

# MINUTES

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## COMMUNITY FOCUS COUNCIL MEETING

TUESDAY, 12 MAY 2020

7.00PM

COUNCIL CONFERENCE AND RECEPTION CENTRE  
CITY HALL, LITTLE MALOP STREET  
GEELONG

**COUNCIL:**

Cr S Asher (Bellarine Ward)

Mayor

Cr K Grzybek (Windermere Ward)

Deputy Mayor

Cr J Mason (Bellarine Ward)

Cr T Sullivan (Bellarine Ward)

Cr E Kontelj (Brownbill Ward)

Cr S Mansfield (Brownbill Ward)

Cr P Murrily (Brownbill Ward)

Cr B Harwood (Kardinia Ward)

Cr P Murnane (Kardinia Ward)

Cr R Nelson (Kardinia Ward)

Cr A Aitken (Windermere Ward)

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**MINUTES OF THE COMMUNITY FOCUS COUNCIL MEETING  
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE  
CITY HALL, LITTLE MALOP STREET, GEELONG  
TUESDAY, 12 MAY 2020  
COMMENCING AT 7.00 PM**

**PRESENT:** Cr S Asher (Mayor), Crs A Aitken, K Grzybek, B Harwood, E Kontelj,  
S Mansfield, J Mason, P Murnane, P Murrphy, R Nelson, T Sullivan

**Also present:** M Cutter (Chief Executive Officer), R Leonard (Director Governance,  
Strategy and Performance)

**OPENING:** The Mayor declared the meeting open at 7.00pm

**ACKNOWLEDGEMENTS:**

Council acknowledged Wadawurrung Traditional Owners of this land and all Aboriginal and Torres Strait Islander People who are part of the Greater Geelong community today.

**APOLOGIES:** Nil.

**CONFIRMATION OF MINUTES:**

**Cr Murrphy moved, Cr Mansfield seconded -**

**That the Minutes of the Community Focus Council Meeting held on 14 April 2020.  
be confirmed.**

**Carried.**

**DECLARATIONS OF CONFLICTS OF INTEREST:**

*Cr Kontelj declared a Conflict of Interest in Agenda Item 2 - Review of Hard Waste Services in that one of the parties mentioned in the report are a customer of the Company of which I am a Director.*

*Cr Nelson declared an Interest in Agenda Item 11 - Proposed Sale of Various Properties.*

*Cr Murnane declared an Interest in Agenda Item 11 - Proposed Sale of Various Properties.*

#### **4. C410 PLANNING SCHEME AMENDMENT - PUBLIC ACQUISITION OVERLAYS ARMSTRONG CREEK GROWTH AREA**

**Source:** Planning, Design & Development – Planning Delivery  
**Director:** Gareth Smith  
**Portfolio:** Planning

##### **Purpose**

1. To seek Council approval to prepare and exhibit Planning Scheme Amendment C410 to apply the public acquisition overlay (PAO) in the Armstrong Creek growth area.

##### **Background**

2. To facilitate development in the Armstrong Creek Urban Growth Area, land is required for public infrastructure including upgraded roads, 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.
3. 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.

##### **Key Matters**

4. 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.
5. Applying the public acquisition overlay places the reservation in the planning scheme and allows for a future compulsory acquisition process to be initiated.
6. 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. **Attachment 2** shows the location and the strategic assessment for each project.
7. The application of the public acquisition overlay (PAO) to 18 properties is recommended to facilitate the land acquisition for these critical projects. The PAO would cover part of 11 properties and the entirety of seven land parcels.
8. The City is collecting development contributions and public open space contributions from developments to fund the land purchases.
9. Letters were sent to landowners in January 2020 to advise them of the City's intent to acquire land and the proposed PAO amendment process. Council officers have met with ten land owners to discuss the specifics of each of the properties.

**Cr Sullivan moved, Cr Mason seconded -**

**10. That Council support the preparation and exhibition of Amendment C410ggee to the Greater Geelong Planning Scheme to:**

**10.1. Apply the PAO2 to land at:**

- 10.1.1 168-170 Reserve Road, Charlemont;**
- 10.1.2 125-141 Horseshoe Bend Road, Charlemont;**
- 10.1.3 180-184 Reserve Road, Charlemont;**
- 10.1.4 186-194 Reserve Road, Charlemont;**
- 10.1.5 200-202 Reserve Road, Charlemont;**
- 10.1.6 286 Boundary Road, Mount Duneed;**
- 10.1.7 5 Whites Road, Mount Duneed; and**
- 10.1.8 611-621 Torquay Road, Mount Duneed.**

**10.2. Apply the PAO4 to land at:**

- 10.2.1 152-166 Reserve Road, Charlemont;**
- 10.2.2 232-240 Horseshoe Bend Road, Charlemont;**
- 10.2.3 271-279 Horseshoe Bend Road, Charlemont;**
- 10.2.4 430 Torquay Road, Armstrong Creek;**
- 10.2.5 350-360 Boundary Road, Armstrong Creek; and**
- 10.2.6 5 Whites Road, Mount Duneed.**

**10.3. Apply the PAO12 to land at:**

- 10.3.1 152-166 Reserve Road, Charlemont;**
- 10.3.2 582-620 Boundary Road, Armstrong Creek;**
- 10.3.3 661-669 Barwon Heads Road, Charlemont;**
- 10.3.4 619-639 Boundary Road, Charlemont;**
- 10.3.5 641-655 Boundary Road, Charlemont; and**
- 10.3.6 657-669 Boundary Road, Charlemont.**

**10.4. Request the Minister for Planning to authorise the preparation and exhibition of Amendment C410ggee.**

**10.5. Authorise the Director Planning, Design & Development to make any subsequent changes to the amendment that are minor and do not impact on its intent, as required.**

**Carried.**

## **Attachment 1**

### ***Financial Implications***

1. Land acquisition is funded by relevant Armstrong Creek DCPs and public open space contributions.
2. 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.
3. 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.
4. 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.

### ***Community Engagement***

5. Directly affected landowners were notified in January 2020 of the City's intention to purchase their land and the proposed PAO amendment process.
6. Formal consultation and communication with landowners about the PAO amendment will be undertaken in accordance with the requirements of the *Planning and Environment Act 1987*.
7. The planning scheme amendment will be exhibited and land owners will be able to provide submissions and be heard by an independent planning panel appointment by the Minister for Planning.
8. Each of the PSPs and DCPs where the land was identified for a public purpose has been subject to public notification and review through their respective planning scheme amendment processes.

### ***Social Equity Considerations***

9. 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.
10. 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.
11. The land acquisition process is governed by the *Land Acquisition and Compensation Act 1986* which ensures a fair and equitable process for landowners.

### ***Policy/Legal/Statutory Implications***

12. 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.

13. The amendment is supported by the following State and Local Planning Policies:
  - 13.1 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;
  - 13.2 Clause 18.02-2S Transport system, the objective to coordinate development of all transport modes to provide a comprehensive transport system;
  - 13.3 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;
  - 13.4 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;
  - 13.5 Clause 19.03-3S Integrated water management, to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach;
  - 13.6 Clause 19.03-2S Infrastructure design and provision, to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community; and
  - 13.7 Clause 21.11 Armstrong Creek Urban Growth Area, to ensure the orderly and controlled development of Armstrong Creek.
14. The future land acquisitions will be subject to the provisions of the Land Acquisition and Compensation Act 1986.

***Alignment to Council Plan***

15. 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.

***Conflict of Interest***

16. No Council officers involved in the preparation of this report have a conflict of interest regarding the matter under consideration.

***Risk Assessment***

17. The application of the PAO to these properties will ensure that the development within the Armstrong Creek Growth Area can proceed with the necessary drainage assets is secured and made available to receive stormwater runoff. Delays in road network upgrades due to land not being available for road widening has adverse impacts on road user safety.
18. 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.

***Environmental Implications***

19. 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.

# ARMSTRONG CREEK PUBLIC LAND ACQUISITION – STRATEGIC ASSESSMENT REPORT



## INTRODUCTION

The approved Precinct Structure Plans (PSP) and Development Contribution Plans (DCP) in the Armstrong Creek Growth Area identify a variety of infrastructure that is required to support the transition from rural to urban land. As the community grows, this infrastructure is required to be built to enable and support an effective road, drainage and open space network. The City's strategy for land acquisition has been centred around developers working together with the aim to have land vested to Council. It is normal and preferable to reach agreement for the voluntary transfer of land for DCP projects through the planning permit process. The transfers that occur usually happen by a process called vesting and are enacted as part of the subdivision of adjoining land. Unfortunately, not all land can be secured via this approach in a timely enough manner in order to secure the land that the City needs to facilitate high priority infrastructure projects.

However, there are some instances where land is not easily vested or acquired:

- Infrastructure requiring land from multiple landowners (developers and private);
- Privately held land parcels (owned by non-developers) with little interest in developing; and,
- Parcels of land with no development potential (e.g. nominated as 100% open space)

## KEY PROJECTS

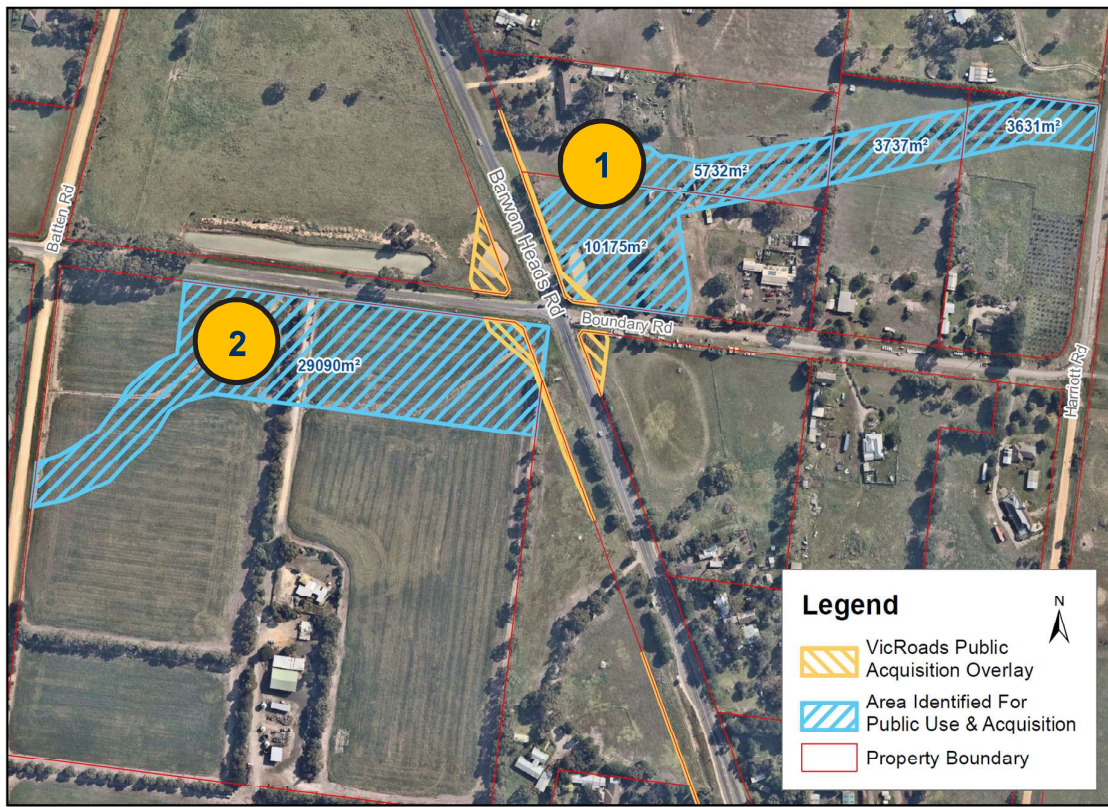
- 1) Ultimate drainage link to Sparrovale Wetlands
- 2) Horseshoe Bend Road diversion, drainage and sport fields
- 3) Intersection Surf Coast Highway – Boundary Road
- 4) Intersection Surf Coast Highway – Whites Road and sport fields
- 5) Sport fields West Precinct
- 6) Intersection Horseshoe Bend Road – Boundary Road

Projects have been assessed against the following criteria:

- Immediate to short term delivery required;
- Reason for need (e.g. road safety, impact on development delivery, service provision triggers);
- Complexity of land acquisition; and,
- Local infrastructure (to be delivered/funded by the developer) versus higher order item (funded through DCP or Open Space Contribution).

**Project Area 1: Ultimate drainage link to Sparrovale**

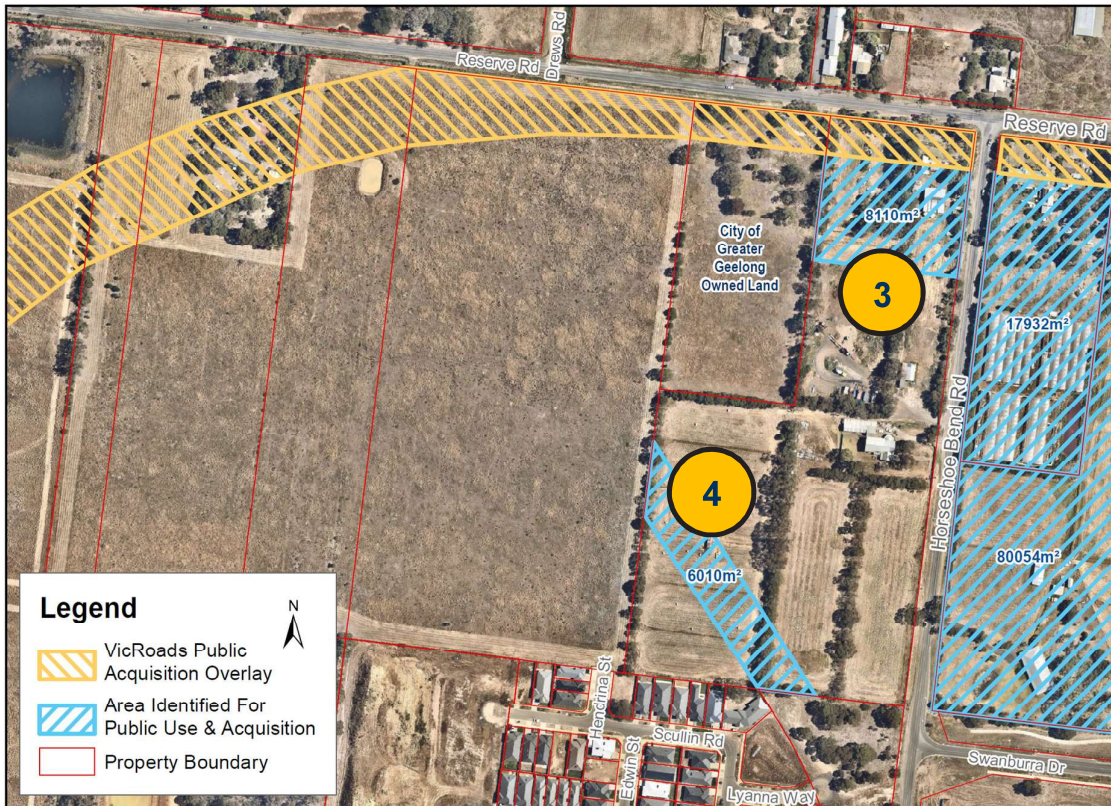
The conveyance of development storm water from Horseshoe Bend Precinct to the Sparrovale Wetlands is largely delivered via two critical drainage assets.

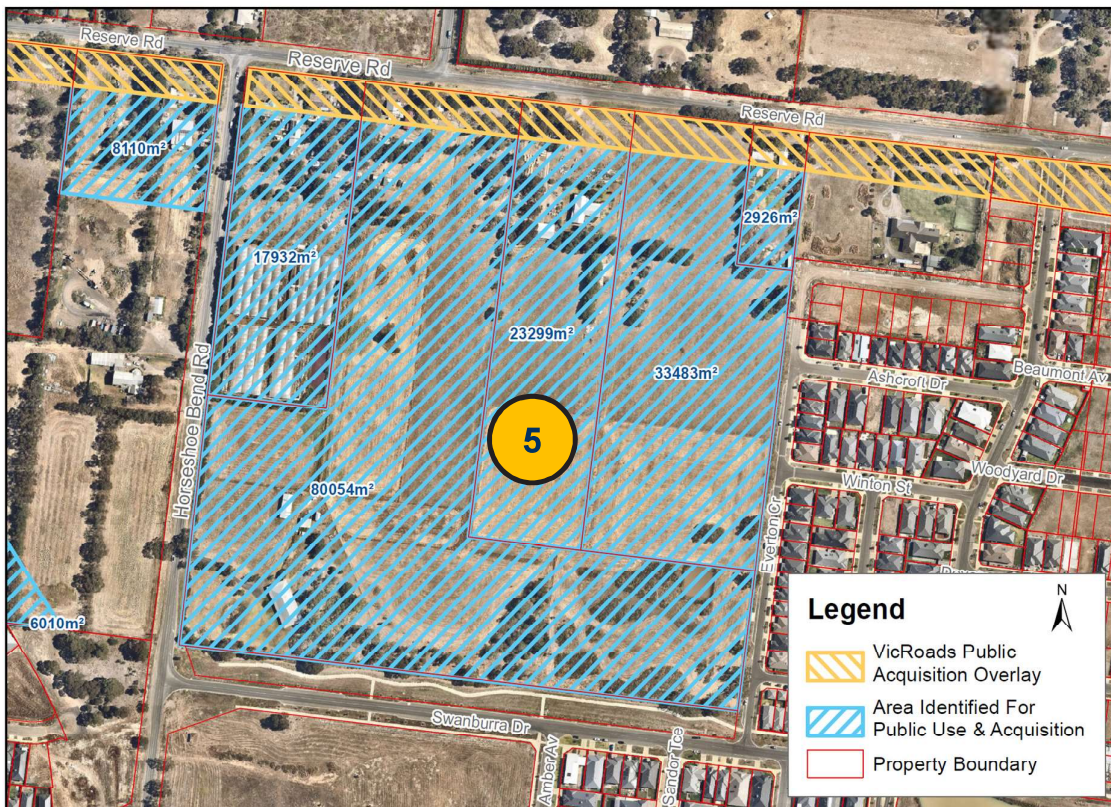
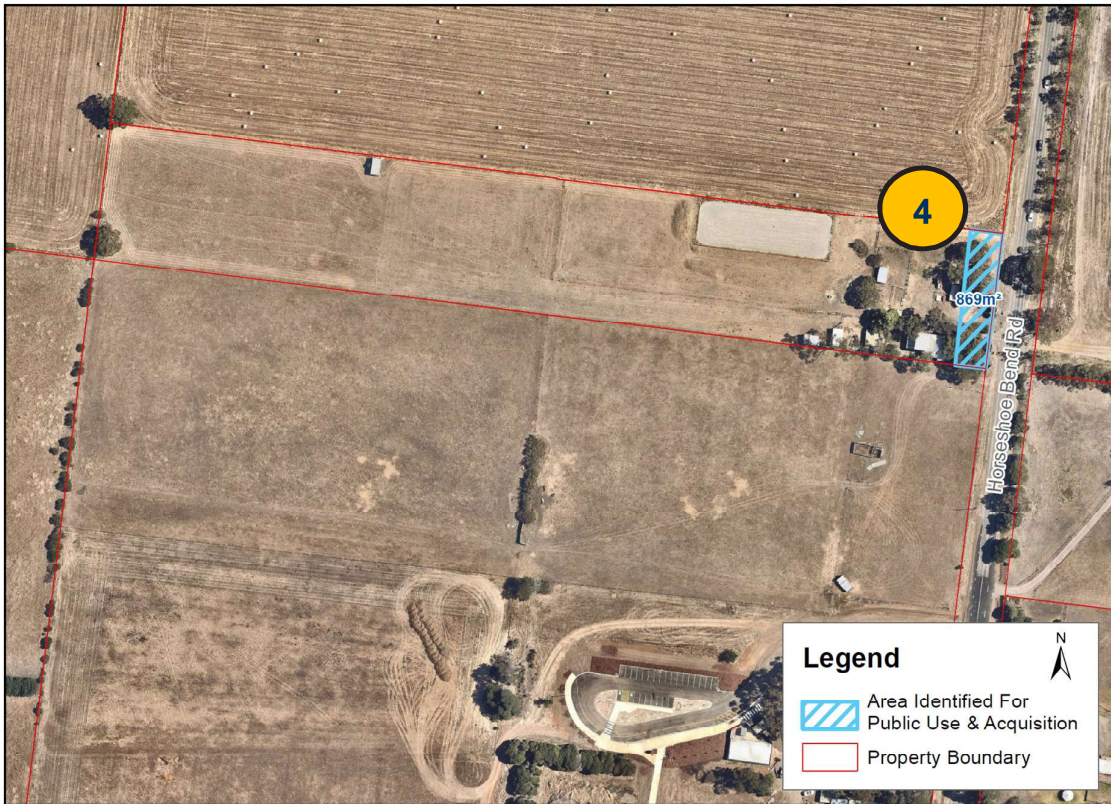


DCP Item	Priority
<p><b>1. Barwon Heads Rd to Harriott Rd Retarding Basin</b> (Construction and Land)</p>	<p><b>When:</b> Immediate  <b>Why:</b> Residential development west of catchment is limited until drainage infrastructure is provided  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- 4 landowners</li> <li>- Amendment C360 was abandoned in 2017 in favour of current flows piped solution</li> </ul>
<p><b>2. Barwon Heads Rd South Retarding Basin</b> (Construction and Land)</p>	<p><b>When:</b> Immediate  <b>Why:</b> Residential development west of catchment is limited until drainage infrastructure is provided  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- Developers have not been able to reach agreement</li> <li>- Part of the property required by VicRoads (no timing on land acquisition yet)</li> </ul>

## **Project Area 2: Horseshoe Bend Road diversion, drainage and sport fields**

The widening and realignment of Horseshoe Bend Road will provide improved safety and access to the future school and active open space precinct. Road widening is also required between Boundary Road and Reserve Road to upgrade the road to an urban standard. The drainage asset is a critical link to convey development storm water east to west in the northern part of Horseshoe Bend Precinct. The Regional sporting fields will ensure the Horseshoe Bend and Marshall Precinct communities meet their active open space needs.

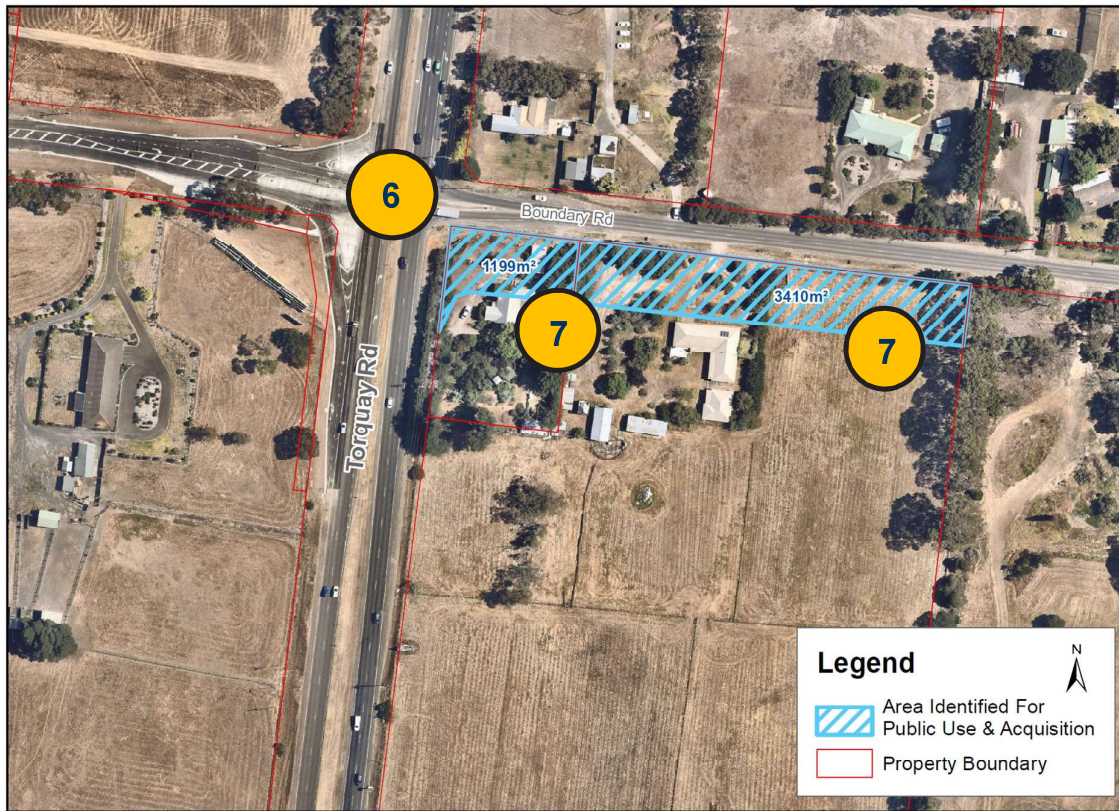




DCP Item	Priority
<p><b>3. Reserve Rd Retarding Basin</b> (Construction and Land)</p>	<p><b>When:</b> Immediate  <b>Why:</b> Residential development west of catchment is limited until drainage infrastructure is provided  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- Part of the property required by VicRoads and Department of Education and Early Childhood Development (no timing on land acquisition yet)</li> </ul>
<p><b>4. Horseshoe Bend Road Widening Section 4</b> (Land)</p>	<p><b>When:</b> Short term (2021)  <b>Why:</b> Increased road safety concerns due to traffic volumes, degradation of Horseshoe Bend Rd  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- 2 landowners</li> <li>- Part of the property required by VicRoads (no timing on land acquisition yet)</li> </ul>
<p><b>5. Regional Active Open Space (Northern)</b> (Construction)</p>	<p><b>When:</b> Short term (~2025)  <b>Why:</b> Required to ensure community access to active open space (Horseshoe Bend and Marshall Precincts)  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- 4 landowners</li> <li>- 100% active open space (non-developable)</li> </ul>

**Project Area 3: Surf Coast Highway – Boundary Road intersection**

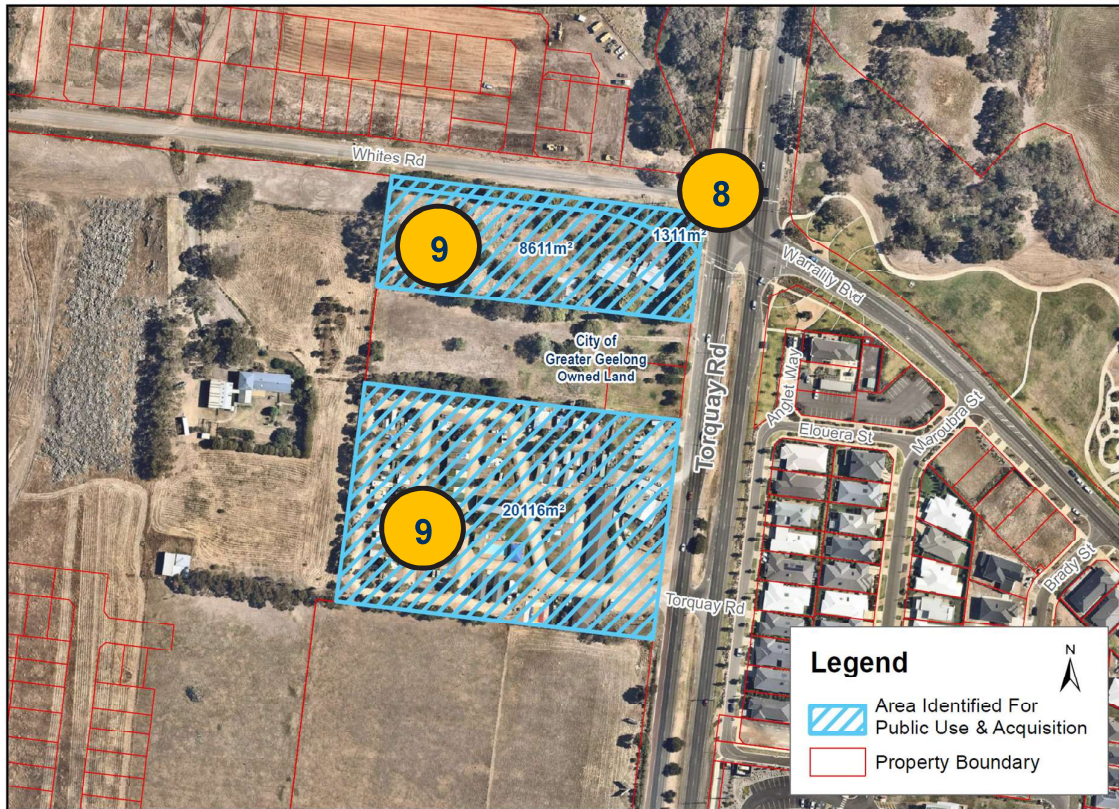
The south-eastern intersection splay and Boundary Road widening is required to deliver the full operational and safety requirements of the Surf Coast Highway/Boundary Road intersection.



DCP Item	Priority
<p><b>6. Surf Coast Hwy/Boundary Rd Intersection</b> (Construction and land)</p>	<p><b>When:</b> Immediate  <b>Why:</b> Increased safety concerns due to traffic volumes, tied to Boundary Rd widening, partial construction underway on western leg of intersection  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- Relationship to Boundary Road widening and other properties</li> </ul>
<p><b>7. Boundary Rd Widening (412 Torquay Rd and 350-360 Boundary Rd, Armstrong Creek) (Land)</b></p>	<p><b>When:</b> Immediate  <b>Why:</b> Increased road safety concerns due to traffic volumes, tied to intersection upgrade  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- Land is required to enable construction of the intersection</li> </ul>

**Project Area 4: Surf Coast Highway – Whites Road intersection and sports fields**

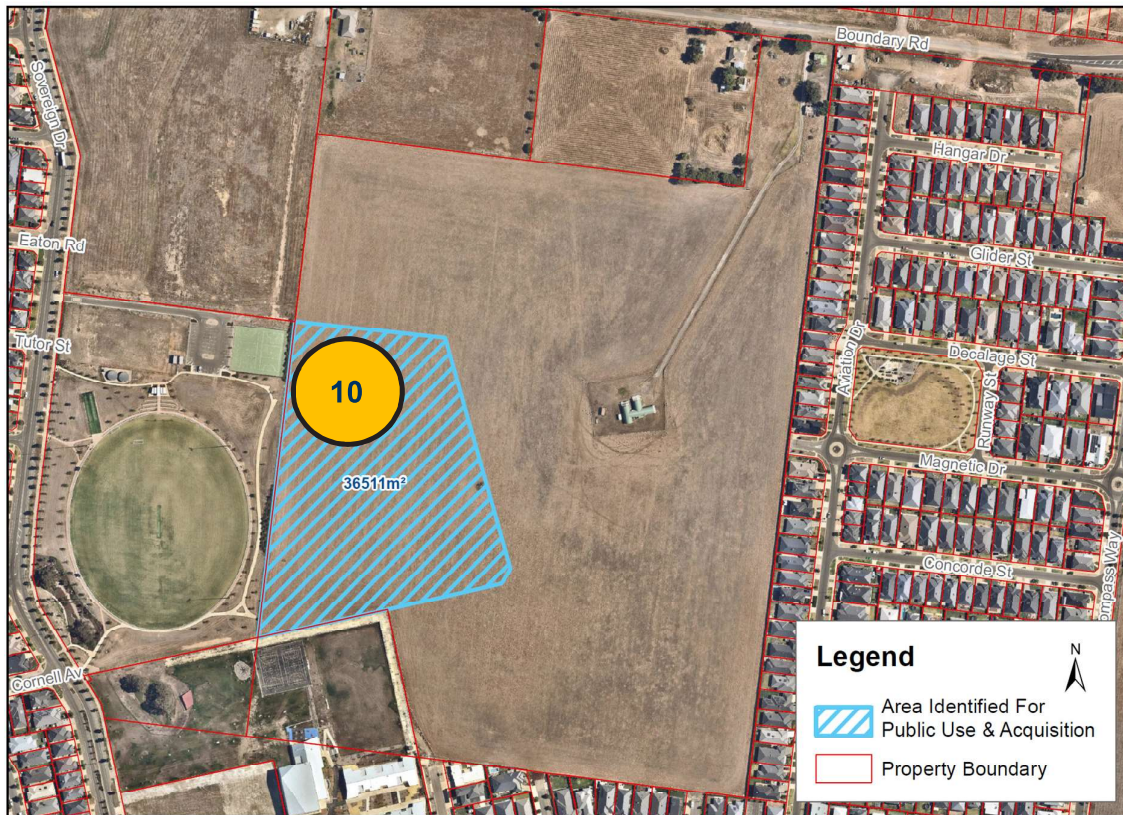
The south-western splay is required to enable the delivery of the full operational and safety requirements of the Surf Coast Highway/Whites Road intersection. The sporting fields will ensure the growing West Precinct communities meet their active open space needs.



DCP Item	Priority
<p><b>8. Surf Coast Hwy/Whites Rd Intersection</b> (Construction)</p>	<p><b>When:</b> Immediate  <b>Why:</b> Increased safety concerns due to traffic volumes, Whites Rd developments requiring intersection upgrade  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- 100% active open space (non-developable)</li> <li>- Full land acquisition required for Whites Road upgrade</li> </ul>
<p><b>9. Armstrong Creek West LAC Active Open Space</b> (Construction)</p>	<p><b>When:</b> Short term (2024)  <b>Why:</b> To deliver DCP trigger for active open space  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- 2 landowners</li> <li>- 100% active open space (non-developable)</li> </ul>

**Project Area 5: Sport fields – West Precinct**

Part of the sports reserve has already been completed directly to the west and has been vested to the City. The remaining sports field is required to complete the project.



DCP Item	Priority
<p><b>10. Armstrong Creek West NAC Active Open Space (Construction)</b></p>	<p><b>When:</b> Immediate  <b>Why:</b> Eastern oval delivered, colocation and dual use with school, 2,000 dwelling trigger passed  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- Western oval delivered and fully constructed, eastern oval required for project completion</li> </ul>

**Project Area 6: Horseshoe Bend Road – Boundary Road Intersection**

Immediate upgrade of the Horseshoe Bend Road – Boundary Road intersection is required to support the increase in traffic. North-east splay is required. Iona College opened in January 2020 which will see an increase in traffic at this intersection.



DCP Item	Priority
<p><b>11. Horseshoe Bend Road/ Boundary Road Intersection</b> (Construction)</p>	<p><b>When:</b> Immediate  <b>Why:</b> Increased road safety concerns due to traffic volumes, immediate delivery of intersection required  <b>Relevant Issues:</b></p> <ul style="list-style-type: none"> <li>- Each corner is owned by a separate landowner with varied interest in development timing</li> </ul>

The 18 land parcels required by the City for the infrastructure projects and which will be affected by the proposed PAO are:

<b>LOT NUMBER</b>	<b>PROPERTY ADDRESS</b>
<b>LOT 2 TP 904906</b>	152-166 Reserve Road, Charlemont VIC 3127
<b>LOT 1 TP 226953</b>	232-240 Horseshoe Bend Road, Charlemont VIC 3217
<b>LOT 1 LP 119621</b>	271-279 Horseshoe Bend Road, Charlemont VIC 3217
<b>LOT 1 TP 1651</b>	430 Torquay Road, Armstrong Creek VIC 3217
<b>LOT 1 TP958813</b>	350-360 Boundary Road, Armstrong Creek VIC 3217
<b>LOT 1 TP 825483</b>	582-620 Boundary Road, Armstrong Creek VIC 3217
<b>LOT 10 LP 91311</b>	661-669 Barwon Heads Road, Charlemont VIC 3217
<b>LOT 9 LP 91311</b>	619-639 Boundary Road, Charlemont VIC 3217
<b>LOT 8 LP 91311</b>	641-655 Boundary Road, Charlemont VIC 3217
<b>LOT 7 LP 91311</b>	657-669 Boundary Road, Charlemont VIC 3217
<b>LOT 1 TP 8569</b>	168-170 Reserve Road, Charlemont VIC 3217
<b>LOT 1 TP 15955</b>	125-141 Horseshoe Bend Road, Charlemont VIC 3217
<b>LOT 1 TP 815399</b>	180-184 Reserve Road, Charlemont VIC 3217
<b>LOT 1 TP 959114</b>	186-194 Reserve Road, Charlemont VIC 3217
<b>LOT 1 TP 830065</b>	200-202 Reserve Road, Charlemont VIC 3217
<b>LOT 1 TP 626825, LOT 1 TP 624273, PPSD LOT A &amp; EC PS 749785</b>	286 Boundary Road, Mount Duneed VIC 3217
<b>CA C SEC 20</b>	5 Whites Road, Mount Duneed VIC 3217
<b>LOT 1 PS 321845</b>	611-621 Torquay Road, Mount Duneed VIC 3217