

QUESTIONS AND RESPONSES TO QUESTION TIME TUESDAY, 22 JULY 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.

Dan Cowdell asked the following questions regarding 'Fracking' (Coal Seam Gas Mining):

It is my understanding that a motion to allow for a 30 day public consultation period on Fracking (or Coal Seam Gas Mining) will be put forward at the next Council Meeting on 22 July. Assuming this motion is passed – a number of submissions will be made by the community. It is assumed a review of submissions will be conducted and a recommendation will be made to Councillors. Councillors will then vote on this recommendation to decide the CoGG's final position on coal seam gas. Is this correct? If Councillors decide that CoGG's official position is opposed to Coal Seam Gas exploration, mining and production will Council write to the State Premier, the Minister for Energy and Resources, Federal Members for Corangamite and Corio, and the State Members for Geelong, South Barwon, Bellarine, Lara and Polwarth with the aim to:

- 1) Reaffirm Council's support for the continuation of the current moratorium on coal seam gas exploration and operations;
- 2) Request that the current moratorium be extended for a further three years until further impact studies have been conducted;
- 3) Expand the impact studies of unconventional gas upon the following interests: public health, agriculture, food security, water resource security – aquifers / Barwon Water, Communities (impact on jobs, housing, retail outlets, etc) tourism, roads – through increased heavy haulage vehicles moving through communities, excessive noise emitted from compressor plants. What regulations/policies are in place and what legal systems will be provided to enforce compliance from the miners?

The Surf Coast Shire passed a similar motion to what I am suggesting here in November 2013.

The Mayor responded the questions would be addressed during debate this evening.

Cr Richards added that Councillors are yet to have a debate and that Councillors are free to extend the period for submissions or change the dates. Council officers will write a report based on the submissions received which will be brought back to Council.

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

In response to your questions at the Council Meeting on the 22nd July, 2014 I can confirm that the general process you have assumed in relation to the process Council has endorsed is generally correct.

The form of any recommendations will be determined with due regard to feedback and input received; but could include as an example, the items you have identified if Council was supportive of a position similar to other councils in the region.

The legislation and regulations which control compliance of Coal Seam Gas mining operation includes the Mineral Resources (Sustainable Development) Act 1980. Operators would be required to have a Mining Licence, Approved work plans, Planning approval and potentially approval under other pieces of legislation such as the Water Act, Native Title Act, Environment Protection Act and the Federal Environment Protection and Biodiversity Act 1999.

Ingrid Flood asked Council the following regarding 'Fracking' (Coal Seam Gas Mining):

I am aware that Council has been attending to the issue of Fracking in relation to it Environmental Management Strategy report that is yet to become available, and that Fracking was to be included in the final version of the EMS. I am also aware that Council indicated in its 8th July meeting it had changed its mind by saying the Fracking report would no longer be included in the EMS but dealt with by Council in the first meeting to be held in August. Since then, I also understand Council's City Services General Manager (Gary Van Driel) has written to Lyn Manson stating that Council will shortly invite public submissions regarding the issue of gas fracking for a period of one month. I read on page 166 of Council's Agenda for tonight, Cr. Andy Richards is putting forward a motion that says: "Council take public submissions regarding the issue of Coal Seam Gas Extraction and in particular fracking, for a period of one month commencing 23 July 2014." My concerns here are that the General Manager says Council will "shortly invite public submissions "...for a period of one month" and that Cr. Richards is moving that the one month period commences tomorrow – the day after this meeting ends. Don't these statements oppose Council's recently announced Community Engagement Policy that was approved by your CEO as recently as the 8th July? In Council's document CPL10.2 - Council has agreed to implement the procedures and guidelines that are in accordance with the IAP2 standards, which includes Council's commitment to inform, consult involve, collaborate and empower the community in its decision-making processes. In the issue of Fracking and the statements referred to above, it is clear that the IAP2 procedures are being swept aside. • More than 30 days would be needed to factor in the time for these elements:

- Lead up time.
- Meetings with stakeholders-both technical experts and well informed community groups.
- Educate Councillors.
- Plan and design the Community Consultation.
- Final print and art work for City Web News and local newspapers.
- To create, print and distribute Supporting Information.
- Identifying and employing a technical expert to take enquiries from the public during the consultation period or educating current staff.

If Council is genuinely committed towards applying IAP2's core values into the Fracking issue, shouldn't this mean that Council should commence establishing information for the public to become educated about Fracking on its website, libraries and other public places prior to commencing the period in which submissions are to be received?

My question is directed to the Mayor. Should the proposed Notice of Motion tonight be amended to read that "Council immediately implement its Community Engagement policy by establishing information throughout the Geelong region about Fracking in accordance with IAP2 standards prior to implementing a 30 day period for submissions to be received"?

Cr Richards responded Council commenced work on the EMS twelve months ago and has taken some time to get to a point where we are able to bring back to the Chamber in its final format. Council received several submissions in relation to fracking during the period of public consultation. Council will be considering a report in the coming weeks in relation to fracking. A Notice of Motion is being presented this evening in relation to the issue.

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

I refer to the matters raised by you at Council Question Time on 22 July 2014 regarding the draft Environment Management Strategy and fracking (coal seam gas mining).

As you are aware Council is currently in the process of developing an Environment Management Strategy which will outline Councils response to a multitude of environmental and sustainability issues. It will commit Council to an extensive range of actions which will improve the regions environment, including efforts to improve air and water quality, preserving and protecting biodiversity, reducing energy use and engaging community groups to assist Council in these activities.

Council has undertaken extensive community consultation in the development of the Strategy and received comments on a broad variety of issues. The draft Strategy that went to public consultation earlier this year did not include commentary regarding fracking or coal seam gas mining as these issues had not been raised by the community in the extensive community consultation that had been undertaken in the development of the Draft Strategy. A number of comments were received in relation to fracking, otherwise known as unconventional gas extraction during the public exhibition of the draft Strategy.

Council recognises that this is an important issue and Under a Notice of Motion moved at Tuesday night's Ordinary Meeting of Council, a 30-day process will be commenced to educate Council of the issue of 'fracking'. Council will be seeking advice from relevant State Government departments and agencies as well as experts in various fields. We will also be reviewing any information provided to us from concerned community groups and individuals.

This process will be followed by Council taking public submissions on the issue of Coal Seam Gas Extraction and in particular, the 'fracking' process, for a period of one month commencing on 24 August, 2014.

Council policy dictates that when Council is planning community engagement activities we will refer to IAP2 public participation spectrum that outlines the various levels of engagement activities. Accordingly Council can choose to either Inform (e.g. fact sheets etc) or Consult (e.g. Public submissions) or Involve (e.g. Workshops) or Collaborate (e.g. advisory committees) or Empower (e.g. Ballot).

Accordingly it is reasonable that Council has resolved to take submissions (i.e. Consult) on the issue and that a public submission report be presented to Council. This is consistent with our policy and is transparent.

Tim Boyd asked, how do the Councillors intend to consider the voice of residents Re C300, with significant resident objections raised these concerns have not been addressed through the panel process or with officers. Residents have asked for the use of a legitimate zone under the planning scheme being Neighbourhood Residential Zone (NRZ) for heritage areas in Belmont, we are not asking you to go against the Planning Minister's direction. As our elected officials we are calling on you listen to the voice of your constituents, what we ask is allowable by the Minister's guidelines, COGG has less than 1.5% of NRZ the Minister has approved up to 50% of NRZ in Melbourne, the direction gazetted 1 July 2014 allows for 50% NRZ in Melbourne.

Do the Councillors agree as a minimum Geelong deserves better than 1.5% of being protected by NRZ when a much higher percentage is allowable under the planning scheme?

The Mayor responded the questions would be addressed during debate this evening.

Cr Heagney added that the schedules used in different municipalities are not the same so therefore we are not comparing "apples with apples".

Carson Backhouse asked on behalf of the residents, I would like to question the Councillors stance in regard to adding their support to a neighbourhood petition previously presented to Council conducted in February 2014 in the Belmont Heights Estate area where over 80% of the single dwelling residents did not support the application of Residential Growth Zone in C300 and petitioned the Council to apply Neighbourhood Residential Zone in the Belmont Heights Estate. We would like to understand the Councillors position on how they intend to treat such a large proportion of resident opposition to the amendment, where the residents have proposed an alternative which is a legitimate use of Neighbourhood Residential Zone which can be applied in conjunction with existing IHDA. In addition I would like to ask the councillors for a greater insight into their broader views on providing protection to historical significant areas within the region?

The Mayor responded the questions would be addressed during debate this evening.

Colin Nightingale asked:

Announcing the New Residential Zones in 2013 Matthew Guy wanted Melbourne's neighbourhoods to maintain their liveability and heritage. This has recently been gazetted so that at least 50% of residential land must be NRZ. This has been achieved. Council area bearing striking similarities to Geelong West such as Yarra (which includes Richmond Hill, Collingwood and Fitzroy) have allocated 74% to NRZ. However, in Geelong we have just 1.2% in the NRZ and 0% in Geelong West's heritage overlay area. How can Council possibly justify its policy of destroying the liveability and heritage of its oldest suburb?

Cr Ansett suggested that when the item in relation to new Residential Zones comes up for debate to listen to what he has to say as he has not been able to previously express his view due to state government law.

Peter Bettess responded that if you look at the City of Yarra the percentage of medium and high density development is 78%, but is only 27% in Geelong West - there is no comparison between the two.

Cr Heagney added that the heritage overlay is not being taken away.

Trish Jardine asked how much more growth does Council believe Geelong West can sustain? Will Council apply NZ now and review later, thus enabling retention of our suburb as residents and visitors value it?

The Mayor responded the question would be addressed during debate of the item this evening.

Geoffrey Kenyon asked:

- 1) Questions I forwarded, and which were responded to by Peter Bettess, did not address the questions asked?

Peter Bettess responded that he addressed the questions as best he could. If there has been a misunderstanding of interpretation, I am happy to meet and discuss.

Peter Bettess took the remainder of questions/statements on notice for a written response.

A subsequent written response was provided by the General Manager Planning and Tourism in the following terms:
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I am replying to you questions asked at the 22 July Council meeting.

The section of Boundary Road renamed to Muir Road is between Ghazepore Road and Baanip Boulevard. (map attached). Mandalay Circuit is being renamed to Delta Drive as both ends of Mandalay Circuit were to be linked. Revised plans now do not include a 'circuit' so the road is being renamed to avoid confusion for residents and emergency services.(map attached)

The notification given of the renaming was set out in the Council report as follows:

Consultation and Communication

Correspondence was sent to all adjoining property owners and residents advising them of the proposed renaming and invited submissions.

This proposal was also advertised in the Independent newspaper on 23 May 2014 and the Geelong Advertiser newspaper on 24 May 2014. The proposal was published on Council's Geelong Australia website for 30 days as per the Guidelines for Geographic Names 2010.

One submission was received. This submission was from Mr Muir's widow in favour of the proposal.

Subject to Council and The Registrar of Geographic Names approval, the relevant authorities and abutting owners will be notified of the official registration of this road renaming.

The boundary between the suburbs of Armstrong Creek and Mount Duneed is the SurfCoast Highway. There is a section of Boundary Road in Armstrong Creek and another in Mount Duneed. Likewise, Armstrong Creek (the creek) flows through the suburbs of Mount Duneed and Armstrong Creek. (suburb boundary map attached)

The developers are legally entitled to develop land they own or control in accordance with planning approvals. A necessary part of development is moving soil and rock, so hills of these materials will occur prior to the finished development.

Neither the Council nor any developer is doing anything on your land. The precinct plans show the development requirements if you choose to develop your land or sell to a developer. If you choose to neither develop or sell, your land can continue to be used for its current purpose.

In relation to your questions about who you can sue, you need to obtain your own legal advice.

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

Noel Thompson advised Council that land donated in 1947 to the Shire of Bellarine by his great uncle (twice wounded in action whilst service in Gallipoli), was to be used to build a War Memorial to commemorate the fallen of the 2nd World War. Mr Thompson does not want to see this land sold off?

Cr Richards responded he recalled discussions held two weeks ago and has since spoken to Cr Irvine. As a result of those discussions we invite you to come in and talk to both of us regarding the matter.

Cr Irvine added Council will do everything to preserve the land and will be put out for community consultation before any decisions are made.

Cr Ansett also added it was the first time he had heard about the issue and will back it 100%.

Reny Nieuwenhof asked given Council wishes to promote tourism opportunities in Geelong, are all Council members aware of the unrealised potential of the historic Osborne House; the second largest Vietnam Veterans military museum in Victoria; and the significant Maritime Museum, are all located in the same North Geelong property?

What is Council doing to recognise the potential of this majestic property, given that it has been responsible for this property for twenty years?

The Mayor responded that Osborne House is a special part of our heritage and Council is trying to find the right fit to complement this. No doubt Council needs to spend a tremendous amount of money on its upgrade.

Cr Ansett responded that as a passionate person involved in history and heritage he has always been supportive of Osborne House. Council has stopped a lot of developers and has supported the community in an effort to retain House for community use. Osborne House has always had the support of Councillors.

Cr E Kontelj responded that Council has a high regard for Osborne House but noted that it comes with challenges. One thing for certain is that Council wants to maintain Osborne House in the community's hands and is not looking to sell it. There is no solution thus far, but Council is working on it.

Georgina Alford asked why has Council adopted the arbitrary system of drawing 800 metre catchment area around Pakington Street in Geelong West? When in Melbourne, Councils such as Stonnington and Moreland have adopted the more citizen friendly policy of zoning activity centres for growth but adopting NRZ in adjoining streets, especially where heritage overlays apply?

Peter Bettess responded that there is a much higher density in the areas around those activity centres mentioned.

A subsequent written response was provided by the General Manager Planning and Tourism in the following terms:
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I am relying to your questions asked at the 22 July Council meeting.

Pakington Street is designated as a Community Centre in Council's Retail Strategy. As such it provides an important retail, community and entertainment function to the surrounding areas. 800 metres was adopted as it represents a reasonable walking distance to the Centre.

The metropolitan Melbourne policies are not directly applicable to Geelong due to the greater intensity of existing development and how each municipality has developed its future housing strategy.

The Council resolved to apply the Neighbourhood Residential Zone Schedule 3 generally to the areas of Geelong West covered by the Heritage Overlay.

Mr Chris Tsorotes advised Cr Farrell that two weeks ago he put forward several questions which you advised that you would take them on notice. I have had a response from John Brown but no such response from yourself. Why is that?

A written response was handed to Mr Tsorotes from Cr Farrell in relation to the questions taken on notice.

- 1) Cr Jan Farrell operates a twitter account under the name Cr Jan Farrell and uses it clearly for official Council business rather than personal. Is she covered by Council's social media policy?

A copy of Council's Social Media Policy has been previously provided to Mr Tsorotes.

Dean Frost added that Council supports the Social Media Account for the Mayor of the City. Council's policy does not extend to Councillors.

- 2) Do you feel the term "Greek Property Parasite" is racial vilification?

The Mayor advised it is not a term this Mayor would use, but I cannot speak for other Councillors.

Cr E Kontelj added his feelings are similar to that of the Mayor in that he would not condone any racial slurs.

- 3) Do you feel that a Councillor re-tweeting this is in fact an endorsement of this racist stereo type?

The Mayor responded that re-tweeting is someone's opinion.

Do you Mr Mayor tolerate this sort of behaviour by your Councillors and will you call on Cr Farrell to formally apologise tonight?

The Mayor responded it is up to Cr Farrell if she would like to apologise. It is a personal opinion and not the opinion of the Mayor.

George Daglas asked:

- 1) Will the salary agreement for the Acting CEO Dean Frost be made public?

Mike Kelly responded, "No".

- 2) Is Council and Geelong getting bang for its bucks out of Mr Frost?

The Mayor responded, "Yes, we believe so".

- 3) Is Council aware that a group of the City's major stakeholders are ready and waiting to unleash the fury of hell upon the state and federal governments to ensure that Council's Geelong 21st Century Vision become reality?

The Mayor noted the comment.

Colin Wallace addressed Council as follows:

Mr Mayor, did you know that former General Manager City Services Peter Reeve resigned in December 2008, he was re-employed as General Manager City Services just two months later in February 2009, then just two weeks after that he resigned again, effective 9 April 2009, which was just a few weeks before the end of the first half-year period since the opening of the Woolworths supermarket on the Ropeworks site and thus shortly before was due the first of the half-yearly reports on investigations and works Council was required to provide to Woolworths under the Ropeworks Section 173 agreement and further, Mr Mayor, did you know that the person installed at the head of City Services in replacement of Peter Reeve was present Acting CEO Dean Frost and that, even though Dean Frost was not an engineer, he remained at the head of City Services for ten months, during which time the Section 173 Agreement was breached in that the first and second half-yearly reports that should have been provided to Woolworths were not provided to Woolworths, indeed they were not even produced?

The Mayor reiterated, as previously advised, Council will no longer respond to questions in relation to Ropeworks or matters that are either trivial or repetitive in nature.

Mary Wallace asked:

My husband and I had a meeting in early March 2013 with Mayor Keith Fagg, at which Cr Michelle Heagney was also present. Concerning a table devised by Council purportedly showing how the \$100,000 handed to Council by Woolworths had thus far been spent, Cr Heagney with great confidence said that this table had been given to Woolworths and, since it turned out that Cr Heagney was mistaken, my question is, how did Cr Heagney come to have this mistaken belief?

The Mayor again reiterated, as previously advised, Council will no longer respond to questions in relation to Ropeworks or matters that are either trivial or repetitive in nature.

Evan Hardie asked the following in relation to Sale of Land at Draper and Asbury Street, Ocean Grove:

- 1) Is Council aware that at the Submissions Review Panel Hearing held on 3 June 2014, I presented a submission with a variety of relevant topics regarding the eligibility of the sale of this land, but without any questions being presented?
- 2) Is Council also aware that questions cited in this report were not given as my submission at the Panel Hearing?
- 3) Why were questions from the Council Meeting 13 May 2014 – substituted for my submission?
- 4) Are all Councillors aware that the following major points from my submission were –
 - a) extracts of the Open Space Planning and Design Guide, a recently published manual compiled by Parks and Leisure Australia, b) extracts of the inaugural Council PLA conference, held at Simonds Stadium in Geelong on 30 April and 1 May 2014, presided over Paul James, where aspects of open space management were examined by various experts, c) extracts of Bellarine Peninsula Recreation and Leisure Needs Study 2005, d) scale drawings of this particular neighbourhood open spaces with calculations as per auditing processes outlined in PLA's manual, e) statements pertaining to CoGG's current open space strategic plan review process – again no record in the minutes.

- 5) If Council decides to sell this land, can all Councillors be certain that a thorough, impartial, accountable process has been undertaken regarding this Old Netball Court Reserve. This Reserve was declared not a reserve to the Independent Panel Hearing held April 2014. So therefore, no net loss of open space would be incurred?

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

Cr Heagney acknowledged that what was presented by Mr Hardie as part of his submission was not accurately reflected in the Minutes and that Councillors are aware of the submission.

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

Your questions asked of the Council during Question Time at the Council meeting on 22 July 2014 have been passed on for a response.

The information presented by you at the Submissions Panel hearing on 3 June 2014 consisted of a number of pages from various documents, two maps and a calculation of houses and open space around the subject land. No written material was provided indicating the nature of your submission or any points you intended to make in relation to the proposal to sell the land.

From your verbal presentation at the hearing it was not possible determine concise reasons for your objection therefore the minutes relied on previous written questions asked by you at an earlier question time.

Fluer M-Broque asked questions relating to Fracking:

- 1) Are you aware of Coal Seam Gas Mining that is commonly known as Fracking and the harm it has on our environment
- 2) Have you undertaken any investigations into this form of unconventional gas mining to ascertain the impact such operations would have on the Geelong community's health and welfare, its water supplies and our farmland? If so, have you formed an opinion about Fracking?

The Mayor responded, he understands.

Cr Richards responded that one thing we do know is when Council's EMS Strategy was put out for community consultation we received a lot of submissions in regard to Fracking, and will be doing more work around that at officer level. There is concern in the community regarding fracking, and it is fair to say that Councillors are now aware of the concern in the Geelong community.

A Notice of Motion is being presented tonight which asks for public submissions around Coal Seam Gas Extraction or Fracking. That process is to get us to the point we need to bring a report back to Council.