

MINUTES

COUNCIL MEETING

TUESDAY, 15 DECEMBER 2020

7.00PM

HELD VIRTUALLY BY ZOOM AND BROADCAST
ON THE CITY'S WEBSITE

COUNCIL:

Cr S Asher (Bellarine Ward)

Mayor

Cr T Sullivan (Bellarine Ward)

Deputy Mayor

Cr J Mason (Bellarine Ward)

Cr E Kontelj (Brownbill Ward)

Cr S Mansfield (Brownbill Ward)

Cr P Murrhly (Brownbill Ward)

Cr B Harwood (Kardinia Ward)

Cr B Moloney (Kardinia Ward)

Cr R Nelson (Kardinia Ward)

Cr A Aitken (Windermere Ward)

Cr K Grzybek (Windermere Ward)

Cr Mason re-entered the meeting room at 7.18pm

2. AMENDMENT C410GGEE – ARMSTRONG CREEK GROWTH AREA PUBLIC ACQUISITION OVERLAYS – CONSIDERATION OF SUBMISSIONS AND ADOPTION

Source: Planning, Design & Development – Strategic
Implementation
Director: Gareth Smith

Purpose

1. To consider the submissions and adopt Amendment C410ggee to the Greater Geelong Planning Scheme.

Background

2. The Amendment proposes to apply the Public Acquisition Overlay (PAO) to 18 properties across the Armstrong Creek growth area to allow the City to acquire land required for public purposes including road upgrades, drainage infrastructure and sporting reserves.
3. Approximately 30 percent of the Armstrong Creek growth area has been developed. Three retarding basins/wetlands, five road and intersection upgrades and three sporting reserve projects are necessary for the continued development of the area. This infrastructure has been identified in the strategic plans for the area.
4. Applying the PAO places a reservation in the planning scheme and allows for a future compulsory acquisition process for the land to be initiated by the City.

Key Matters

5. Exhibition of the amendment across August and September 2020 resulted in five written submissions. One submission supported the amendment, one from a state government department offered no comment, one from Barwon Water offered no objection but highlighted the existence of a sewer main on an affected site that can't be moved, one submission from a landowner raised questions about the implications of the acquisition process on their property, and the Department of Transport (DoT) sought agreement from the City about the process for our acquisition and drainage project in the vicinity of the Barwon Heads Road widening project.
6. The City met with the landowner submitter and addressed all the queries raised in the submission. The submitter is satisfied with the response and commitments about the acquisition process and has subsequently provided a written withdrawal.
7. The City exchanged correspondence with DoT and have committed to working with them to ensure cooperation and agreement on works in the overlapping drainage infrastructure and Barwon Heads Road widening projects in the vicinity of Boundary Road, Charlemont. They too have subsequently provided correspondence that their submission has been satisfied and they hold no further objection to the amendment.
8. As the two objecting submissions have been satisfactorily addressed, Council is able to adopt Amendment C410ggee without any referral to an independent planning panel.

Cr Grzybek moved, Cr Harwood seconded -

9. That Council:

- 9.1 Adopt Amendment C410ggee in the form outlined in Attachment 3 of this report; and**
- 9.2 Submit the adopted Amendment C410ggee and prescribed information to the Minister for Planning requesting approval.**

Carried.

Attachment 1

Financial Implications

1. Land acquisition is funded by relevant Armstrong Creek Development Contribution Plans (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. Each of the Precinct Structure Plans (PSP) 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.
7. Formal consultation and communication with landowners was undertaken through the exhibition of Amendment C410ggee from 13 August to 14 September 2020 in accordance with the requirements of the Planning and Environment Act 1987.
8. Five submissions were received in response to the exhibition.

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 amendment is consistent with the Greater Geelong Planning Scheme Policy Framework which supports the residential growth of the Armstrong Creek growth area and the commensurate provision of infrastructure to service the growth.

13. Specifically, the 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.
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 City officer involved in the preparation of this report has declared a general or material interest in this matter.

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 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 landowners by the City or other third parties not succeed.

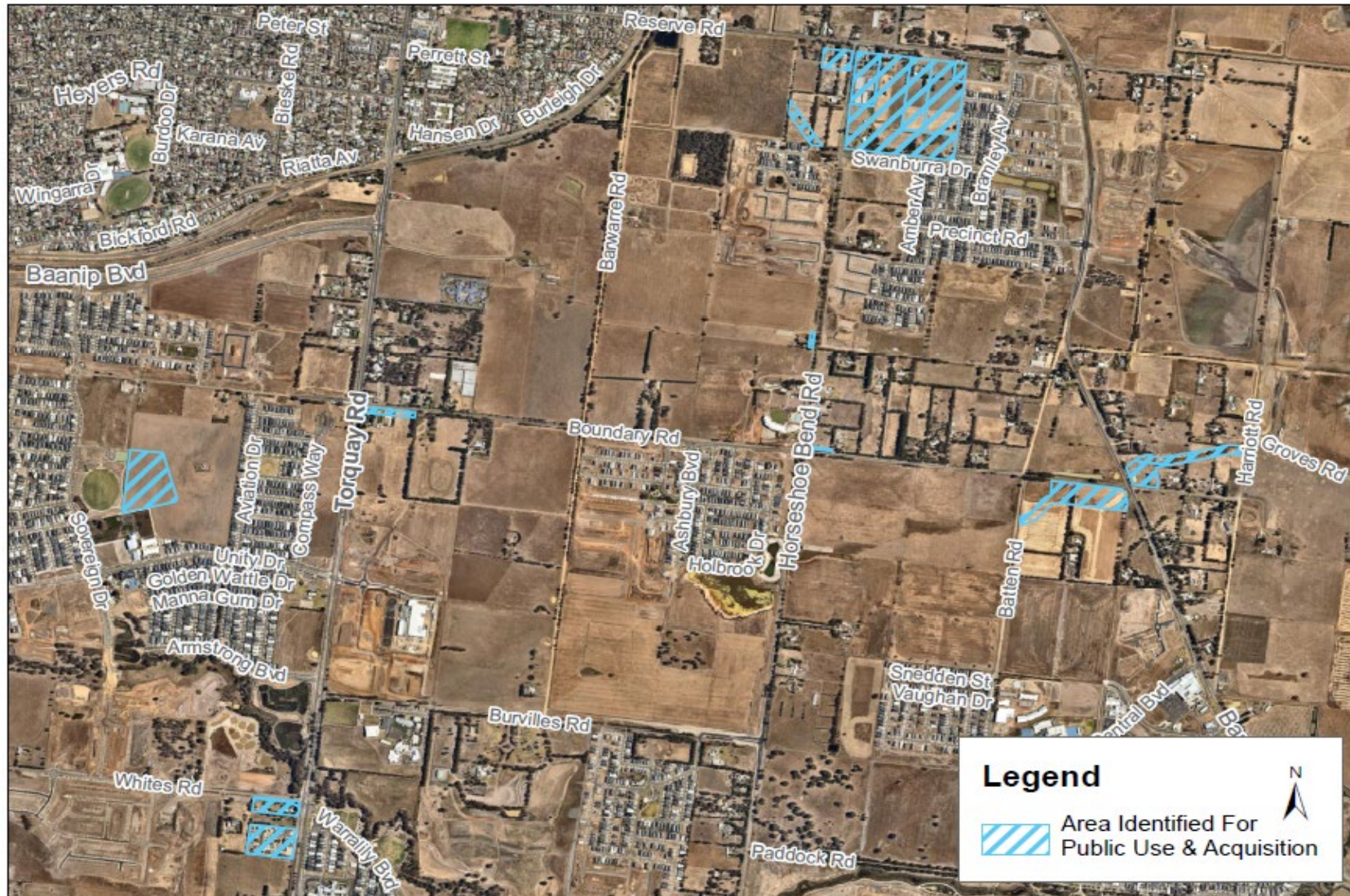
Environmental Implications

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 commence following the land acquisition, it will be undertaken as per City standards with appropriate environmental management and construction management plans in place.

Attachment 2

Discussion

1. The Amendment as exhibited proposes to:
 - 1.1 Apply the PAO2 (for public open space) to land at:
 - 1.1.1. 168-170 Reserve Road, Charlemont;
 - 1.1.2. 125-141 Horseshoe Bend Road, Charlemont;
 - 1.1.3. 180-184 Reserve Road, Charlemont;
 - 1.1.4. 186-194 Reserve Road, Charlemont;
 - 1.1.5. 200-202 Reserve Road, Charlemont;
 - 1.1.6. 286 Boundary Road, Mount Duneed;
 - 1.1.7. 5 Whites Road, Mount Duneed; and
 - 1.1.8. 611-621 Torquay Road, Mount Duneed.
 - 1.2 Apply the PAO4 (for roads) to land at:
 - 1.2.1. 152-166 Reserve Road, Charlemont;
 - 1.2.2. 232-240 Horseshoe Bend Road, Charlemont;
 - 1.2.3. 271-279 Horseshoe Bend Road, Charlemont;
 - 1.2.4. 430 Torquay Road, Armstrong Creek;
 - 1.2.5. 350-360 Boundary Road, Armstrong Creek; and
 - 1.2.6. 5 Whites Road, Mount Duneed.
 - 1.3 Apply the PAO12 (for drainage purposes) to land at:
 - 1.3.1. 152-166 Reserve Road, Charlemont;
 - 1.3.2. 582-620 Boundary Road, Armstrong Creek;
 - 1.3.3. 661-669 Barwon Heads Road, Charlemont;
 - 1.3.4. 619-639 Boundary Road, Charlemont;
 - 1.3.5. 641-655 Boundary Road, Charlemont; and
 - 1.3.6. 657-669 Boundary Road, Charlemont.
2. The following plan shows the spread of the proposed overlays across the Armstrong Creek growth area.



3. 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.
4. 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.
5. 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.
6. Some of the key projects to be facilitated by the public acquisition overlays are:
 - 6.1 Ultimate drainage link to Sparrovale Wetlands
 - 6.2 Horseshoe Bend Road diversion, drainage and sport fields
 - 6.3 Intersection Surf Coast Highway – Boundary Road
 - 6.4 Intersection Surf Coast Highway – Whites Road and sport fields
 - 6.5 Sport fields West Precinct
 - 6.6 Intersection Horseshoe Bend Road – Boundary Road.
7. **Attachment 4** is the Strategic Assessment Report of each of the infrastructure Projects. This outlines the purpose for the public acquisition overlay, the project areas, the nature of the works and the priority for delivery.
8. Amendment C410ggee was exhibited between 13 August and 14 September 2020. As a result of exhibition, five submissions (5) were received of which one supported the amendment, two were from public authorities/state government agencies offering no comment/no objection, one was from a landowner which raised questions about the implications of the acquisition process on their property, and the final one was from the Department of Transport (DoT) whom sought agreement from the City about the process for our acquisition and drainage project in the vicinity of the Barwon Heads Road widening project.

Consideration of Submissions

9. **Submission 1:** Barwon Water's submission raises no objection to the amendment proceeding. Barwon Water advised that for all but one of the proposed PAO's, there are no assets or land affected. The submission notes that the proposed PAO12 at 619-639 Boundary Road Charlemont would overlay the main outfall sewer (DN1650mm diameter) which services all of Geelong, and which is covered by a 20-metre easement. Barwon Water advises that this asset will need to be protected as part of the City's proposed drainage works as it cannot be relocated.
10. Most of the proposed PAO12 at the site is outside the Barwon Water easement. A smaller area of PAO12 crosses the easement on the northern side of the property. The PAO12 in this location is intended for the Barwon Heads Road to Harriott Road Retarding Basin and drainage reserve to convey stormwater towards the Sparrovale Wetlands.

11. The City is aware of this major asset and its location informed the preparation of the precinct structure plans and the development contributions plans. Officers are aware that an informal drainage channel currently goes under the pipeline. Detailed design for the drainage basin and channel will be cognisant of this constraint and the City will engage with Barwon Water at that time to ensure protection of the asset.
12. **Submission 2:** A submission from Department of Environment, Land, Water and Planning (DELWP) has advised that the amendment has no impact on their policy interests including Crown land management and biodiversity and they have no comment on the amendment.
13. **Submission 5:** This submission is from a landowner-developer active within the Armstrong Creek growth area and they are fully supportive of the amendment to assist the orderly and timely development of the area. In particular, the submission supports the application of the PAO12 for the proposed Barwon Heads Road South Retarding Basin and related infrastructure to link to the Sparrovale Wetlands.
14. The two commenting submissions raised concerns about proposal to apply the PAO12 (for drainage purposes) in the vicinity of Barwon Heads Road and Boundary Road, Charlemont.
15. **Submission 3:** The submission from the DoT requested ongoing consultation with the City on the design specifics of the drainage infrastructure to ensure there is no interfacing issue with the Barwon Heads Road widening project.
16. The City has committed to working with the DoT to avoid such problems and to ensure a smooth transition between the projects.
17. As requested by DoT, correspondence has been exchanged between the City and DoT outlining this commitment. Subsequent written advice from DoT on 19 October 2020 has advised that their submission has been satisfied and they no longer hold any issue with the amendment.
18. **Submission 4:** This submission from an affected landowner cited concerns about the proposed acquisition transecting the property and maintenance of access between the two parts; how the property would be classified post acquisition i.e. would it be considered as one or two properties; the future impacts of the acquisition; and vegetation screening along the drainage line.
19. Officers from the City Development, Planning & Growth and Property, Procurement & Assets Departments met with the submitter and discussed and responded to all the points of submission. This was very sensitively addressed with the submitter and included follow up correspondence and advice on the acquisition process.
20. On 1 October 2020, the submitter provided written advice to the City that based on the discussions and further advice, they were satisfied that our responses had answered all their queries and that their submission was withdrawn.
21. Section 23 of the *Planning and Environment Act 1987* outlines three options for dealing with submissions requesting a change to an amendment: change the amendment as requested, refer the submissions to an independent panel for review or abandon the amendment. As there are no 'live' submissions seeking change to the amendment, Council can adopt the amendment and send it to the Minister for Planning requesting final approval.

Attachment 3

Amendment C410ggee Adoption Documents

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

AMENDMENT C410ggee

INSTRUCTION SHEET

The planning authority for this amendment is Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

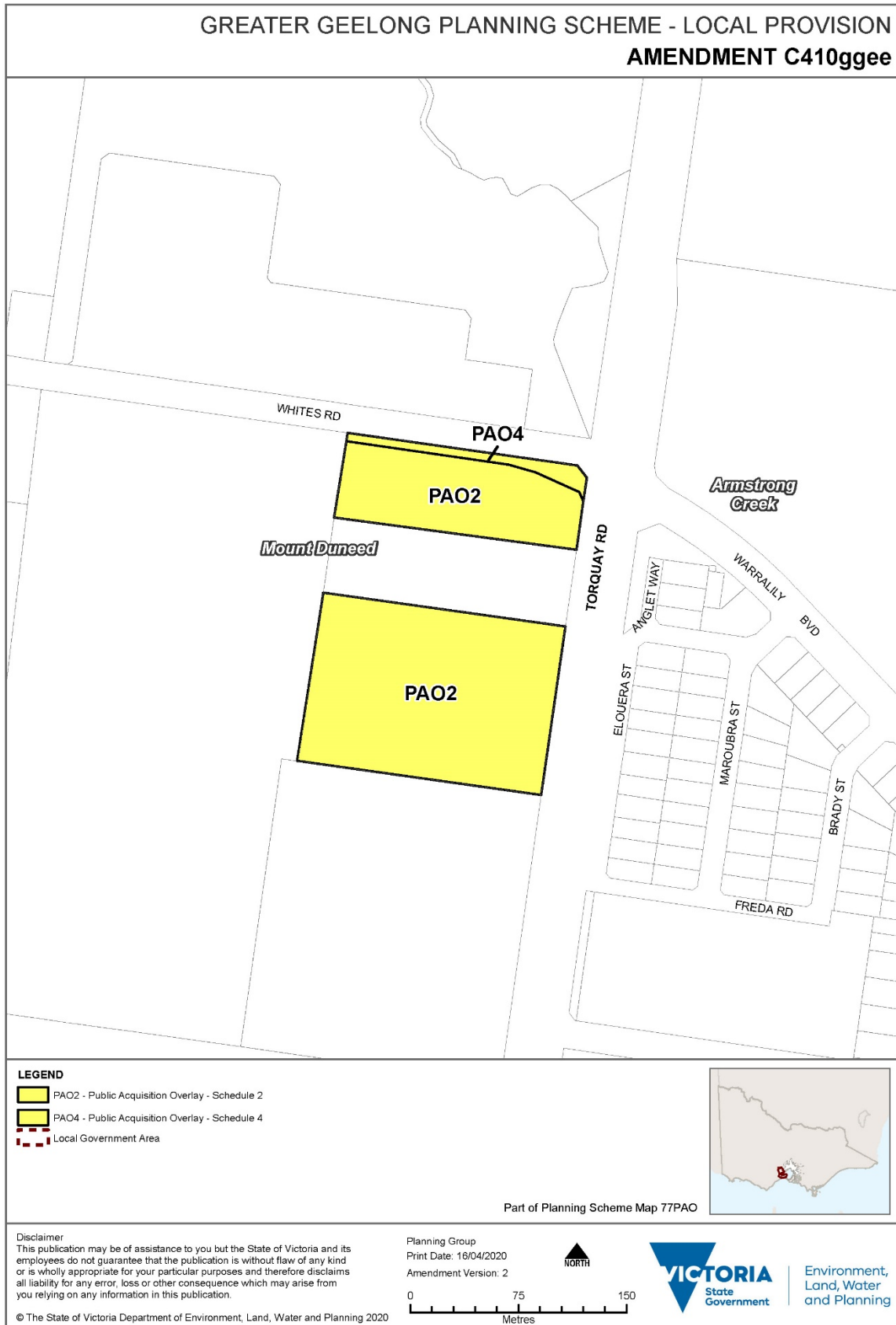
Planning Scheme Maps

The Planning Scheme Maps are amended by a total of six attached map sheets.

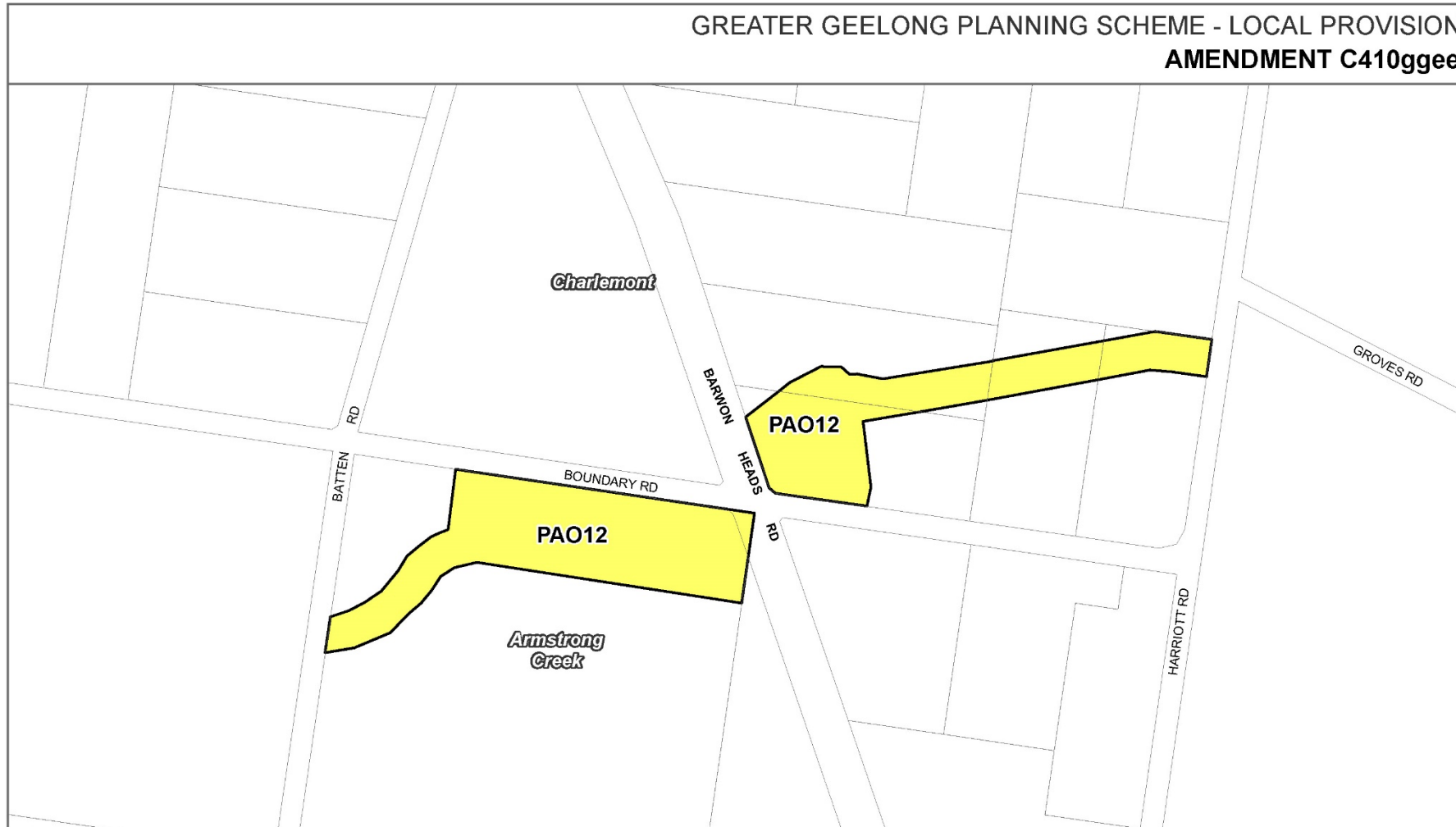
Overlay Maps

1. Amend Planning Scheme Map Nos. 66PAO and 67PAO are amended in the manner shown on the six attached maps marked "Greater Geelong Planning Scheme, Amendment C410ggee".

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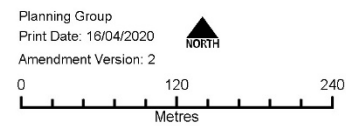
**GREATER GEELONG PLANNING SCHEME - LOCAL PROVISION
 AMENDMENT C410ggee**



- LEGEND**
-  PAO12 - Public Acquisition Overlay - Schedule 12
 -  Local Government Area

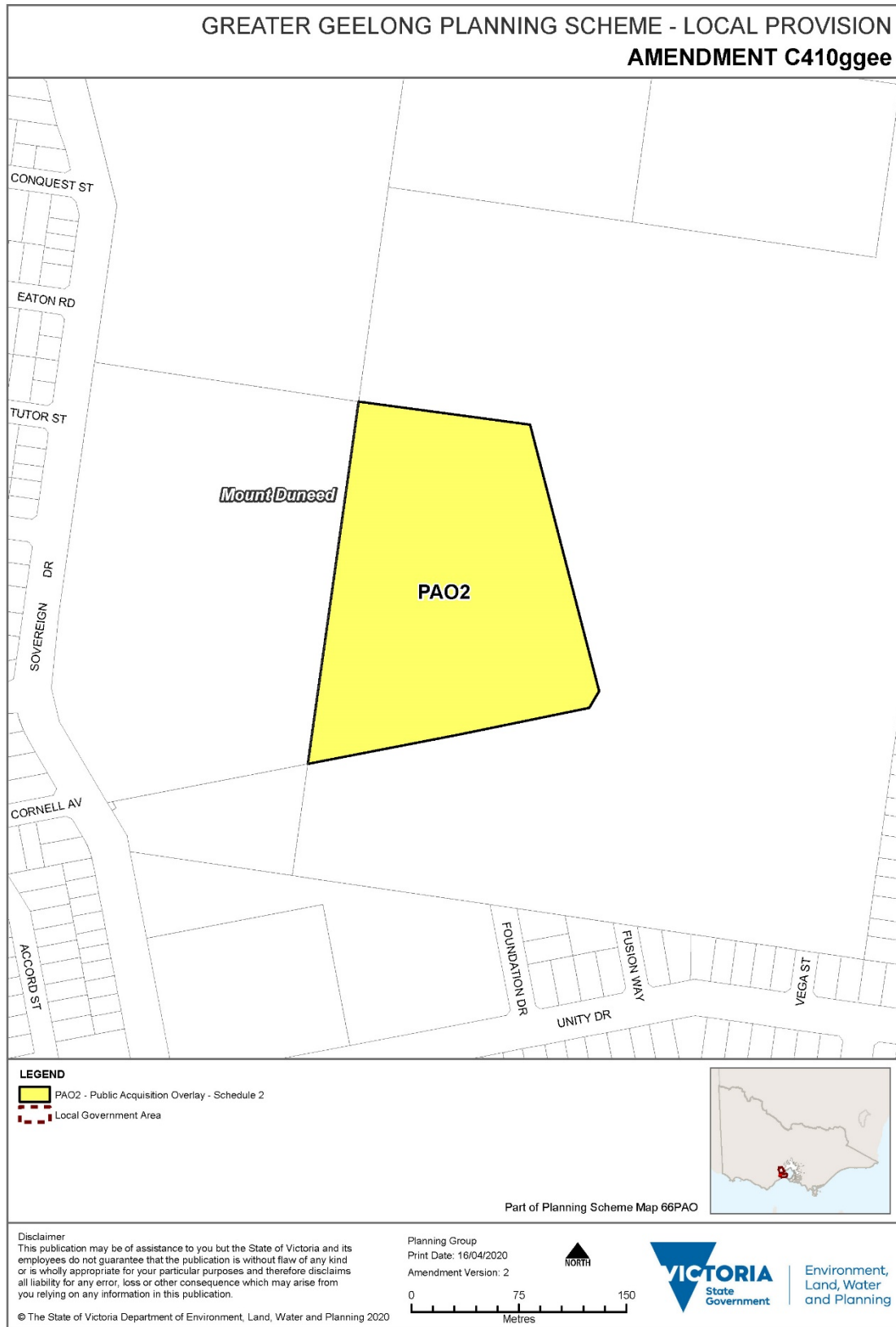
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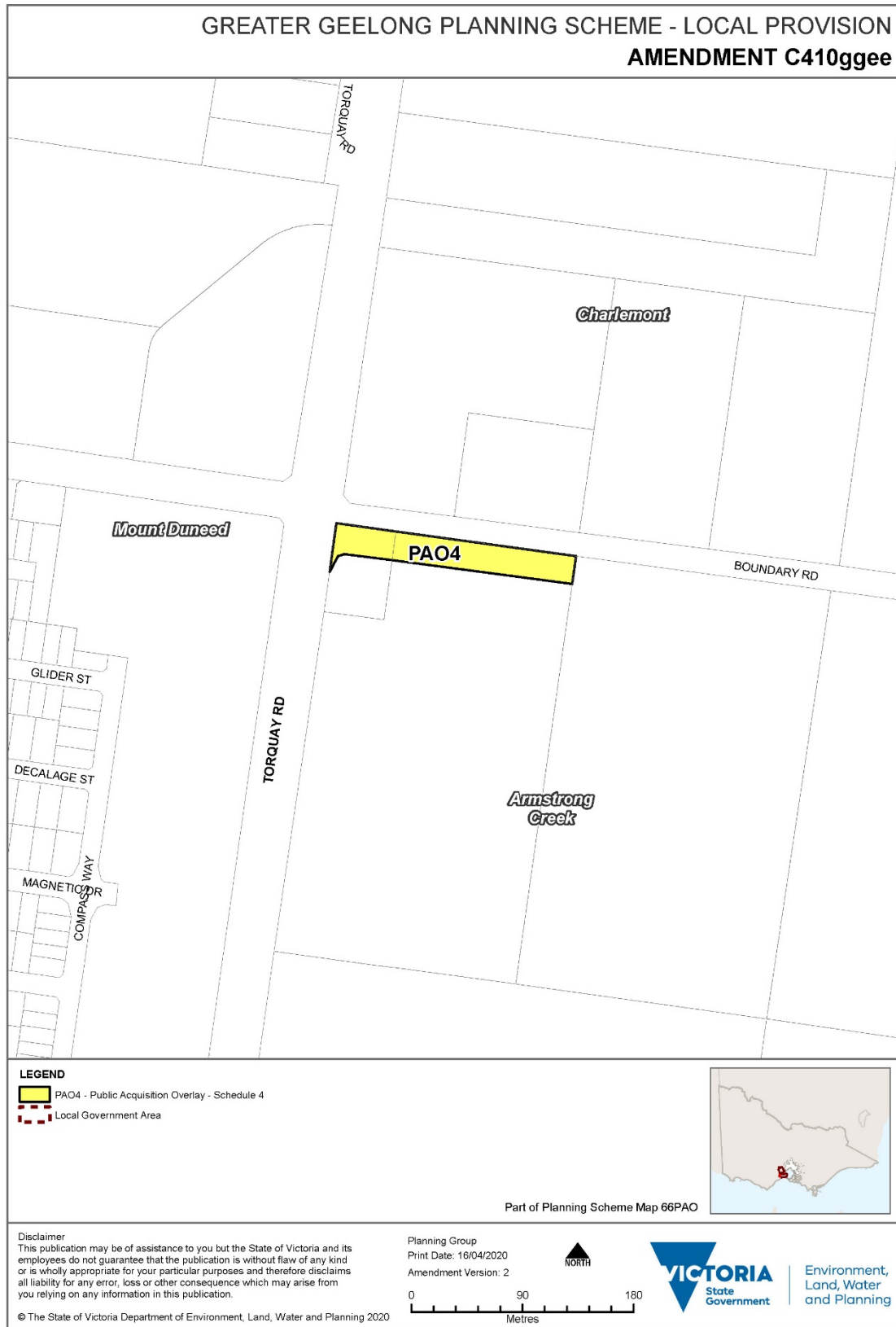
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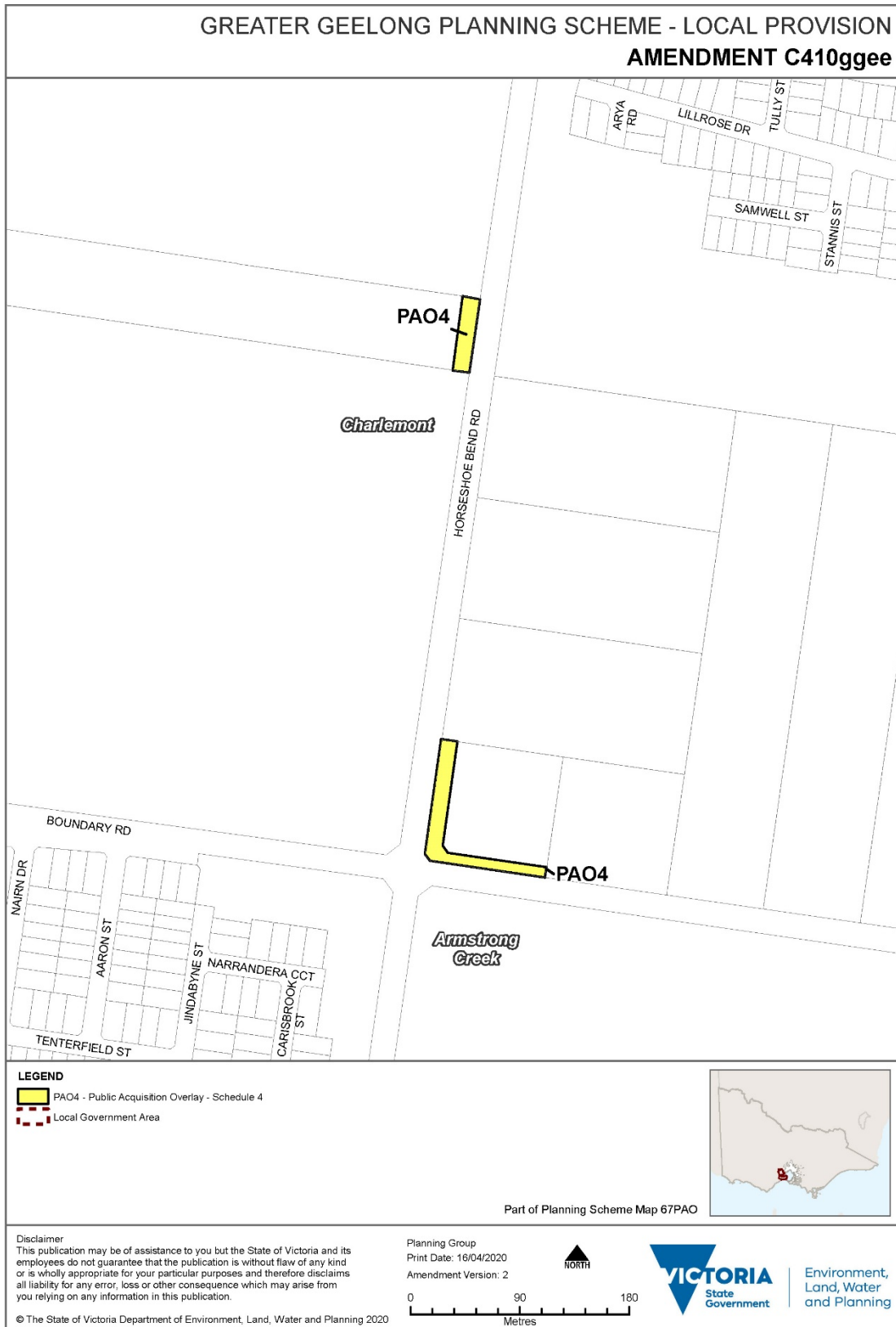


Part of Planning Scheme Map 67PAO









Cr Nelson moved, Cr Sullivan seconded -

That the meeting be closed to the public.

Carried.

The Meeting was closed to the public at 8.55pm

Cr Mansfield moved, Cr Murrhiy seconded -

That the Meeting be opened to the public.

Carried.

The Meeting was opened to the public at 9.18pm

A record of the proceedings of this section of the meeting is contained in a Confidential Minute Book.

CLOSE OF MEETING

As there was no further business the meeting closed at 9.18pm Tuesday, 15 December 2020.

Signed: _____

Cr Stephanie Asher (Mayor)

Date: _____