

**QUESTIONS AND RESPONSES TO QUESTION TIME
TUESDAY, 13 MAY 2014**

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.

Michael Loughnan asked where new traffic lights are placed at intersections connecting new subdivisions to main roads would you please require the provision of left turn slip lanes which do not activate the light sequence? Is the barrier to this coming from developer resistance based on cost?

Gary Van Driel responded the signalisation of a new intersection is to ensure an appropriate level of safety and mobility for all road users. The lane configuration of a signalised intersection is based upon traffic assessments and future modelling. This assessment takes into consideration current and future traffic volumes and turning requirements to optimise intersection safety and capacity. Australian Standards and Austroads guidelines are used in the development of intersection layouts and signal phasing.

A further written response will be forwarded.

**A subsequent written response was provided by the
General Manager City Services in the following terms:**

I refer to your attendance at the Council meeting of 13th May 2014 and your participation in public question time.

In response to your question I wish to advise that the signalisation of intersections is to ensure an appropriate level of safety and mobility for all road users. i.e. motorists, cyclists and pedestrians. The number of separate lanes, including through, turning and slip lanes, is based upon traffic assessments. These assessments take into account future traffic volumes and turning requirements to optimise intersection safety and capacity.

The Traffic signals installed at the intersection of Barwon Heads road and Warralily Boulevard facilitate access to and from the local area to the major road system. The intersection is a VicRoads approved intersection design adopted as part of the Developer Contributions Plan for the Armstrong Creek East precinct.

I would be happy to discuss this matter further and can be contacted on 5272 4902.

David Pavia asked the following questions in relation to the Fyansford Landfill site:

- 1) Given that Council has allowed a demolition facility to operate without appropriate permits on the Fyansford Landfill site for more than a year, what action will Council take in future to ensure that the Fyansford landfill site is operated in an appropriate manner and what enforceable safeguards will be developed to ensure that the landfill site cease operations in a timely manner and is rehabilitated in an appropriate manner?
- 2) Will Council attempt to define the existing usage rights of the site (including hours of operation, allowable activities on the site and final site contour) to provide some certainty to residents and clarity to a future purchaser of the site?
- 3) Will Council use the opportunity that the proposed sale of the site offers, to reassert some sort of control over the site which was lost through the inaction of the planning department subsequent to the 2004 directive to issue a 5 year planning permit?

Peter Bettess responded that the questions would be taken on notice for a written response, but added Council has taken action against the operator.

Vicki Perrett asked questions regarding Council's Community Concepts Program:

When Council moved away from its ward allocation scheme, the public were informed that the Community Concepts program is a new initiative to seek community input to the City's annual budget process.

As the peak sustainability group in Geelong, Geelong Sustainability Group was excited about the opportunity to make a submission for support for two of their major projects: the Sustainable Geelong directory and the co ordination of Sustainable House Day for the Geelong region.

Both these projects aligned closely with the strategic objectives in the 2013-2017 City Plan under community wellbeing, growing our economy and especially those under the Sustainable Built and Natural Environment. However, since lodging our submissions in January this year we have not received any follow up communication from Council.

Can Cr Lyons please explain the process Council adopted to analyse and prioritise the 207 submissions? The number of successful submissions? What further communications (if any) the nominated contact for unsuccessful submissions will receive and when?

Dean Frost responded that Council received 207 Community Concept submissions from our Community consultation. Those concepts were prioritised by Councillors and then referred to the budget deliberations. The Budget is being presented this evening and will be available for viewing from tomorrow. Once the Budget is formally adopted all community groups will receive notification.

The Budget document will go out on public exhibition until 10 June inviting written submissions from the public.

Evan Hardie asked the following questions in relation to Amendment C299:

Does Council agree that:

- a) The recommendations made nine years ago in the Bellarine Recreation and Leisure Needs Study 2005 to sell this land in order to contribute to the proposed Shell Road Reserve development are still relevant, and especially when that study urged that both annual and five yearly reviews should be conducted to re-assess current needs from community consensus.

- b) The broad survey conducted across the whole of the Bellarine by random telephone calls and other questionnaires still remains accurate and relevant to this specific eastern half of "Old Ocean Grove's" future needs.
- c) That only short term financial capital advantages with a short term budget time frame have been driving this attitude of intention to sell this land.
- d) The above survey conducted "out of reach" of this neighbourhood in question at that time nine years ago was potentially misleading to the Independent Panel Hearing.
- e) That "Old Ocean Grove's" future needs of Informed Open Space, as distinct from the nearby active and structured sporting facilities have been under estimated
- f) That in this regard, the guidelines put forward re open space requirements in the Ocean Grove Sporting infrastructure Plan 2010 – sub heading: Recreation Facility Design Trends, Page 29, were not adequately appreciated by the Independent Panel Report
- g) Alternative funding methods or possible future grants may be found to prevent the loss of this unique and highly suitably placed open space.
- h) In consideration of Council's Strategic Plan of Expenditure in next year's budget, where it proposes to spend \$800,000 on relocating the Ocean Grove Neighbourhood Centre to an existing Council building at the Shell Road complex (a renovator's delight), would Council also consider the same possible good fortune for the Karingal Organisation to renovate an existing home to suit their needs, with a very similar proposed budget of between \$800,000 and \$1,000,000, at a suitable location somewhere on the Bellarine instead of specifically on Council's current open space land (the old netball courts), which is a prime recreational space in Ocean Grove, and which is possibly too expensive a location for Karingal?

The above questions were responded to on the night.

Justin Teague asked that in view of all the established developments of Ocean Grove (discluding Kingston Estate) having approximately 5% (according to my qualified, approximated estimates) flat, unreserved, passive public open space, does rezoning and sale of the Ocean Grove Netball Courts meet the City of Greater Geelong aspiration to provide 10% of township space to public open space, and, with 8 hectares of the developing Kingston Estate being slated for public open space, what proportion of the overall development does this area provide public open space for community use, and is the amount of public open space in Kingston Estate consistent with that of Ocean Grove 'proper'?

Cr Farrell responded that she does not agree with the 5%, and added she was happy to discuss the matter further with Mr Teague.

Paul Jane added Council is currently reviewing the Public Open Space Strategy.

The question will be responded to in writing.

**A subsequent written response was provided by the
Acting General Manager Projects, Recreation & Central Geelong in the following terms:**

Thank you for your question submitted at the Ordinary Council meeting of the Geelong City Council on 13th May 2014 regarding public open space in Ocean Grove.

In addition to Cr Farrell's email response dated 19th May 2014, the rezoning and sale of the site of the Draper Street netball courts is supported by the two primary recreation plans undertaken for Ocean Grove over the last 10 years. These plans took into account existing and planned open space and recreation provision in Ocean Grove and consulted extensively with the community and sporting clubs. In addition, the Geelong Play Strategy 2012 confirmed that the distribution of and access to play spaces in Ocean Grove was generally very good, with no gaps in provision identified in the area around the Draper Street netball courts.

In new development areas, Council's policy is to seek either 10% of the developable land as a public open space, or 10% of the value of the land as a cash contribution, or a combination of both. The Kingston Downs/Oakdene development areas are providing 10% of the developable land area as open space. The older Kingston estate was required to provide 5% public open space under an older policy of council.

In existing residential areas, our focus is on ensuring public open space is located within 'walkable' (i.e. 400m or a 5-minute walk) distances to most residences rather than on achieving a percentage of land area. The majority of old Ocean Grove is adequately serviced under this measure and the loss of the Draper Street netball court reserve does not negatively impact the walkability of that area.

Anthony Aitken directed his questions to Cr Lyons:

It has recently been reported that Cr Lyons has employed his third Mayoral Secretary since his election in November 2013. Can Cr Lyons confirm that the first Mayoral Secretary who had performed the role successfully for 2-1/2 years went on stress leave while working for Cr Lyons?

Dean Frost responded that Council does not make comments on individual staffing matters.

Mr Frost, Acting CEO, can you publicly advise what programs the City of Greater Geelong has in place to protect Council staff (especially women) from bullying, harassment and intimidation in the workplace?

Dean Frost advised Council has in place an extensive training program that has been rolled out throughout the organisation in relation to Bullying and Harassment.

Council's Contact Officer Network provides employees with information regarding issues relating to discrimination, harassment, sexual harassment and bullying and a range of options to deal with such a situation.

Contact Officers are appointed across a broad range of the Council's workplaces. The names and contact details for each Contact Officer are prominently displayed at each workplace.

Mik Aidt directed his question to the Mayor: It looks like fracking operations could begin in our region from next year, when the state moratorium on fracking runs out. You stated during the mayoral election period that you oppose unconventional gas mining and fracking. At the time, I was happy to hear that, but I wonder why we don't hear anything from you on this topic. So I'd like to ask you: If you still are against unconventional gas mining and fracking in our region, what action you are planning regarding the drilling licences in the region to Lakes Oil under the Exploration Permit 163? If you have changed your mind since the days of your election campaign and no longer are against fracking, then would you kindly provide us with the new data that you have found reassuring with regards to health and safety to date?

The Mayor responded that he hasn't been asked the question, but his original personal view remains unchanged.

Cr Richards added throughout his time he also hasn't been asked the question. Comments regarding fracking were received through the exhibition process of the Environmental Management Strategy, which is due to be presented back to Council June or early July and will consider this matter.

Alan Manson directed his question to Cr Richards:

- 1) What discussion has the City of Greater Geelong had to date in relation to fracking and the possible effects PEP 163 might have within the municipality?
- 2) Would Council consider joining Moyne and other Councils in opposing fracking from being permitted within its municipality? If so, could you please explain how Council might engage in this.

Cr Richards responded fracking would be addressed within the Environmental Management Strategy due back to Council June or early July.

Lyn Manson also directed her questions to Cr Richards:

- 1) I would like to know what understanding you have about the environmental dangers that come with this form of mining, and in particular the damage it would have on our community aquifer, the air quality and the drinking water?
- 2) I would like you to explain your reasons why you support or oppose unconventional coal seam gas mining?

Cr Richards reiterated the questions would be addressed in the Environmental Management Strategy document when it comes back to Council in June/July. The report being presented to Council at this time will be available through Council's website on the Friday prior to the meeting, allowing sufficient time to prepare further questions to Councillors.

Cr Richards added he personally opposes fracking.

Janet Danielak addressed Council regarding speed restrictions allocated to roads in the City of Greater Geelong:

- 1) Who decides the speed limit and who decides if speed signs are put up?

A subsequent written response was provided by the Manager Engineering Services in the following terms:
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I refer to your attendance at the Council meeting of 13th May 2014 and your participation in public question time.

In response to your question I wish to advise that speed limits on local streets are implemented by Council using guidelines set in place by VicRoads. These guidelines ensure that the speed limits implemented are appropriate and are consistent throughout Victoria.

Default speed limits are imposed by Rule 25 of the Road Safety Road Rules 2009. Signing is not necessary to establish the legal effect of these limits. All speed limits that are not default speed limits require signing. For example; 40 km/h school and shopping zones.

The default speed limit for built-up areas is 50 km/h and the default speed limit outside built-up areas (rural areas) is 100 km/h. When leaving a default limit zone the posted limit is signed.

Where we have encountered consistent speeding in local streets we have posted additional 50 km/h signs, provided the "50 in my street" stickers on residential waste bins to remind drivers of the default limit. Other actions include placement of the speed trailer which informs drivers of their current speed.

I refer to our conversation regarding Francis Street, I shall have my traffic engineers review current traffic volumes and speeds and determine if 50 km/h signing is warranted along this street.

2) Why are some roads signed and others not?

**A subsequent written response was provided by the
General Manager City Services in the following terms:**

I refer to your attendance at the Council meeting of 13th May 2014 and your participation in public question time.

In response to your question I wish to advise that speed limits on local streets are implemented by Council using guidelines set in place by VicRoads. These guidelines ensure that the speed limits implemented are appropriate and are consistent throughout Victoria.

Default speed limits are imposed by Rule 25 of the Road Safety Road Rules 2009. Signing is not necessary to establish the legal effect of these limits. All speed limits that are not default speed limits require signing. Speed limit signs are erected in built up areas where driver behaviour deems it necessary to remind drivers of the speed limit.

The default speed limit for built-up areas is 50 km/h and the default speed limit outside built-up areas (rural areas) is 100 km/h.

3) Why do parking infringement officers target the parking area outside Centrelink?

When waiting in Centrelink it is guess work how long you will have to wait to be seen by an officer. Sometimes the two hour restricted parking is insufficient time and if your interview happens to be in progress when your parking meter expires what are you supposed to do – leave the meeting and feed the meter?

Jenny McMahon responded that parking infringement officers do not particularly target Centrelink or the Gordon. The areas were patrolled to ensure accessibility and turnover. In terms of Centrelink there is longer term parking available on the opposite side of the road.

4) Why do electricity providers, ambulance, possibly ticketmaster, ticketec, the Potato Shed, GPAC etc offer concessions to Health Care Card holders yet the CoGG do not offer concessions on rates and/or leisure activities, i.e. gym membership or swim cards?

I am talking about sickness allowance card holders who are no longer able to work due to ill health?

Michael Kelly responded that it was not Council's Policy to offer such concessions for this card holder type.

David King asked the following in relation to Armstrong Creek Town Centre C267:

1) Is Council aware that its own consulting traffic engineers originally recommended that the whole intersection of Boundary Road and Connector Road A be constructed as a DCP item? Furthermore, Council's expert traffic engineer for the Armstrong Creek West DCP made the same recommendation to the panel.

2) Is Council aware that Mr Terry Montebello a partner at Maddocks Lawyers, representing the City of Greater Geelong made a closing submission to the panel which included the following statement: Mr Johnson – Intersection costs and Woolworth's Main Street: 27 "The matter does not really impact on Council. But it does impact on other land owners given that all costs in this DCP are apportioned to this DCP. Council's concerns are to keeping DCP's fairly consistent in terms of the principles, dealing with like issues in a like way and not favouring one land owner in a part of the ACTC over another land owner in another part:

28 Recommendations on this aspect either way will inevitably have precedential impacts”.

- 3) Is Council aware that Mr Peter Bettess in his written response dated 9 May 2014 to our letter to all Councillors dated 6 May 2014 has indicated that Horseshoe Bend Road contains four fully funded DCP intersections on the basis that Horseshoe Bend Road is a future VicRoads arterial road? There is no evidence of this. Our discussions yesterday with Mr William Tieppo VicRoads Manager Program Development South Western Victoria confirmed that VicRoads has not agreed to this occurring. This was confirmed this morning with VicRoads Mr Brendan Grace who is the Senior Statutory Planning Officer for South Western Victoria. He and William Tieppo also indicated during conversation that they would expect some time in the future that Boundary Road could be considered a candidate for arterial road status linking the Surf Coast Highway and the Barwon Heads Road.
- 4) Is Council aware that the two intersections in the Armstrong Creek west precinct referred to in Mr Bettess’ letter described above do not provide any connection into an adjoining Armstrong Creek precinct. These simply intersect with the Ring Road.
- 5) Is Council aware that the revised recommendation in today’s agenda fails to refer to a petition containing over 300 signatures supporting this intersection being a fully funded DCP item?
- 6) Is Council aware that despite two written reports, two briefings and two letters from Peter Bettess there is not one example of an intersection between two precincts with similar vehicle movements being dealt with in the same manner as this intersection? All of the examples provided to date have been distinguished and do not support Council’s submission to the Panel that it wants to keep “DCP’s fairly consistent in terms of the principles, dealing with like issues in a like way”.
- 7) Is Council aware that the Panel considered Council’s position on the precedential value, it also considered many of the examples referred to in Mr Bettess’ letter but still recommended on fairness grounds that the intersection should be a fully funded DCP item.

Cr Richards responded Councillors have been well briefed and are well informed regarding the Amendment.

Daniel Cowdell representing the Geelong Sustainability Group addressed Council as follows in regard to Nature Strip Gardens:

I’m sure the Mayor and Councillors are well aware of the East Geelong resident, who was issued with a Notice to Comply, and the following outcry of public support for verge gardens that occurred. Nature Strip Gardens have many benefits to both residents and Council, which I would be more than willing to discuss with Council.

The Geelong Sustainability Group has written to Council twice: Firstly to the Mayor and Councillors, outlining the benefits of verge gardens and welcoming the opportunity to discuss the matter further. Secondly, Geelong Sustainability Group and Geelong Organic Gardeners two of Geelong’s biggest community groups have aligned in a joint letter to Dean Frost, Acting CEO of the City of Greater Geelong regarding this issue, requesting both community consultation and details for the review of laws. It disappoints me to say both emails have received no response to date.

Gary Van Driel responded that a letter of response has today been signed and distributed outlining the issues raised in relation to Nature Strip Gardens. The letter advises Council is undertaking a review of its General Local Law 2005 and the Nature Strip Guidelines form part of that Local Law. A community consultation plan forms part of the project. The draft local law will also be subject to exhibition, enabling the public an opportunity to engage in the process.

**A subsequent written response was provided by the
General Manager City Services in the following terms:**

I refer to your email correspondence of 28TH April 2014 and letter of 3rd May 2014 and advise that Council has commenced the process to undertake a review of Council's General Local Law 2005 – this also provides an opportunity to review any associated documents

Council is undertaking a review of its General Local Law 2005 to minimise the regulatory burden on the community and to assist Council to achieve various policy outcomes. The review is required because:

- Under the Local Government Act 1989, all local laws expire after 10 years*
- Changes in State and Commonwealth legislation over that time may render some existing local laws redundant or non-compliant.*
- Community and Council expectations change over time and the General Local Law should stay relevant.*

In 2010 the State Government released new best practice guidelines for making local laws that significantly alter the process of reviewing a local law. This provided new best practice procedures for making a local law, and included nine best practice values: accessible, accountable, compliant, consistent, current, efficient, enforceable, necessary and transparent.

The nature strip guidelines form part of the “associated documents” relevant to the local law. It is fair to say that the current guidelines are conservative in nature and do reflect a focus on managing risk ahead of a number of other competing interests.

A community consultation plan forms part of the project. Consultation will include a least two rounds of public meetings with advertising in the press and on Council's website, one on-line survey, numerous one-on-one community stakeholder meetings, and consultation with other government agencies. The first public notice appeared in last Saturday's Advertiser.

A report on community consultation forms part of the new mandatory Local Law Community Impact Statement

The draft local law will also be subject to mandatory Section 223 Exhibition, Submissions, and Submission Hearing with appropriate public notices – so there will be ample opportunity to engage in the process.

Notices issued regarding planting on nature strips are on hold to allow the process to be completed

I would be more than happy to discuss these matters further and can be contacted directly on 5272 4902

Geoff Kenyon submitted a series of statements in relation to Armstrong Creek which were taken on notice for a written response within seven days.

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

I am replying to you questions asked at the above Council meeting.

I apologise if I have misunderstood the questions previously asked.

The Precinct Structure Plans for Armstrong Creek are being implemented through separate planning scheme amendments. Notice is given to each landowner likely to be affected, usually the landowners in the relevant precinct. Notice is not given to all landowners in Armstrong Creek. The Council report to the 13 May 2014 meeting referred to the Town Centre Precinct and the report refers to notice being given to affected landowners in the precinct. Notice is also usually given in newspapers and the Government Gazette. The Planning & Environment Act provides for submissions to specific amendments and not for indefinite submissions to all Armstrong Creek amendments. Likewise, the Act does not recognise indefinite objections to planning permit applications.

Council officers note your request for an indefinite objection and will endeavour to ensure that you are notified of developments affecting your land and your part of Armstrong Creek.

Whether or not you decide to develop your land or sell it is your decision. As previously advised the overall plan for the area shows the possible ultimate development plan. If your land remains undeveloped there is no deception and there is no compulsion from the Council for anyone to develop your land. Conformity with the Precinct Structure Plan is only required if your land is developed.

Finally, it is unacceptable and unfortunate that you were threatened for expressing a view. The Council does not condone such behaviour. The Council has little control over what people may say to each other in the public gallery during a Council meeting.

If you feel that I have not adequately answered your question, I'm happy to meet with you to discuss your concerns.

Emma Einsiedel (who is representing a number of landowners within the Horseshoe Bend Precinct), addressed Council as follows:

Are Mayor and Councillors aware:

- 1) Of the intersection known as Boundary Road and Connector A on the northern edge of the New Town Centre?
- 2) That this connector A is not proposed to be fully funded by the Armstrong Creek Town Centre DCP as per the recommendation of the independent panel report?
- 3) That if this intersection is not constructed in a reasonable time frame it will have a dramatic effect on the development and traffic flow of the Horseshoe Bend precinct and greater area?
- 4) That this Connector A Road and Boundary Road intersection was designed to cater for in excess of 50,000 vehicle movements per day. That is, according to documents I have attached here – the northern leg is to be designed to 6650 VMPD, the eastern leg to 14000 VMPD, the southern leg to 15950 VMPD and the western leg 13700 VMPD, which is a total of 50300 vehicle movements per day.
- 5) That the state planning policy at clause 56.06 sets out that if a road is to carry more than 7000 vehicle movements per day it is deemed to be an arterial road and as such needs to be designed in accordance with the relevant roads authority requirements, which is VicRoads?
- 6) That discussions with VicRoads have identified Boundary Road as a likely arterial road providing a linkage from Torquay Road to Barwon Heads Road and also Connector A, providing a linkage to the proposed Ringroad extension?
- 7) That there are a number of landowners within the Horseshoe Bend precinct that actively support the inclusion of this intersection in the relevant DCP's, namely the ACTC DCP and the Horseshoe Bend precinct DCP?

- 8) That the current Council recommendation is not to support the funding of this Connector A as part of the Armstrong Creek or Horseshoe Bend precinct DCP?
- 9) That the current Council recommendation is that the entire funding of this connector is to be borne by a single landowner?
- 10) That an estimate of the cost to build this connector is in excess of \$3.8m?
- 11) That this value is in excess of the Development Contribution that would be payable by the single landowner it recommends be responsible for this connector?
- 12) Concerned about the impost it would have on a single landowner if the cost of this Connector Road A is not shared via a DCP amongst all of those that will benefit from the construction of this intersection?

Given the above details, I would like to say that on behalf of the landowners that I represent within the Horseshoe Bend precinct, that these landowners support the inclusion of this intersection in the relevant Armstrong Creek Town Centre and Horseshoe Bend precinct DCP's.

I would like to reinforce the landowners position by saying the landowners are concerned that putting the impost of funding this Connector A on one landowner will have the effect of impeding a timely development of the Horseshoe Bend precinct and that, accordingly these landowners actively support the cost of this intersection being included in the Horseshoe Bend precinct DCP. These landowners believe that the Horseshoe Bend precinct will benefit from this Connector A intersection for many years to come.

Cr Heagney stated Councillors were well briefed on the matter and this will be debated this evening.

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

I refer to the question you asked at the above Council meeting. The Mayor and Councillors were made aware of your clients' position on the matters raised by you asking the questions before the Council made its decision on the Amendment.