

**QUESTIONS AND RESPONSES TO QUESTION TIME
TUESDAY, 27 JANUARY 2016**

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.

Dale Park submitted a question in relation to the Lease to Ocean Grove Golf Club, however as he was not present at the meeting a written response will be forwarded.

Warwick Manderson asked question in relation to the protection of moonah trees and other sensitive native vegetation in Warrenbeen Court Estate, Barwon Heads:

- 1) Why Council no longer applies the written consent policy?
- 2) When the policy changed and by what process?
- 3) What protections has Council put in place to protect the Warrenbeen Court precinct for its "ecological and aesthetic values" which have been recognised in the Structure Plan as "important to the community"?

Cr Richards responded he would ask the Chief Executive Officer to get back to Warwick with a detailed response explaining the situation.

Peter Bettess indicated he would provide a written response within 14 days.

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

Thank you for your question regarding vegetation in Warrenbeen Court, Barwon Heads.

By way of background, planning permit 1057/1997 was granted in January 1998 and allowed a 14 lot subdivision. This subdivision is now Warrenbeen Court. The permit included conditions that required restrictions to be included on the title. The restrictions limit the number of dwellings to one (condition 15) and limit development to an area within a building envelope identified on a neighbourhood design plan (NDP) that is endorsed and forms part of the permit (condition 17).

Condition 18 states that all existing vegetation on the land must not be removed without Council's consent. This requirement does not (and was not required by the planning permit to) form a restriction on the title.

It is understood a Council officer wrote an email in 2005 that informed that a planning permit would be required to remove vegetation outside of the building envelope identified on the NDP.

It is my view that, contrary to the 2005 email and consistent with more recent advice, a planning permit (or any other planning permission) is not required to remove vegetation at 16-17 Warrenbeen Court. This is because condition 18 ceased to have any on-going effect when the subdivision was completed (i.e. when new titles were released). Put another way, it is not open to Council to seek to enforce condition 18.

It is also noted that the planning scheme specifies that a planning permit is not required to remove native vegetation on land (such as 16-17 Warrenbeen Court) that is less than 0.4ha in area. Other planning permit exemptions exist. For example, exemptions concerning bushfire protection allow for some vegetation removal in proximity of dwellings and fence lines.

Council recognises the landscape and ecological values in Warrenbeen Court. Clause 21.14 (Bellarine Peninsula) of the Greater Geelong Planning Scheme identifies further strategic planning work to be undertaken. This includes to:

Undertake a Landscape Assessment Study for the Ewing Blyth/Golf Links/Bridge Road and the Warrenbeen Court residential areas with the intention to apply an overlay to protect the existing character and vegetation.

At this point in time, there is no definitive timeframe for this work to occur.

Should you have any further queries, please contact Rory O'Loughlen on 5272 4755.

Roger Smith asked :

- 1) In November I asked Council if they would consider raising the stakes in protecting the You Yangs from destructive development through the creation of a You Yangs Protection Zone (YYPZ). Peter Bettess responded that the matter would require State Government approval which is a lengthy process, but Council could certainly help and review the current overlays and zones in the area. In light of my previous question – how will Council assist local residents to approach State Government with the aim of Creating the (YYPZ)?

Peter Bettess advised he did not have the information to answer but would provide a written response.

Re the Barro Group Quarry -

- 2) Is Council monitoring the impact of mining at this quarry?
- 3) Is Council aware that in November 2014 the holders of Work Authority (WA453) were granted rights to quarry hard rock instead of sand at the mine and that this may mean that a) explosives will be used at the mine b) a much larger area of land may be subject to mining – does Council know where water in the dam for this mine comes from?
- 4) Is Council aware that a highly visible 2.4 metre high chain mesh and barbed wire fence is being erected around the Barro property?
- 5) Does Council know how long this fence will be and what its impact will be on the Significant landscape Overlay in the You Yangs?
- 6) What controls, if any, does Council have over what occurs on WA453?

Peter Bettess responded he did not believe it would be a costly exercise and would do in house and see which overlay would be most appropriate.

A subsequent written response was provided by the General Manager Planning and Tourism in the following terms:
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Thank you for submitting your question at the Council meeting of 27 January 2016.

Typically, regulation of quarries is through a planning permit and a Work Authority. The Council has responsibilities in relation to planning permits and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) has responsibilities in relation to Work Authorities.

The Barro Group Quarry has operated from two parcels of land, known as 250 Drysdale Road, Little River, since the 1970's. The use operates under what are called existing use rights. As such, there is no planning permit in place, and the Work Authority (WA453) alone regulates the land use. Therefore, Council does not have statutory responsibilities for the quarrying operations occurring on the land.

It is also noted that a fence on land affected by Schedule 1 of the Significant Landscape Overlay (SLO1) does not require a planning permit. Therefore, it is not possible for Council to assess the impact that a fence might have on the landscape character of the area.

Should you have any further queries, please contact Rory O'Loughlen on 5272 4755.

Priscilla Pescott asked – since reading the Mayor's proposal to sell some branch libraries, there has been no comment from any other Councillors.

I ask which Councillors support his proposal?

Cr Richards responded that there is no proposal to sell off or close any libraries. Council is in the business of running libraries not closing them. Officers will obviously look at the effect of the new library, but I am not aware of any decision at the moment to close any libraries.

The Mayor responded that his comments made during the interview were of a general nature around many of Council's assets. Withholding Council assets is important to this Mayor but at the same time Council needs to tighten its belts as we go forward.

Sandra Gatehouse – President of the Barwon Heads Association addressed Council as follows:

Barwon Heads Association members have reported that, when observing removal of native vegetation on private properties, they are advised by Council there is no protection for the vegetation if it is not in an overlay area. A case of considerable concern is the current activity at 16-17 Warrenbeen Court, Barwon Heads. The titles of all 14 properties in the Warrenbeen Estate are subject to covenants to protect the precious indigenous vegetation. These covenants are formally endorsed by Council. We note that the Greater Geelong Planning Scheme Section 52.17 applies. Section 52.17-2 states "a permit is required to remove, destroy or lop native vegetation". We therefore believe that such removal requires appropriate permits and that the Planning Scheme puts obligation on the Council to ensure compliance and in the absence of a permit the covenants cannot protect the indigenous vegetation:

- 1) Why does Council inform complainants that it has no role in enforcing the Planning Scheme?
- 2) If it has no role where do residents go to ensure protection of indigenous vegetation?
- 3) How many complaints has Council received on this matter?
- 4) How are such complaints (by phone or mail) registered?
- 5) How many cases of enforcement have Council carried out in the last two years to protect indigenous vegetation?

For the future can we urgently request that Council prepare an overlay to protect this very precious area.

Cr Richards requested the Chief Executive Officer to provide a detailed written response. He added it was timely that the Barwon Heads Association met with Peter Bettess to discuss their concerns further. Cr Richards indicated he was happy to facilitate this meeting.

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

Thank you for your recent question regarding vegetation in Warrenbeen Court, Barwon Heads.

An investigation of the history of the subdivision land shows individual land titles contain restrictions that limit the number of dwellings and limit development to a specified building envelope. The restrictions do not refer to vegetation on the land.

You should also note that a planning permit is not required to remove native vegetation on land (such as 16-17 Warrenbeen Court) that is less than 0.4ha in area. Other planning permit exemptions exist. For example, exemptions concerning bushfire protection allow for some vegetation removal in proximity of dwellings and fence lines.

In response to your specific questions:

- Council does have planning enforcement obligations. Council informs complainants of the outcomes of investigations. However, enforcement action (beyond the initial investigation) only ensues where a breach of the planning scheme or a planning permit is identified. No breach of the planning scheme or planning permit was found in this instance.*
- Council has received two queries regarding vegetation removal at 16-17 Warrenbeen Court.*
- Council registers written planning enforcement queries on a database. These are then investigated by Council's planning enforcement officers.*
- In 2014 and 2015, a total of 453 planning enforcement investigations were commenced. Of these, 27 related to vegetation removal.*
- Council recognises the landscape and ecological values in Warrenbeen Court. Clause 21.14 (Bellarine Peninsula) of the Greater Geelong Planning Scheme identifies further strategic planning work to be undertaken. This includes to:*

Undertake a Landscape Assessment Study for the Ewing Blyth/Golf Links/Bridge Road and the Warrenbeen Court residential areas with the intention to apply an overlay to protect the existing character and vegetation.

At this point in time, there is no definitive timeframe for this work to occur.

Should you have any further queries, please contact Rory O'Loughlen on 5272 4755.

Judith Brooks addressed Council as follow:

Ten years ago the Barwon Heads community and Council agreed on an excellent streetscape plan. Due to funding difficulties the streetscape was not completed. A decade later Barwon Heads has seen a dramatic increase in the usage and extension of its shopping centre, its markets, and its medical facilities from locals, tourists and visitors from the development at Armstrong Creek:

- 1) What is the status of plans for the completion of our streetscape and in particular funding for our deteriorating and dangerous footpaths?

The Mayor indicated this subject had been discussed at length last year.

Cr Richards responded that one thing that the Structure Plan has produced is more retail in Hitchcock Avenue, and to do that streetscape on the eastern side from where it ends now to Ozone Road didn't make last year's budget, but is the subject of ongoing budget discussions.

William Tieppo responded that in terms of the project for 2016/17 which includes footpaths on both east and west side of Hitchcock Avenue have been submitted in the budget. I am aware of the State Government commitment and conversations with VicRoads will be carried out as part of that project.

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

Thankyou for your question at the last council meeting on the 27 January 2016 requesting the status of the plans for the completion of the Barwon Heads streetscape and in particular funding for the footpath replacement.

A funding application for the extension of the footpath replacement along the east and west side of Hitchcock Avenue between Colite Street and Ozone Road has been submitted for the 2016/17 financial year and is currently being reviewed.

The undertaking of any footpath works in Barwon Heads in the 2016/17 financial year will be subject to this budget decision. However the footpath is regularly monitored and if any areas are unsafe they are replaced in accordance with the requirements of council road management plan.

Also it has been indicated that when VicRoads are undertaking works in Bridge Road they will upgrade the footpath within this location.

If you require additional information, please do not hesitate to contact me.

Dan Cowdell asked questions in relation to Council's street lighting operating with inefficient 80W mercury vapour globes:

- 1) Why has Council not proceeded with street lighting energy efficiency upgrades?
- 2) When will Council review and consider the business case for street lighting efficiency upgrades?

Cr Richards responded this is an idea which has been around for some 6-7 years. Council has considered different versions of what you are proposing and at this point of time unable to afford the cost of doing that kind of project. Officers actively consider this issue each year with the budget.

The Mayor added he has discussed at length with the Environment Minister over the last two months. G21 also does a lot of work around this. Council officers have also been in touch with the Minister's office.

William Tieppo added G21 Councils have met over the last two months in an effort to submit a joint business case depending on a funding model. The other reason why we haven't proceeded with LED is Powercor only approved certain amounts and in order to avoid maintenance issues, the right technology is needed.

Cr Macdonald added it is not just about LED lights here, but a move to smart lighting so we can control lights remotely, resulting in considerable savings.

The Mayor indicated that Councillors are extremely aware.

Anthony Gleeson asked how Council invests its funds, and whether its finances are invested in fossil fuel projects. I am not sure if Council is aware that at least 15 Australian local Councils including City of Melbourne have decided to stop risking their ratepayer funds and reserves by removing any exposure they have to fossil fuel projects, or whether Council is actually aware what exposure the City of Greater Geelong's funds have to fossil fuels?

Has Council started a process of considering doing the same as these fifteen other local Councils and if not, how can local environmental and climate action groups help Council to make this happen?

Cr Richards responded he would be presenting a Notice of Motion in relation to this subject at the next Meeting of Council and will then bring a report back to the Chamber. Residents, ratepayers and activists will then be able to make their views known.

The recent fracking debate took approximately six months to resolve and this will be similar.

Yvonne Adami asked:

In the Geelong Advertiser on January 22 the Mayor proposed to sell of “underutilised suburban libraries”. Given that the Annual Report does not support his claim, will the Mayor provide evidence that in fact libraries within the GRLC are underutilised?

The Mayor responded in 2015 the new Library wasn’t built. Council officers will be taking a holistic approach in relation to all Council assets across the region. An informed recommendation will be made to the City of Greater Geelong Council by officers for the future operation of libraries within the municipality. Recommendations will be presented to Council for a decision once the evidence has been collected and analysed.

Cr Richards added the Library Corporation doesn’t make decisions to sell libraries. Council has no position around closing libraries or selling them off at this point of time.

Alena Kralova asked if Council would help with bus transport times on Route 24 – it affects not only myself but thousands of people – last bus is at 6.50pm.

Cr Richards responded that concerns should be provided in writing so Council may advocate on your behalf in relation to public transport. Cr Richards agreed bus services could be improved.

Cr E Kontelj suggested concerns be lodged in writing and was happy to meet to discuss further.

Cr Ansett further added the need for a light rail service.

Mary Wallace asked:

- 1) My husband Colin and I received a letter dated 28th August 2013 signed by then Acting Mayor Bruce Harwood. It came out of the blue and less than two weeks after Mayor Keith Fagg resigned. This letter is misleading and I believe it was intended to intimidate us, and my question to Deputy Mayor Bruce Harwood is, who composed this letter?

Cr Harwood took the question on notice.

- 2) Did the other Councillors at the time – which included Cr Stretch Kontelj – know about and consent to this letter being composed and sent to us?

The Mayor took the question on notice.

- 3) At the Council Meeting on June 24th 2014, my husband asked Mayor Lyons to consider if an evident breach by Council of a Section 173 Agreement was deliberate and Cr Michelle Heagney intervened, saying my husband had been sent a letter which she did not identify. At the Council Meeting on April 28th 2015, my husband asked Cr Heagney to identify the letter but she refused point-blank.

So I am asking Cr Michelle Heagney, is the letter I have raised tonight the one you refused to identify?

Cr Heagney took the question on notice.

**A subsequent written response was provided by the
General Manager Performance & Strategy in the following terms:**

I refer to your questions raised during Question Time at the Council Meeting held on 27 January 2016.

Council reserves the right to refuse to respond to matters which are considered to be repetitive or trivial in nature. Accordingly, please note that Council will not respond to any further correspondence, or questions raised during Question Time, in relation to this matter.

I note correspondence sent on 28 August 2013, 3 July 2014 and 28 May 2015 to which Council have advised you of our position in relation to this matter.

If you are dissatisfied with our decision you can refer your concerns to the State Ombudsman for review.

Jennifer Bantow addressed Council as follows:

- 1) Is it correct that planning permit application in Central Geelong are not advertised and no public participation or submissions are considered?
- 2) Which authority determines the future of which developments in Central Geelong and in particular the Old Geelong Gaol. It appears to be in the Central Geelong Marketing Area Plan on page 33 of tonight's agenda? Is it in the Central Geelong Action Plan, in the Geelong Marketing Area Plan or is it part of the Geelong Planning Authority's jurisdiction?

Peter Bettess responded the question probably needs a diagram that shows the different areas. Council is responsible for Central Geelong other than specific developments where Ministerial approval is required.

Re former Cheetham Salt Land:

- 3) Do Sanctuary Living and the Ridley Corporation have sole ownership of the former Cheetham Salt Land, and is any of this land Crown Land or some other kind of definition of public land?

Peter Bettess indicated he would provide a map where private and public land is located. Going through process now and are waiting for submissions to look into it.

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

Sally Nicholas asked questions in relation to 405-455 Sandy Creek Road and 172-Bacchus Marsh Road, Little River – "Use and Development of the Land for Stone (Sand and Soil) Extraction and Removal of Native Vegetation":

- 1) What is being addressed as far as the traffic impact assessment commissioned by L Bisinella Developments which is dated 18 February 2014. This document is two years old, no surveys were done on the roads stated with being used for traffic distribution to Melbourne. Only the roads moving traffic to the west or south towards Geelong, also these surveys don't tell you what type of traffic were surveyed. Heavy vehicles, cars or cyclists?

Peter Bettess responded that he was unable to answer as its going through a planning permit process.

- 2) Will Council redo the surveys to all affected roads and the damage to the Grant Bridge built in 1867 on You Yangs Road, Little River?

Cr Ansett agreed the historic Grant Bridge built in 1867 is a major issue.

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

Thank you for your question regarding the planning permit application at 405-455 Sandy Creek Road and 1720 Bacchus Marsh Road (Council ref PP692/2015). More particularly, matters concerning traffic and safety have been raised.

We note that you have lodged an objection to the application that raises similar concerns. These, together with other objections, will be considered in deciding upon the application.

At this point, you should be aware that Council's traffic engineering department and VicRoads have reviewed the application and have not raised concerns with the proposal. VicRoads have required that all vehicles use Sandy Creek Road.

It is likely that, in the event that a planning permit is granted, Council will include permit conditions that designates truck routes so as to minimise traffic and safety impacts.

If you have any queries, please contact Hugh Griffiths on 5272 4458.