

**QUESTIONS AND RESPONSES TO QUESTION TIME  
TUESDAY, 11 MARCH 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.

**Tom O'Connor** asked the status of the City Parking report:

*The Chief Executive Officer advised a report is currently being prepared for Council consideration detailing the outcomes of the Central Geelong Parking Strategy. The report will come back to Council during April.*

**Colin Wallace** asked:

Mr Mayor, during the meeting my wife and I had with you and Alister Paterson Monday of last week I said I had made a complaint to the State Ombudsman once and it was not about this, meaning First Street.

Are Councillors aware that the one time I made a complaint to the State Ombudsman was in 2008 and it had nothing to do with First Street, nothing to do with traffic, nothing to do with any part of the planning or development process beyond the Ropeworks Panel Hearing which concluded in September 2006 so it had nothing to do with the Panel Report, the decision Council made to approve the development, the Planning Permit or the administration of it, the complaint was by myself only, done in my name only, I gave no one permission to speak on my behalf to the State Ombudsman and the State Ombudsman did not conduct an investigation?

*The Mayor noted the comments.*

*John Brown, Manager Administration and Governance, added the Ropeworks Hearing Panel issue in respect to the supermarket was referred to the Ombudsman and a response was provided to Mr Wallace by the Ombudsman.*

**Mary Wallace** asked:

Are Councillors aware that I have never been to the State Ombudsman, never made a complaint to the State Ombudsman, never received anything from the State Ombudsman and never given anyone permission to speak for me to the State Ombudsman?

*The Mayor responded he was not aware, but is now aware of it.*

**Colin Nightingale** asked the following in relation to Amendment C300:

1) Will Council have legal planning representation at the Independent Panel?

*Peter Bettess advised he believed Council will have a legal representative from Maddocks.*

2) If so, do Councillors accept the proposition that it is inherently undemocratic to be using the rate payments of Geelong West residents to undertake a legal case against these same people, the vast majority of whom are strongly opposed to C300?

3) In the Schedule for local requirements in RGZ1, will the wording for the maximum height state this height should not/will not/ must not be exceeded?

*The Mayor noted the comments.*

*Peter Bettess added the submissions are referred to the Independent Panel and wording is as it was in the report to Council on 25 February. Height had been reduced from 4 to 3 which wasn't reflected in the Schedule.*

**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 meeting.*

*1.a The Council will have legal representation at the Independent Panel. Mr John Rantino of Maddocks will represent the Council.*

*1.b The Council is not undertaking a legal case against residents. The Council's advocate at the hearing will present the rationale used in preparing Amendment C300. The Panel will report on whether the rationale is sound or whether the amendment needs to be changed. The Council will decide the content of any amendment that may be adopted to be submitted to the Planning Minister for the final decision.*

*2. The final wording for the maximum height in the RGZ 2 Schedule will be determined by the Planning Minister. The updated Schedule 2 to the Residential Growth Zone approved by the Council on 25 February 2014 as the basis for its submission to the Panel states "must not exceed a height of 10.5 metres".*

**Judith Trimble** asked the following in relation to the Geelong Botanic Gardens:

Is Council aware that the Friends of Geelong Botanic Gardens have raised and dispersed in excess of \$500,000 to support the Gardens? We would therefore request that the Friends be included in discussions concerning planning infrastructure. We welcome Council's new interest in the Gardens and the provision of renewed facilities.

*The Mayor noted the comments.*

**Jennifer Bantow** asked the following questions regarding the Planning Panel Process regarding Amendment C300:

1) What information does Council supply to the Panel given that the Panel is concerned with planning policy only, not other relevant matters such as people's stress and their anxiety about loss of property values?

2) Does Council give the Panel the petitions and if so are they considered relevant by the Panel?

3) Is Council going to defend Amendment C300 at the Panel, thus putting Council in opposition to those people it represents?

- 4) If Council is presenting at the Panel how will that be done?
- 5) When the Planning Panel report is finished, what happens, does Council have the opportunity to review, and possibly change or modify the Panel's report to come up with the final Amendment?

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

*Cr Harwood added the Panel does not make a decision - the Minister has the final say. Council will review the Panel report and provide Council with a report for its consideration.*

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

*I am replying to the questions you asked at the Council meeting in 11 March 2014.*

*Parts of Drumcondra and Newtown are proposed to be included in the Neighbourhood Residential Zone due to the regional heritage significance of these areas. The Council has not handed its planning responsibility over to a planning panel. The Council will decide the content of C300 if it resolves to adopt the amendment following consideration of the report of the Independent Panel. The final decision of the content of C300 and any other planning scheme amendment is made by the Planning Minister.*

*In answer to your questions about the Planning Panel Process:*

- 1. The Council supplies the Panel with background documents used in preparing the amendment; the amendment with Council's changes following exhibition; and copies of all submissions. The Council is required, as a matter of law, to only consider relevant planning issues and to not consider irrelevant issues. Relevant planning issues can include social and economic issues but generally as they relate to the community as a whole rather than to individuals.*
- 2. The petitions have been provided to the panel, even though they may not technically be submissions under the Planning and Environment Act. I cannot say whether the Panel will consider them relevant. Generally, it is the content of the petition rather than the number of people signing it that is relevant.*
- 3. The Council will explain the rationale in preparing Amendment C300 at the Panel. The Council represents everyone in the community and while some may oppose the Council's rationale others will support it.*
- 4. The Council will be represented by a lawyer and planning expert who will explain the rationale behind Amendment C300.*
- 5. The Council has the opportunity to review, modify, change or abandon the Amendment following its consideration of the Panel Report. The Council's decision will be made at an open Council meeting around May/June 2014.*

**Ian Mason** asked why there was no survey of residents of 'heritage areas' in Belmont, Hamlyn Heights, etc.

*Peter Bettess responded that the Planning Scheme Amendment was widely publicised and suggested from previous questions a lot of residents were informed.*

**Michael Mifsud** provided Council with a series of statements in relation to Amendment C288 – Adventure Park:

*Peter Bettess advised that submissions will be referred to an Independent Panel and that Panel will consider the issues you have raised. Residents have the opportunity to be heard before the Panel. There is no time frame established at this stage.*

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

*I am replying to your questions at the above meeting.*

*The Council at its meeting on 11 March 2014 resolved to refer the submissions to Amendment C288 to an Independent Panel to be appointed by the Planning Minister.*

*The issues you raise in your questions to the Council are matters to be raised at the Panel hearing. You will be advised once the Panel is appointed by the Minister and invited to attend the hearing to speak to your submission.*

*The Panel will submit a report to the Council following the hearing of submissions. The Panel's report will be considered at an open Council meeting where the Council will decide whether it adopts the amendment, with or without any changes recommended by the Panel, or abandons the amendment. Any amendment adopted by the Council is submitted to the Planning Minister for decision to approve or not approve the amendment.*