

**QUESTIONS AND RESPONSES TO QUESTION TIME
TUESDAY, 27 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.

Maria French asked the following in relation to Accensi Pesticide Plant:

- 1) I live in Canterbury Road East, Lara, within 2km of the Council approved Accensi pesticide plant. The EPA have noted that the recommended separation distance for industrial air emissions is not met. Why wasn't I and the other residents notified and given a chance to object?
- 2) Given that each site is unique, why hasn't any major incident modelling been done for the Lara site, and why haven't environmental and health impact and risk assessment reports been made public?
- 3) Accensi intend to store hazardous chemicals in bunded areas but how do they propose to safely and permanently dispose of extremely toxic by-products and waste materials such as Dioxin; incineration is out of the question given that families live 200 metres away and the plant is adjacent to a water catchment basin?

Peter Bettess responded Accensi will be located within an industrial 2 zone which allows for this kind of use.

Worksafe has advised Council that health and safety risks from potential major incidents will not impact the local community.

Both WorkSafe and the EPA will monitor the safe handling of chemicals on the site.

Ross and Cath Johnson directed their questions to Cr Heagney in relation to Armstrong Creek Town Centre:

- 1) When speaking to your motion to adopt the Council officer's recommendation for Item 5, did you state that the Cardno Costing to construct the intersection of Boundary Road and Connector A in the ACTC at \$3,832,832 was incorrect?

Cr Heagney responded, "yes, I did say it was incorrect".

- 2) When speaking to your motion to adopt the Council officer's recommendation for Item 5, did you advise Council that you have spoken to a senior manager of VicRoads who advised you that the correct costing to construct the intersection of Boundary Road and Connector A in the ACTC was between \$1,000,000 and \$2,000,000?

Cr Heagney responded she had been advised by Council staff that the costs would be between \$1 and \$2ml and in discussions with VicRoads they concurred with that estimate.

- 3) When speaking to your motion to adopt the Council officers recommendation for Item 5, did you advise Councillors that the Council had a policy on the construction of subdivision road and the recommendations of the Council officers were in accordance with that policy?
- a) If so, what is the name of that policy?
 - b) When did the Council adopt it as policy?
 - c) When was it last reviewed?
 - d) Is this policy incorporate in the Greater Geelong Planning Scheme?
 - e) Is this policy available to the general public?
 - f) Has it been publicly exhibited?

Cr Heagney responded, yes, I inadvertently used the word policy in lieu of reference to the principles that Council applies in assessing DCP's.

Lorel Robinson addressed Council as follows regarding the Kevin Hoffman Walk:

As Windermere Ward funding of \$600,000 is no longer, I seek from you (on behalf of all interested parties under our current rolling "live" MOU, an assurance of continued support for this amazing walk – by way of either:

- a) Some Geelong Botanical Gardens staffing on-site support (for plantings, maintenance, etc);
- b) Some City Services ground crew staff on-site support (via Northern Sector under Renee) for tree prunings, green waste removals, etc., or
- c) Some recurrent funding (under a proposed Plan of Management and Future Funding) for on-site costs, i.e. plants and equipment via to the Friends of Kevin Hoffman Walk Inc.

Paul Jane responded that Council would welcome a conversation in relation to Kevin Hoffman Walk and would set up a meeting to discuss.

Cr Ansett thanked Ms Robinson for the works undertaken in relation to Kevin Hoffman Walk.

Lionel McWilliam asked the following on behalf of Barry White, President Lara Care Group:

The Lara Care Group has circulated a letter to all Councillors which raises questions regarding a permanent 200 metre buffer around Serendip Sanctuary and management of domestic animals in the proposed new estate. These issues were central to community acceptance of the planning application for the Caddys Road development proposed near Serendip. It should be noted that all parties, including the Minister for Planning, Council, the developers and of course, the community, have highlighted and accepted the need for a buffer to Serendip given its environmental significance and sensitivity. The Minister has also recommended a ban on cats in the new estate.

We have been advised that the Minister has now approved this development and recommendations regarding the buffer and domestic animal management will become Council responsibilities.

Could Council now respond to the letter on these matters dated 19 May sent to all Councillors and how it proposes to implement and enforce these requirements?

The Mayor responded the questions would be responded to in writing.

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

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

The Planning Minister as part of approving Amendment C293 amended the Lara Structure Plan to include a 200 metre buffer to Serendip. The land also retains its rural zoning as Rural Living. These two control measure will ensure the 200 metre buffer is achieved. While future applications could be made for rezoning and amendment of the Structure Plan, it is unlikely these would be approved in light of the history of the zoning of this area. The best way for the land to be permanently protected is for it to be publicly owned.

The Minister has directed the Council to implement the cat ban for the new estate through an agreement made with the owners (and subsequent owners) under section 173 of the Planning and Environment Act 1987. An application can be made to the Victorian Civil and Administrative Tribunal (VCAT) for enforcement of the agreement. Section 126 of the Act sets out the offence of contravening an agreement. If an infringement notice is issued the penalty is 5 penalty units (approximately \$722). If the matter is taken to Court, a conviction can result in a significantly higher penalty.

The localised planning statement for the Bellarine is a State Government initiative. Four localised planning statements are being prepared by the relevant councils in partnership with the State Government for the Bellarine Peninsula, the Macedon Ranges, the Mornington Peninsula and the Yarra Valley. The You Yangs and Serendip are not considered part of the Bellarine Peninsula so cannot be included in the statement. I suggest you take the matter up the State Government which has defined the four areas for the statements. More information on the statements can be found at:

<http://www.dpcd.vic.gov.au/planning/plansandpolicies/localised-planning-statements>

Frank Chalifour asked questions re Planning Permit 1185/2013 Lara Central Estates at Caddy's Road:

The Planning Minister has required a signed section 173 agreement banning the keeping of cats from all home buyers in the estate. The Minister has recommended Council pass a local domestic animal law for the area to protect Serendip Sanctuary. Both dogs and cats pose a critical danger to the State Sanctuary's captive breeding programs and endangered species.

- 1) How will Council be enforcing the cat ban in this estate?
- 2) Is Council willing to adopt a cat impound and forfeiture process with stiff owner fines for violating the ban?
- 3) Directed to all Councillors and specifically Crs Heagney and Ansett: Will you support adding the Serendip and the You Yang precinct to the 2014 Bellarine Peninsula Localised Planning Statement?

The Mayor responded the questions would be taken on notice for a written response.

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

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

The cat ban will be enforced through an agreement made with the owners (and subsequent owners) under section 173 of the Planning and Environment Act 1987. An application can be made to the Victorian Civil and Administrative Tribunal (VCAT) for enforcement of the agreement. Section 126 of the Act sets out the offence of contravening an agreement. If an infringement notice is issued the penalty is 5 penalty units (approximately \$722). If the matter is taken to Court, a conviction can result in a significantly higher penalty.

Caddy's Road was approved by the Planning Minister in a limited form from what was previously proposed and includes a 200 metre buffer to Serendip.

The Planning Minister has amended the Lara Structure Plan to include a 200 metre buffer.

The localised planning statement for the Bellarine is a State Government initiative. Four localised planning statements are being prepared by the relevant councils in partnership with the State Government for the Bellarine Peninsula, the Macedon Ranges, the Mornington Peninsula and the Yarra Valley. The You Yangs and Serendip are not considered part of the Bellarine Peninsula so cannot be included in the statement. I suggest you take the matter up the State Government which has defined the four areas for the statements. More information on the statements can be found at:

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Mary Wallace asked:

Keith Fagg resigned as Mayor of the City of Greater Geelong on Friday 16 August 2013. At the Council Meeting of 13 August 2013, at which Mayor Fagg was absent, why did Cr Andy Richards move an extension of leave for Mayor Fagg from 5 August to 16 August inclusive, when leave for Mayor Fagg had already been granted at the previous Council Meeting from 3 August to 9 August inclusive and, on Sunday 11 August, that is the second day after his leave ended, Mayor Fagg had attended in his mayoral role the Welcome to Geelong for Asylum Seekers and Refugees lunch at Geelong Trades Hall? At the 13 August 2013 Council Meeting, shouldn't Cr Andy Richards have moved an additional period of leave for Mayor Fagg, beginning on 12 or 13 August till 16 August?

Council concurs with Mrs Wallace's observation.

Gary Gillett advised he owns a parcel of 100 acres of land at 240 Forest Road South, with boundaries fronting Forest Road to the east and the unmade continuation of Broderick Road to the west. My corner boundary is diagonally about 50 metres from the proposed ACCENSI production site.

Not too long ago all the land around me was all farming land. Gradually Council has rezoned the land to industrial. Then a few years ago they decided that we were to be a buffer zone between the industrial land and the township of Lara.

- 1) I want to know why I cannot subdivide my property into 10 acre lifestyle blocks?
- 2) The ACCENSI plant will produce the highly toxic chemical paraquat that is a non specific herbicide which kills all plant life on contact. It can also enter the human body through inhalation, skin contact, mucus membranes and orally. There will be cattle grazing only 50 metres away from this plant.

Is this the same chemical plant that was originally going to be built in North Geelong?

Peter Bettess took the questions on notice for a written response.

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

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

The land at Heales Road, Lara has not been recently rezoned as industrial. The land has been zoned industrial for at least 30 years under the former Shire of Corio and Geelong Regional Commission.

The Lara Structure Plan designates the area around your land as a buffer between Lara town and the Geelong Ring Road Employment Precinct (GREP). The Farming zoning is the tool to ensure that compatible land use is achieved in this area. The lifestyle blocks were created some time ago and would be unlikely to be supported by the State Government today. The State Government has recently amended the Farming zone to allow a wider range of uses with a planning permit. I suggest that you arrange a meeting with Council planners by telephoning Joanne van Slageren on 5272 4464 to discuss uses that may be considered appropriate for this area.

The Council is not selling blocks for \$20 million each in this area. The drainage basin was constructed by the Council as the drainage authority for the area to deal with inadequate drainage in the GREP.

The Accensi proposal is a modern industrial facility not a highly toxic plant. The Accensi proposal will be no different to the other chemical industries that presently operate in the GREP with no impact on the surrounding areas.

The inhalation toxicity of Paraquat relates to crystals. The product will be in solution which is not classified as very toxic. This is controlled by Worksafe not the Council.

The Council is not negligent in approving the plant. Under the Greater Geelong Planning Scheme the use of land for a chemical industry is exempt from third party notice, objection and appeal rights unless it is within 30 metres of land zoned residential. This exemption is a state-wide provision of the Industrial 2 zone that the Council must comply with.

This proposal has nothing to do with the plant proposed for North Geelong.

Justin Teague addressed Council as follows:

In view the current Member for Bellarine telling us she had asked Cr Farrell that "If \$1.5ml was contributed toward the development of the Shell Road Reserve, would that stop the sale of the netball courts?", and that this was responded with, "it doesn't matter if the money is given because no matter what, the netball courts are going to be sold" (making reference to the courts opposite Memorial Reserve). Cr Farrell, do you confirm or deny these statements?

Cr Farrell responded she denied such a statement.

Cr Farrell added she had tried on several occasions to make contact with Justin which were unsuccessful on the contact number provided. An email was then provided on the 19 May responding to several submitted questions in relation to the sale of the

Draper Street land. Cr Farrell also invited Justin to make contact on her mobile number provided to discuss further.

A written response will be forwarded to the additional questions submitted prior to the meeting.

**A subsequent written response was provided by the
Property Advisor in the following terms:**

Your questions at the Council meeting on Tuesday 27 May 2014 have been passed on for a response.

Questions 1 and 2. It is understood that Cr Farrell provided a response at the meeting.

Question 3. The survey was designed to determine the sport and leisure needs of the wider Bellarine community and assist in the preparation of the reports. Consultation would have provided increased awareness of the studies being undertaken both of which mention the possible sale of the land.

Questions 4 and 5. All requirements for consultation for both the intention to sell the land and to have it rezoned have or are in the process of being implemented.

Questions 6 and 7. As the need arises studies are carried out to determine community needs. No misinformation was provided to the Planning Panel about the studies.

Questions 8 and 9. There is adequate open space in Ocean Grove to serve the needs of the community and there is no need for further investigations.

Question 10. There are no restrictions on the land titles preventing the Council selling the land.

Questions 11 and 12. There are many different types of open space in and adjoining the Ocean Grove township. The purposes they serve include active open space, passive open space, foreshore reserves, nature reserves and wetlands. The assessment of such spaces in terms of amenity, utility and other qualities can be determined through inspection and observation.

Thank you for your interest in this matter.

Colin Wallace asked:

- 1) Mr Mayor, do you realise that, when I said previously I believed you needed to have Alister Paterson helping you for much longer than the three months of his original contract, it was on the basis of him not being an employee of the City of Greater Geelong who would report ultimately or directly to the CEO?

The Mayor responded, "No".

- 2) Mr Mayor, do you realise that, prior to the meeting my wife and I had with you and Alister Paterson on 3 March, I had a spark of hope that Mr Paterson would give you advice on the governance that was independent from the officers and councillors put in your way and that this hope was extinguished in the meeting, despite the fact Mr Paterson was yet to be an employee reporting to the CEO?

The Mayor responded, "No"

- 3) Mr Mayor, do you expect the CEO to take responsibility for the actions of the staff?

The Mayor responded, "yes, indeed I do".

Ben Connoley asked that given the eastern end of McKillop Street, from Ormond Road through to Boundary Road is classified as a category 4 neighbourhood road, and is a Council controlled street. And also given that there has been an increase in heavy vehicles using this part of McKillop Street due to the current truck trial in the CBD.

In consideration of many concerned residents, would Council consider placing relevant signage and/or barriers at the intersections of McKillop and Boundary Roads, and McKillop and Ormond Roads to enforce its category 4 neighbourhood road rating for local traffic only?

Gary Van Driel responded that the truck trials are nearing conclusion and dates are being set up for public submissions. The trial is running for a six month period from 3 March 2014 with Council reviewing progress of the trial in July 2014.

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

Thank you for your question regarding the Truck Restrictions Trial during Public Question Time at the Ordinary Council Meeting on the 27 May 2014.

Prior to the trial commencing traffic counts, air quality and sound data, customer surveys and business surveys were undertaken to provide a base line for the current issues surrounding trucks in Central Geelong. During the trial we have continued to collate data on air quality and sound, traffic data and community feedback.

In regard to the eastern end of McKillop Street between Ormond Road and Boundary Road, should the data collected show that there is an increase in vehicles, consideration will be given to infrastructure improvements to discourage through traffic east of Ormond Road.

The trial is for a period of 6 months and it is not recommended to implement intervention treatments during that time so as to allow a full data set to be collected and analysed.

Frank Kennedy asked, In order to seek an answer to the ongoing East/West Traffic issue, would it please be possible for Council to establish a working party of all stakeholders to have heavy vehicles use Boundary Road as the preferred route?

The Mayor took the question on notice for a written response.

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

Thank you for your question regarding the Truck Restrictions Trial during Public Question Time at the Ordinary Council Meeting on the 27 May 2014.

As part of the Truck Restriction Trial, the City has been working with VicRoads and the Central Geelong committee to meet a number of objectives:

- Provide a safe attractive environment for pedestrians with levels of amenity appropriate for a major activity centre.*
- Stimulate increased development and activity in Central Geelong.*
- Provide heavy vehicle access across the city.*
- Continue to service Central Geelong with goods and services.*

We have been receiving feedback from traders, business owners, freight businesses, residents, shoppers and workers about how the trial is progressing.

Your suggestion of a stakeholder working party is noted and will be considered as one option to meet the above objectives.

Michael Garvey asked, as a resident of McKillop Street, I received advice from local member, Mr Ian Tresize MP that Council will review the current heavy vehicle restrictions in Central Geelong in July.

Can Council advise us at this time how that review will be conducted and how will it be judged to be successful and will any judgement be made of the negative effect of the trial on ratepayers in McKillop and Ryrie Streets?

Gary Van Driel took the question on notice for a written response.

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

Thank you for your question regarding the Truck Restrictions Trial during Public Question Time at the Ordinary Council Meeting on the 27 May 2014.

The assessment of the trial will consider impacts both positive and negative on the following stakeholders and road user groups; residents, businesses, transport operators, motorists, cyclists and pedestrians.

Factors to be considered include:

- *Compliance with the restrictions*
- *Travel times – changes through central Geelong*
- *Traffic volumes – changes across the east west street network*
- *Vehicle types – change of routes by vehicle types across the east west street network*
- *Access*
- *Safety*
- *Noise*
- *Air quality*
- *Amenity*

Understanding those impacts and using all the data we are collecting will assist Council with its decision at a July Council meeting.

John Goodwin addressed Council as follows:

- 1) New Max Prison
Has this new facility been approved?
- 2) Fertilizer Plant
Why after all the protest has the estate been approved?
- 3) Caddy's
Vicinity of the fertilizer plant to Herds and people?
- 4) Olives
Modern Olive Processing Plant within close proximity of location?

The questions were taken on notice for a written response.

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

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

The maximum security prison is going through a State Government not a Council approval process.

Caddy's Road was approved by the Planning Minister in a limited form from what was previously proposed and includes a 200 metre buffer to Serendip.

The Accensi plant will have no impact on Herds or Modern Olives. The Environment Protection Authority and Worksafe regulate the activities to ensure that it does not impact on the people of Lara and surrounding areas.

Daniel Cowdell asked his questions in relation to the issue of funding for Sustainability and the Environment in the City of Greater Geelong Proposed Budget 2014-2015:

Given the concerns for funding of FPG, the PBN, and the EMS, and the clear priorities of the City Plan, how will Councillors demonstrate commitment to sustainability and the environment? How will you achieve the objectives of the City Plan with the budget that has been proposed?

The Mayor responded the question would be responded to in writing and added that Council will review budget submissions on 13 June.

A subsequent written response was provided by the Manager Engineering Services in the following terms:
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I refer to the matter raised by you at Council Question Time on Tuesday 27th May 2014 and advise that as these matters are primarily related to the 2014-15 Draft Budget and Council is in receipt of a formal Budget Submission from your Group these issues will be considered at the Council budget submission panel on Friday 13th June 2014.

Should you required further information or wish to discuss the issue further please contact me directly on 5272 4902.