

## **Submission**

Bannockburn South East Draft Precinct Structure Plan (Draft Amendment C107gpla)

## **Reason for Submission**

I am the owner of land within the South East PSP located at [REDACTED],  
Bannockburn. The land is described in the Plan as [REDACTED]  
[REDACTED]

## **Issues**

My concerns about the draft Plan all relate to the impact on my land and are as follows:-

### **1. Impact on Flora, Fauna and Cultural Heritage Values**

Different sections of the Report highlight various proposed or existing uses of my land. It is designated as Waterway and Drainage Reserve (p 53, Appendix 2 of the PSP). The Background Report emphasises its importance for flora, fauna and cultural heritage (p 15 & 16, 2.2.2, 2.2.3 & 2.2.5 and also the PSP p 68, 4.5). The draft Amendment designates it as Public Park and Recreation Zone (p 2 of 16, 2.2, Table 1).

Throughout the report it is clear that the intention is to use the area extensively for recreation with mention of cycling paths and other developments. The proximity of planned schools and denser residential areas also suggests intensive use.

While the report does emphasise the need to protect flora, fauna and cultural values when undertaking any development (p 17 of the PSP, R4), experience suggests that this is unlikely to occur. Recent similar developments on the urban/rural interface at Wodonga have shown that the laudable requirements in plans are rarely adhered to by the developers nor enforced by understaffed Councils. There is also no assessment of the impact on habitat of high levels of traffic from people and dogs.

The use of the land for any necessary drainage would have much less impact although it appears that in any case no works are planned at this stage. There are no drainage siteworks or earthworks listed in the Development Contributions Plan for my land (p 73, 9.3.1) and the only cost mentioned is for compensation in relation to the Public Acquisition Overlay (p 99, 9.3.12). However, I have been advised that the land will be partially used to deliver drainage outfalls.

### **Suggested Solution**

Delete Parcels [REDACTED] from the South East PSP.

This would ensure that the flora, fauna and cultural values continue under the current management which has had minimal impact.

I have previously stated that I would agree to necessary drainage works being carried out if required. I would also be willing to discuss the creation of easements if necessary.

## **2. Public Acquisition Overlay (PAO)**

The South East PSP imposes a PAO over my land and some discussions have been held with staff from the VPA and the Golden Plains Shire in relation to this.

Although the PAO is applied as part of the Amendment, I have been advised that the acquisition is unlikely to take place for quite some time – “a number of years, potentially 10+” (Council letter 17/2/25) .

To have this encumbrance hanging over my head for an indefinite period of time is not only stressful but also makes planning for the future almost impossible.

Timing is important when making financial and management decisions and I don't think being left at the whim of “ the speed at which land is developed” is acceptable.

### **Suggested Solutions**

A. Delete Parcels [REDACTED] from the South East PSP.

B. If A is denied - Delete the PAO from the Amendment.

Refer to my comments above regarding access for drainage. This largely does away with the justification for applying the PAO.

C. If A and B are denied – Council to action the acquisition in the short term. This would provide some certainty and assist with planning for the future.

I would be happy to discuss management arrangements for the land until the Council wishes to take over.

## **3. Zoning and Windfall Gains Tax (WGT)**

The South East PSP proposes that the entire area be re-zoned to Urban Growth Zone (UGZ1). This will trigger a Windfall Gains Tax event with associated re-valuing of the land. I have been advised that this “would take into account the developability of the land” (Council letter 17/2/25). However, even if the land is not valued as suitable for residential development, there is no guarantee that there will not be an uplift in value sufficient to incur WGT.

Should this occur I would be left in the unenviable position of having a WGT debt, potentially in the hundreds of thousands , with no means of recouping the money until

such time as the public acquisition took place, maybe a decade later. Even if the PAO was removed, I fail to see how I could realise the “windfall” as the land is part of larger allotments that would need to be subdivided to enable selling.

There is a real risk that the re-zoning could result in a debt that could adversely impact on both myself and the operation of the farm.

### **Suggested Solutions**

A. Delete Parcels [REDACTED] from the South East PSP.

B. If A is denied – Remove Parcels [REDACTED] from the Urban Growth Zone and retain as Farming Zone

#### **4. Precinct Boundary, Fence Location and Standard**

There are several questions related to the western boundary of the Precinct and the location of the fence to provide meaningful separation from farming activities. If my initial suggestion (Item 1) is adopted, the situation is straightforward – my eastern boundary becomes the western boundary of the Precinct.

If my suggestion is not adopted then I require further clarity about the exact location of the boundary. The plan defines the boundary as Bruce Creek and on several occasions I have pointed out that it is totally impractical to fence down the middle of the Creek for both alignment and maintenance reasons. Until recently the only response has been that the boundary will not change. However, the Council has now agreed with my position and suggested that the boundary would be “on the western side of the Creek along an alignment that is considered suitable” (letter, 17/2/25). The estimate for public acquisition compensation prepared by Charter Keck Cramer also assumes the boundary will be on the western side of the Creek as it includes an allowance for loss of access to water.

Although the draft documents continue to show the Creek as the boundary, there are at least three references to encroachment to the western side.

a) Nominate ..... creek crossing points. Locate ... boardwalk/pedestrian crossings (PSP p 68)

b) Provide walking and cycling trails, preferably on the eastern side of Bruce Creek, and facilitate the acquisition of all land between the tops of the escarpment and forming the rim of the Bruce’s Creek valley as public open space. (Draft Amendment, 11.03-6L-01, no page numbers).

c) “Minimise where possible, outfall drainage beyond the PSP boundary. Use of the PAO to enable the purchase of land where outfall drainage is required beyond the PSP boundary. (Draft Amendment, Table 2 Land subject to PSI requirement, no page number).

Regardless of where the boundary is located, the fence needs to be of a standard to prevent people and dogs entering the property and stock leaving it. Although the report mentions the importance of agriculture to the area, I have seen nothing about how the impact of an urban population will be managed to protect the interests of the adjoining farms.

### **Suggested Solutions**

A. Delete Parcels [REDACTED] from the South East PSP.

B. If A is denied – Confirm that the boundary will be as close as practical to the west side of Bruce Creek on an alignment agreed to in consultation with myself and my brother.

C. That once the boundary is confirmed, the Council facilitate a subdivision (if necessary), in the short term, to provide some certainty of future arrangements.

D. That advice be provided about the status of any land to the west of the Creek in regard to Zoning and the proposed PAO.

E. Specify in the relevant documents that the boundary fence will be of sufficient standard to prevent trespass on my property by people or animals.

### **Summary**

Given my willingness to allow necessary drainage outfall works from the development on my property, I see little justification for including it in the South East PSP.

Deleting Parcels [REDACTED] from the PSP has the following advantages:-

- Provides a significantly better level of protection for flora, fauna and cultural values than the proposed development of recreation and transport activities on the sensitive escarpment.
- Avoids the need for a PAO and payment of compensation.
- Avoids the injustice of potentially placing me in a position of incurring a WGT debt for a property that is under a PAO that won't be acted upon for a number of years.

If my property does remain in the South East PSP it is important that my other suggestions are addressed and that the issues are resolved so that I am able to plan for the future without the stress of unknown outcomes and vague timelines.