the Panel is yet to form their decision to allow the rezone. A report will come back to Council for further discussion.

Cr Farrell added that Council has fulfilled all statutory requirements around consultation.

A subsequent written response was provided by the General Manager Planning and Tourism in the following terms:
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These questions relate to Council's decision to sell the old netball courts at 77-79 Draper St & 128-130 Asbury St East, Ocean Grove which are subject to Amendment C299.

Council considered a report on submissions to this amendment at its meeting on 11 February 2014 which essentially addressed these issues. The subsequent panel hearing was held 16 – 17th April 2014.

Responses to your questions are

- 1) Advertising of this proposal has been given as required pursuant to both the Local Government & Planning & Environment Acts including direct public notification of all surrounding residents. Council's decision is in accordance with a specific recommendation in both the Bellarine Peninsula Recreation & Leisure Needs Study 2005 & Ocean Grove Sporting Infrastructure Plan 2010 that this land be considered for sale following completion of the new netball courts at Shell Road Reserve. Both these studies were subject of very comprehensive public consultation.*
- 2) Council must have the land rezoned before offering it for sale. A residential zoning is the obvious replacement zone.*
- 3) Council is responsibly managing its assets in determining to sell this land. There is adequate remaining open space in the immediate area and the new netball and other sporting facilities at the Shell Rd Reserve are a considered to be a great community asset.*

If you have any further queries please contact Ian McCartney on 52724842 Tuesday – Thursday.