

8. PROPOSED PLANNING SCHEME AMENDMENT TO APPLY A PUBLIC ACQUISITION OVERLAY ON LAND AT 661-669 BARWON HEADS ROAD AND 619-639, 641-655 AND 657-669 BOUNDARY ROAD, CHARLEMONT
(previously agenda item 7)

Source: Planning & Development - Urban Growth
General Manager: Peter Bettess
Index Reference: Armstrong Creek Project - Development Contributions Plan - Armstrong Creek - Horseshoe Bend

Purpose

This report seeks approval for the preparation and exhibition of a Public Acquisition Overlay (PAO) to facilitate the acquisition of land for the purposes of drainage at 661-669 Barwon Heads Road and 619-639, 641-655 and 657-669 Boundary Road, Charlemont. The land is required for the construction and commissioning of the end-of-line storm water infrastructure nominated in the Horseshoe Bend Precinct Storm Water Management Strategy.

Summary

- The Horseshoe Bend Precinct Structure Plan (HBSP) and associated Horseshoe Bend Development Contributions Plan (HBDCP) nominate drainage infrastructure across four land parcels on the eastern edge of the precinct boundary (see Appendix 1).
- The purpose of the drainage, as nominated in the PSP and DCP, is the conveyance of storm water from the Horseshoe Bend PSP area to the east into the Sparrovale Wetlands.
- The subject land parcels are fragmented in both size and ownership and require an overall master plan to be developed by the land holders and approved by Council. The master plan must show a consolidated subdivision proposal for the entire area bounded by a boundary known as 'sub-precinct C' (see Appendix 2).
- As a result of lack of access to services and the tremendous effort in coordination and/or land assembly required to enable development, the timeframe for the development of these properties for residential purposes and the overall Horseshoe Bend precinct requirement for the drainage infrastructure is unlikely for many years.
- There is a need for the drainage infrastructure to be established as part of the commissioning of the Sparrovale Wetlands to receive water from the west side of Barwon Heads Road.
- As a result, Council officers wish to pursue a Public Acquisition Overlay (PAO) on the land required for the drainage infrastructure across the four parcels to ensure that both the Sparrovale Wetlands and the infrastructure for conveyance of flows are secured.

P Dorling moved, L Gardner seconded -

That Council resolve to:

- 1) seek authorisation from the Minister for Planning to prepare Amendment C360 to the Greater Geelong Planning Scheme;**
- 2) prepare and exhibit the amendment in accordance with the requirements nominated in the *Planning & Environment Act 1987*.**

Carried.

Background

The establishment of the Sparrovale Wetlands is critical to the continued development of the land within the Horseshoe Bend Precinct Structure Plan (HBSP) area. Equally important is the establishment of drainage infrastructure to convey storm water from the Horseshoe Bend Precinct into the Sparrovale Wetlands (refer Appendix 3). It is the securing of land for this conveyance that forms the basis of the proposed application of a PAO on the land parcels that are the subject of this report.

Discussion

The Horseshoe Bend Precinct Structure Plan was incorporated into the Greater Geelong Planning Scheme in November 2014. Since that time, three (3) Planning Permits have been issued in the PSP area representing approval of 3,102 residential lots and the setting aside of land for future retail, education and community purposes.

Significant civil works are currently being undertaken to support the residential development of the Horseshoe Bend Precinct Structure Plan area, however, in accordance with the approved Storm Water Management Strategy (SWMS) development of the precinct is limited to 25 per cent of the total net developable area without the acquisition and commissioning of the land parcels that make up the future Sparrovale Wetlands.

The Horseshoe Bend Precinct Development Contributions Plan (HBDCP) also nominates a trigger for the purchase and commissioning of the Sparrovale Wetlands: The upgrade of culverts under Barwon Heads Road (being the outlet from Barwon Heads Road south retarding basin) or at the discretion of the Responsible Authority. The requirement for the upgrade of the culverts is very likely to occur prior to the construction of 25 per cent of the developable land, given a planning permit has been granted for the land on which the construction of the Barwon Heads Road retarding basin is required.

Council has proposed, in a separate Planning Scheme Amendment, the application of a Public Acquisition Overlay (PAO) on the two (2) land parcels that will become the Sparrovale Wetlands.

The proposal of a PAO over the areas required for drainage on the east side of Barwon Heads Road is critical to the establishment of the drainage infrastructure required for conveyance of water into the Sparrovale Wetlands.

Environmental Implications

The establishment of an effective storm water management system in accordance with the Horseshoe Bend Storm Water Management Strategy will provide significant positive environmental outcomes including the protection of habitat.

Financial Implications

Funding for the purchase of the land for drainage has been nominated in the incorporated Horseshoe Bend Development Contributions Plan (HBDCP).

Future budget proposal.

It is envisaged that a future proposal for budget will be requested to fund the timely delivery of the drainage infrastructure over the next three years.

As noted above, the costs for land acquisition for these drainage projects are included in the Horseshoe Bend DCP. As a result, there is an opportunity to offset the purchase costs against funds collected as future development occurs.

Policy/Legal/Statutory Implications

The planning scheme amendment to incorporate the Public Acquisition Overlay on properties is in accordance with the intent for the land as nominated in both the Horseshoe Bend Precinct Structure Plan and Horseshoe Bend Development Contributions Plan.

The Horseshoe Bend PSP and DCP are incorporated documents in the Greater Geelong Planning Scheme and have been prepared in accordance with the *Planning & Environment Act 1987*, including direct notification to relevant property owners. Council is required to deliver each of the items nominated in the DCP and PSP to facilitate the orderly development of the Horseshoe Bend PSP area

The amendment is also considered to meet the relevant requirements of both State Government and Council.

Alignment to City Plan

The Armstrong Creek Urban Growth area is one of Council's priority projects in the City Plan.

The application of a Public Acquisition Overlay to both the Sparrovale Wetlands and the land required to convey storm water flows will ensure that the continuing needs of the growing community will be met in a timely manner.

Officer Direct or Indirect Interest

In accordance with Section 80C of the *Local Government Act* no Council officers involved in this report have a direct or indirect interest.

Risk Assessment

In the absence of the Sparrovale wetlands development of the Horseshoe Bend Precinct Structure Plan area is limited to 25 per cent of the nominated net developable area and is triggered when the culverts are upgraded under Barwon Heads Road. Should the wetlands not be in public ownership at the time that the 25 per cent threshold is reached, or the culverts are upgraded, development within the Horseshoe Bend Precinct will be required to cease. This represents a potentially significant cost to developers and a dramatic reduction in the availability of residential house lots available for purchase. Ultimately, the situation will also result in a lag in the development of key infrastructure to serve the existing residents of the Horseshoe Bend precinct.

When the Sparrovale Wetlands are secured there remains a requirement for drainage infrastructure to feed storm water from the Horseshoe Bend Precinct area into the wetland area. As a result, both the acquisition of the two land parcels that will become the Sparrovale Wetlands and the land for conveyance of flows from the west side of Barwon Heads Road are inseparable. Should the Sparrovale Wetlands be acquired and the land for conveyance of flows not be acquired the risks highlighted above will remain.

That being said, the primary risk, of not securing the drainage infrastructure to convey flows in to the Sparrovale Wetlands, is in development occurring in the upper catchment (which is where the permitted development is currently being constructed) and resulting in adverse flooding impact through these properties beyond what is currently being experienced.

Social Considerations

The Horseshoe Bend Precinct Structure Plan is a considered and well planned approach to the development of additional residential communities within the Armstrong Creek Urban Growth Area. The intent of the HBSP and the HBDCP is to ensure that the infrastructure required to service the community meets their needs and expectations and is provided in a timely manner.

Human Rights Charter

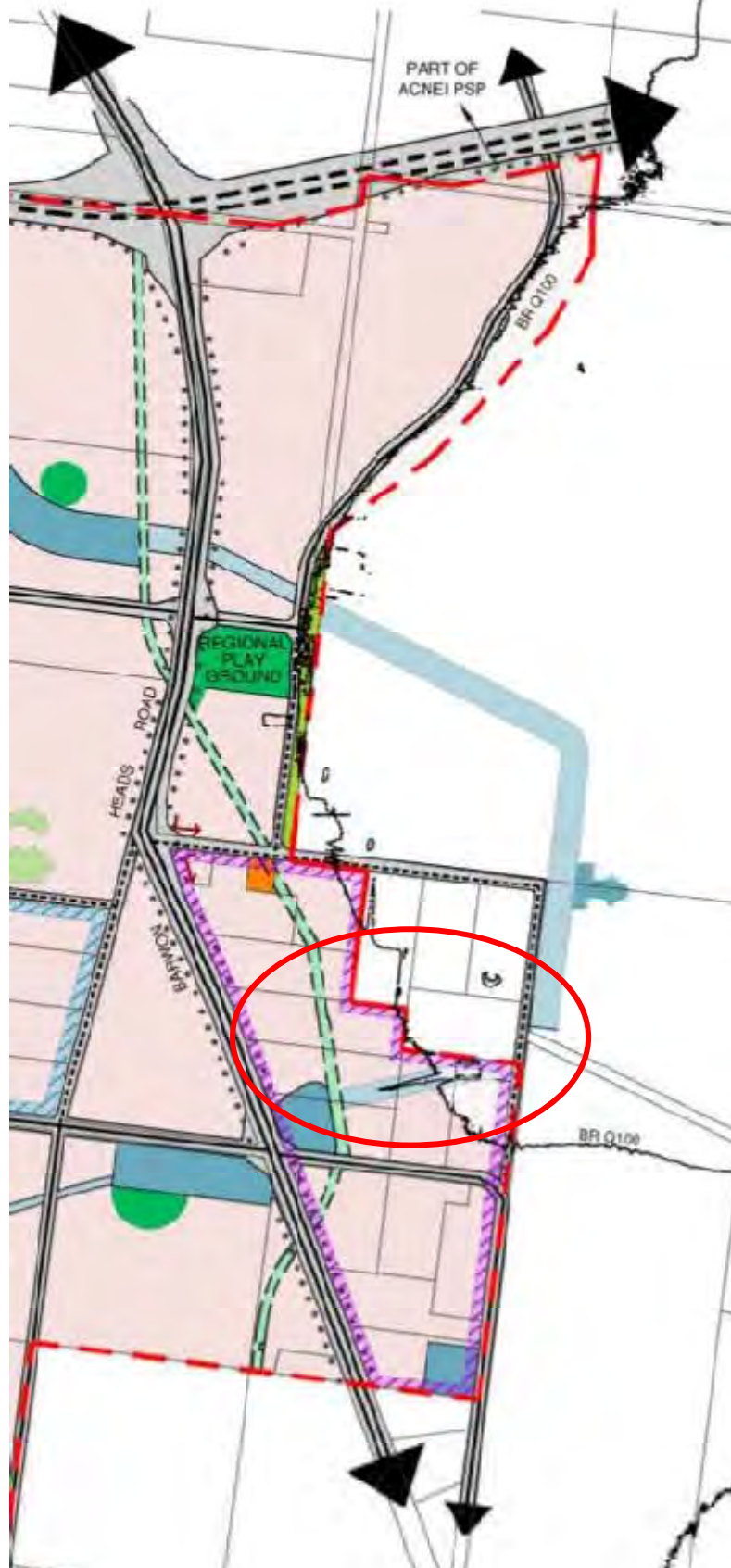
Council officers have taken into consideration the Human Rights Charter relative to the application of the Public Acquisition Overlay. This includes 'ratepayers property rights' and a 'right to a fair hearing'.

Consultation and Communication

Should Council resolve to seek authorisation to prepare the amendment, consultation and communication with land holders will be in accordance with the requirements nominated in the *Planning & Environment Act 1987*.

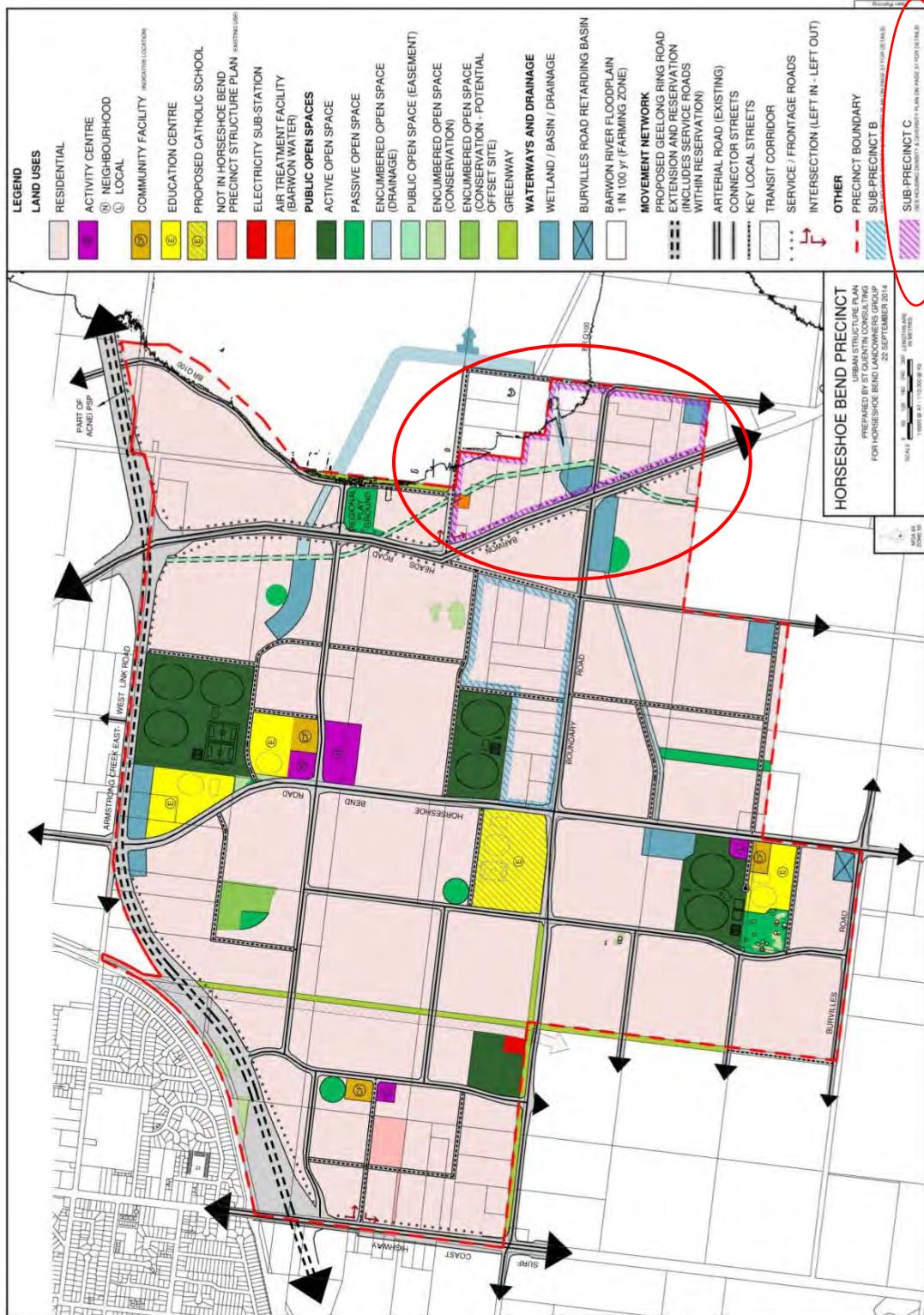
Proposed Planning Scheme Amendment to apply a Public Acquisition Overlay on land at 661-669 Barwon Heads Road and 619-639, 641-655 and 657-669 Boundary Road, Charlemont

Appendix 1



Proposed Planning Scheme Amendment to apply a Public Acquisition Overlay on land at 661-669 Barwon Heads Road and 619-639, 641-655 and 657-669 Boundary Road, Charlemont

Appendix 2



Proposed Planning Scheme Amendment to apply a Public Acquisition Overlay on land at 661-669 Barwon Heads Road and 619-639, 641-655 and 657-669 Boundary Road, Charlemont

Appendix 3

