

## **GREATER GEELONG PLANNING SCHEME**

### **AMENDMENT C410GGEE**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the City of Greater Geelong, which is the planning authority for this amendment.

The Amendment has been made at the request of the City of Greater Geelong.

##### **Land affected by the Amendment**

The Amendment applies to the following properties:

- 661-669 Barwon Heads Road, Charlemont;
- 286 Boundary Road, Mount Duneed;
- 350-360 Boundary Road, Armstrong Creek;
- 582-620 Boundary Road, Armstrong Creek;
- 619-639 Boundary Road, Charlemont;
- 641-655 Boundary Road, Charlemont;
- 657-669 Boundary Road, Charlemont.
- 125-141 Horseshoe Bend Road, Charlemont;
- 232-240 Horseshoe Bend Road, Charlemont;
- 271-279 Horseshoe Bend Road, Charlemont;
- 152-166 Reserve Road, Charlemont;
- 168-170 Reserve Road, Charlemont;
- 180-184 Reserve Road, Charlemont;
- 186-194 Reserve Road, Charlemont;
- 200-202 Reserve Road, Charlemont;
- 430 Torquay Road, Armstrong Creek;
- 611-621 Torquay Road, Mount Duneed. and
- 5 Whites Road, Mount Duneed.

##### **What the amendment does**

The Amendment proposes to apply the public acquisition overlay to 18 properties across the Armstrong Creek growth area to advance the acquisition of land required for public purposes including road upgrades, drainage infrastructure and sporting reserves.

The Amendment amends Planning Scheme maps 66PAO and 67PAO by applying the PAO2, PAO4 and PAO12 to 18 parcels of land as follows:

1. Apply the PAO2 (City of Greater Geelong for Proposed Public Open Space) to land at:
  - 168-170 Reserve Road, Charlemont;
  - 125-141 Horseshoe Bend Road, Charlemont;
  - 180-184 Reserve Road, Charlemont;
  - 186-194 Reserve Road, Charlemont;
  - 200-202 Reserve Road, Charlemont;
  - 286 Boundary Road, Mount Duneed;
  - 5 Whites Road, Mount Duneed; and
  - 611-621 Torquay Road, Mount Duneed.
2. Apply the PAO4 (City of Greater Geelong for Proposed Road no category) to land at:
  - 152-166 Reserve Road, Charlemont;
  - 232-240 Horseshoe Bend Road, Charlemont;
  - 271-279 Horseshoe Bend Road, Charlemont;
  - 430 Torquay Road, Armstrong Creek;

- 350-360 Boundary Road, Armstrong Creek; and
  - 5 Whites Road, Mount Duneed.
3. Apply the PAO12 (City of Greater Geelong for Proposed Drainage Infrastructure) to land at:
- 152-166 Reserve Road, Charlemont;
  - 582-620 Boundary Road, Armstrong Creek;
  - 661-669 Barwon Heads Road, Charlemont;
  - 619-639 Boundary Road, Charlemont;
  - 641-655 Boundary Road, Charlemont; and
  - 657-669 Boundary Road, Charlemont.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

To facilitate development in the Armstrong Creek growth area land is required for public purposes including road upgrades, drainage infrastructure and sporting reserves. This infrastructure is identified in the precinct structure plans (PSPs) and development contributions plans (DCPs). These PSPs and DCPs have been subject to public notification and review through their respective planning scheme amendment processes.

Approximately 30 per cent of the ultimate Armstrong Creek development has been delivered. Transfer of the public land through the planning permit process has not been able to secure all the necessary public land in a timely manner and a formal acquisition process is required to secure the land necessary to deliver high priority projects.

To facilitate the timely delivery of three retarding basins/wetlands, five road and intersection upgrades and three sporting reserves, a public acquisition overlay is necessary.

Applying the public acquisition overlay places the reservation in the planning scheme and allows for a future compulsory acquisition process to be initiated.

Each of these projects is critical to the ongoing development of the Armstrong Creek growth area based on road safety, facilitating ongoing development or meeting a DCP infrastructure timing trigger.

The application of the public acquisition overlay (PAO) to 18 properties will facilitate the land acquisition for these critical projects. The PAO will cover part of 11 properties and the entirety of seven land parcels.

The City is collecting development contributions and public open space contributions from developments to fund the land purchases.

The application of the PAO12 to two properties will apply 'over the top of' an existing PAO3 for VicRoads' duplication of Barwon Heads Road. The PAO12 is being applied to acquire the land for essential drainage infrastructure which needs to be delivered ahead of the road widening.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria pursuant to Section 4 of the *Planning and Environment Act 1987* by providing for the fair, orderly and sustainable development of land where environmental, social and economic effects are recognised. The amendment seeks to protect the public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community and will ensure an efficient and safe working, living and recreational environment for all in the community.

### **How does the Amendment address any environmental, social and economic effects?**

The Horseshoe Bend PSP, Armstrong Creek West PSP and Armstrong Creek Town Centre PSP provide for a considered and well-planned approach to the development of additional residential communities within the Armstrong Creek Growth Area.

The intent of these PSPs and relevant DCPs is to ensure that the infrastructure required to service the community meets their needs and expectations and is provided in a timely manner.

The land acquisition process is governed by the Land Acquisition and Compensation Act 1986 which ensures a fair and equitable process for landowners.

The City has engaged with the affected landowners prior to the preparation of this amendment to ensure transparency and to foster partnership wherever possible.

The land acquisition does not pose any impact on the environment beyond what is already identified in the PSP planning process. When the construction work for the DCP projects commences following the land acquisition, it will be undertaken as per City standards with an appropriate environmental management and construction management plan in place.

#### **Does the Amendment address relevant bushfire risk?**

The amendment will not increase the risk to life, property, community infrastructure and the natural environment. The amendment only seeks to apply the public land acquisition overlay to properties that are critical to the provision of drainage, open space and road infrastructure. There are no bushfire management overlays applying to the area affected by this amendment as it is a planned and growing urban growth area in Greater Geelong.

#### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act and Ministerial Direction 11 Strategic Assessment of Amendments as the Explanatory Report includes all requirements to be met.

#### **How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment is supported by the following State Planning Policies:

- Clause 11.02-3S Sequencing of development, the objective to manage the sequence of development in areas of growth so that services are available from early in the life of new communities;
- Clause 18.02-2S Transport system, the objective to coordinate development of all transport modes to provide a comprehensive transport system;
- Clause 18.02-3S Road system, the objective to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure;
- Clause 19.02-6S Open space, to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community;
- Clause 19.03-3S Integrated water management, to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach; and
- Clause 19.03-2S Infrastructure design and provision, to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

The future land acquisitions will be subject to the provisions of the Land Acquisition and Compensation Act 1986.

#### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment is consistent with the Local Policy Framework (LPPF), specifically Clause 21.11 Armstrong Creek Urban Growth Area, to ensure the orderly and controlled development of Armstrong Creek.

The proposed planning scheme amendment accords with the vision and intent of the Horseshoe Bend PSP, Armstrong Creek West PSP, Armstrong Creek Town Centre PSP and relevant DCPs. Each document is incorporated into the Greater Geelong Planning Scheme and the City is required to

deliver infrastructure to address development impacts on surrounding properties. These include issues such as the management of excess runoff, safety upgrades to roads and intersections, and the provision of sporting reserves for the community.

The Armstrong Creek Urban Growth Plan is nominated in the Council Plan 2018-2022 as integral to the delivery of Council's planned sustainable development strategic priority. The timely delivery of critical drainage, road and active open space projects is key in supporting the liveability and sustainable growth of the community.

The amendment is consistent with the objectives of Clause 21.08 Development and Community Infrastructure as it facilitates the provision of development in an efficient and timely manner, particularly the delivery of infrastructure in urban growth areas to respond the community's needs. The development of a safe transport network and the protection of reservations for future arterial roads and widening proposed through the PAO is also consistent with the transport objectives of this clause.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

Use of the PAO is the appropriate Victoria Planning Provision to apply to land that is to be acquired for public purposes. The purposes of the overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land which is proposed to be acquired by a Minister, public authority or municipal Council.
- To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.
- To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

Applying the public acquisition overlay places the 'reservation' in the planning scheme and allows for a future compulsory acquisition process to be initiated.

The application of the PAO ensures that the land can be compulsorily acquired should negotiations with land owners by the City or other third parties not succeed.

### **How does the Amendment address the views of any relevant agency?**

The City has held discussions with VicRoads and Department of Transport about the application of the PAO12 to the land required for drainage infrastructure on the east and west sides of Barwon Heads Road near the Boundary Road intersection. This PAO12 would overlay the PAO3 (in favour of VicRoads for Proposed Road Category 1) which was applied in 2014 by C259 for the Barwon Heads Road widening project.

These discussions are ongoing to satisfactorily reconcile legal property related matters for the land affected by the proposed PAO12 and the existing VicRoads PAO3.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The upgrades to the road network proposed through the application of the PAO4 and the subsequent acquisition of land is consistent with the *Transport Integration Act 2010*.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The City has administrative resources within its Planning Delivery and Property Advisor Units to facilitate the public acquisition of land affected by the proposed PAO2, PAO4 and PAO12. This is critical infrastructure that is required for servicing growth and ensuring community safety.

The proposed PAOs are not expected to increase the number of planning permit applications.

Land acquisition is funded by relevant Armstrong Creek DCPs and public open space contributions.

Land acquired through the PAO process costs the City more than land transferred by agreement and the purchase costs may exceed the value included in the DCP. Compensation payable under the Land Acquisition and Compensation Act will not be recovered through development contributions.

Notwithstanding this, the use of the PAO is the most time efficient mechanism available for the City to acquire the land it needs to deliver these critical projects.

When acquiring the land, landowners will be compensated based on an independent assessment of the market value of the land, and other costs affected by the acquisition, in accordance with the Land Acquisition and Compensation Act 1986.

### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

‘**Amendments**’ section of the City’s website [www.geelongaustralia.com.au/amendments/](http://www.geelongaustralia.com.au/amendments/)

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection)

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority.

Submissions about Amendment C410ggee should be received by (insert date) 2020 and addressed to:

The Coordinator  
Strategic Implementation  
City of Greater Geelong

- either by mail to: PO Box 104, GEELONG VIC 3220
- or by email to: [amendments@geelongcity.vic.gov.au](mailto:amendments@geelongcity.vic.gov.au)
- or lodged online at: [www.geelongaustralia.com.au/amendments](http://www.geelongaustralia.com.au/amendments)

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 9 November 2020
- panel hearing: week commencing 7 December 2020