

The background of the page features abstract, flowing blue lines that create a sense of movement and depth. These lines are composed of many thin, overlapping curves that vary in density and color, ranging from light blue to a slightly darker shade. The overall effect is a modern, artistic, and dynamic design.

Site Assessment: Public Acquisition Overlay 2 (Road Projects)

Latrobe City Council July 2024

1.0 Summary

Latrobe City Council, like most councils in Victoria, has experienced a significant increase in development activity since 2020 and the Covid-19 Pandemic. Much of this activity is occurring in our three main growth areas which are each covered by a Development Contribution Plan (DCP). These DCPs aim to equitably share the cost of infrastructure required to service the growth areas. Whilst the DCP outlines land and projects required to facilitate the delivery of the growth areas, it does not provide a mechanism for Council, as the Delivering Authority of the DCPs, to acquire the land should development not occur in a timely and orderly manner.

This Amendment proposes to resolve this issue by amending the *Schedule to clause 45.01 Public Acquisition Overlay (PAO)* in the Latrobe Planning Scheme to introduce PAO2. PAO2 names Latrobe City Council as the *Acquiring Authority* and that the purpose of acquisition is for road projects. The Amendment will also apply PAO2 to part of 11 properties (12 parcels) in Newborough which are subject to the Lake Narracan Precinct Structure Plan (PSP) and Development Contribution Plan (DCP). The application of PAO2 in the Lake Narracan growth area will facilitate the delivery of three (3) intersection projects and two (2) road widening projects.

1.1 Subject Land

The subject land is located north-east of the urban area of Moe-Newborough and comprises thirteen (13) parcels of land in the Lake Narracan DCP. The address, DCP Property Identifier and the relevant DCP Project the acquisition is being made for, are identified in Table 1. All parcels are in private ownership with a range of development intentions. Figure 1 locates the properties within the township of Newborough. Figure 2 locates where the PAO is proposed to be applied to each property and the DCP project identifier.

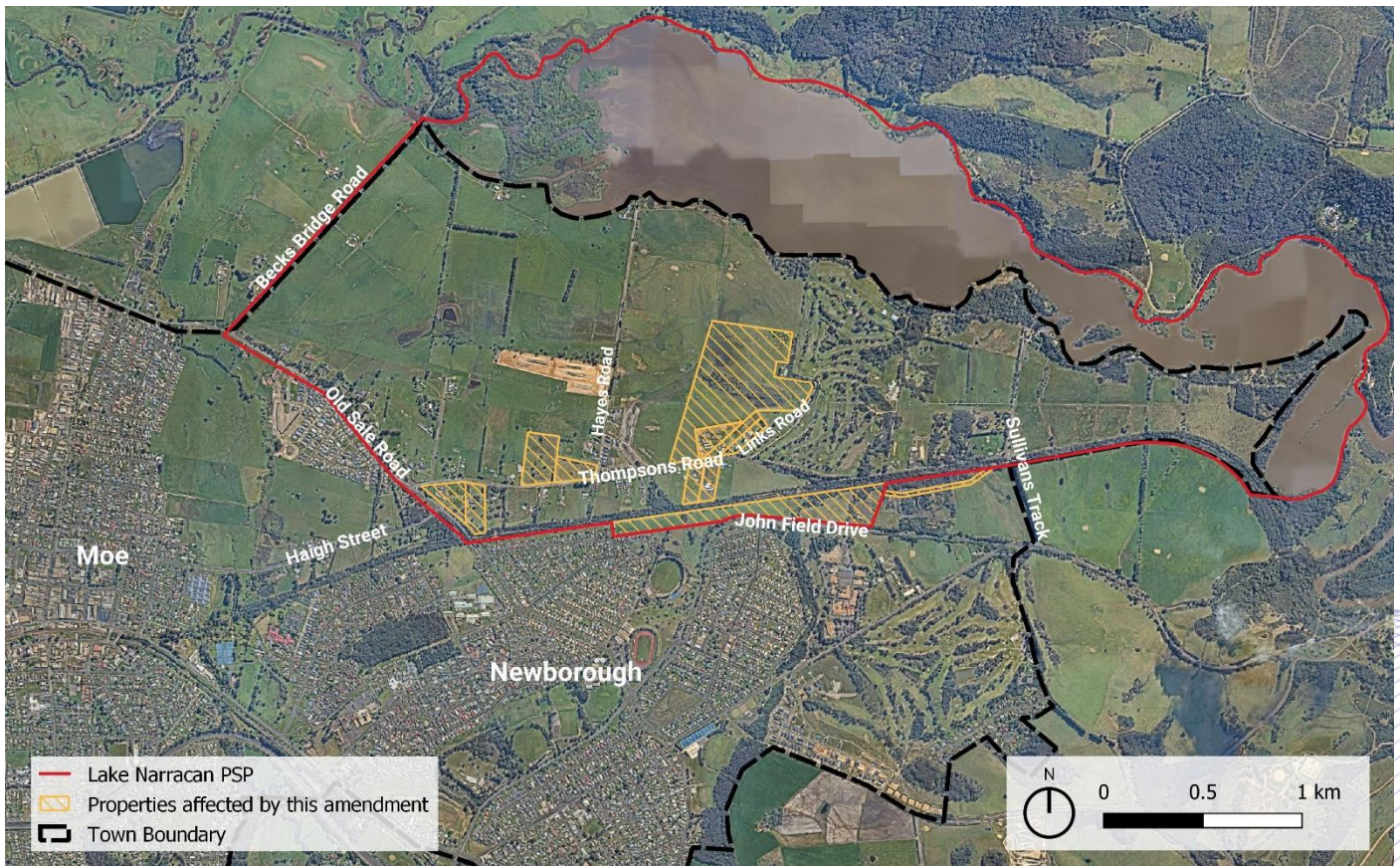


Figure 1: Location of affected properties in Newborough.

Table 1 Properties proposed to have PAO2 applied (to part of).

Property Details	Development Contribution Plan (DCP)	DCP Property Identifier	DCP Project Identification
1 Thompsons Road, NEWBOROUGH – 1\LP142353	Lake Narracan	48	IN-02
3 Thompsons Road, NEWBOROUGH – 2\LP142353	Lake Narracan	49	IN-02
10 Thompsons Road, NEWBOROUGH – 6\LP157245	Lake Narracan	29	RD-01
5 Hayes Road, NEWBOROUGH – 1\LP126050	Lake Narracan	31	RD-01
Links Road, NEWBOROUGH – 2\PS636142	Lake Narracan	33	RD-02
18 Thompsons Road, NEWBOROUGH – 1\TP594736	Lake Narracan	37	RD-02
18 Thompsons Road, NEWBOROUGH – 1\TP248759	Lake Narracan	36	RD-02 & IN-04
20 Thompsons Road, NEWBOROUGH – 3E\PP3273	Lake Narracan	38	IN-04
22 Thompsons Road, NEWBOROUGH – 3H\PP3273	Lake Narracan	39	IN-04
25 Thompsons Road, NEWBOROUGH – 1\TP582048	Lake Narracan	61	IN-04
25A Thompsons Road, NEWBOROUGH – 2\TP582048	Lake Narracan	62	IN-04
710 John Field Drive, NEWBOROUGH – 34\LP121048	Lake Narracan	66	IN-05



Figure 2: Location of proposed PAO in Newborough and facilitated projects.

1.2 Current Zone

The land is currently zoned Urban Growth Zone Schedule 1 (UGZ1)(Figure 3). This Schedule enforces the Lake Narracan Precinct Structure Plan. Clause 2.2 of Schedule 1 outlines the *applied zone provisions*. The use of applied zones ensures development is assessed under the ultimate zone intended for the land once the growth area is delivered. Table 2 outlines the *applied zone provisions* currently in UGZ1 clause 2.2. The current zone was adopted into the scheme by Amendment C86 which was gazetted on 17 December 2015.

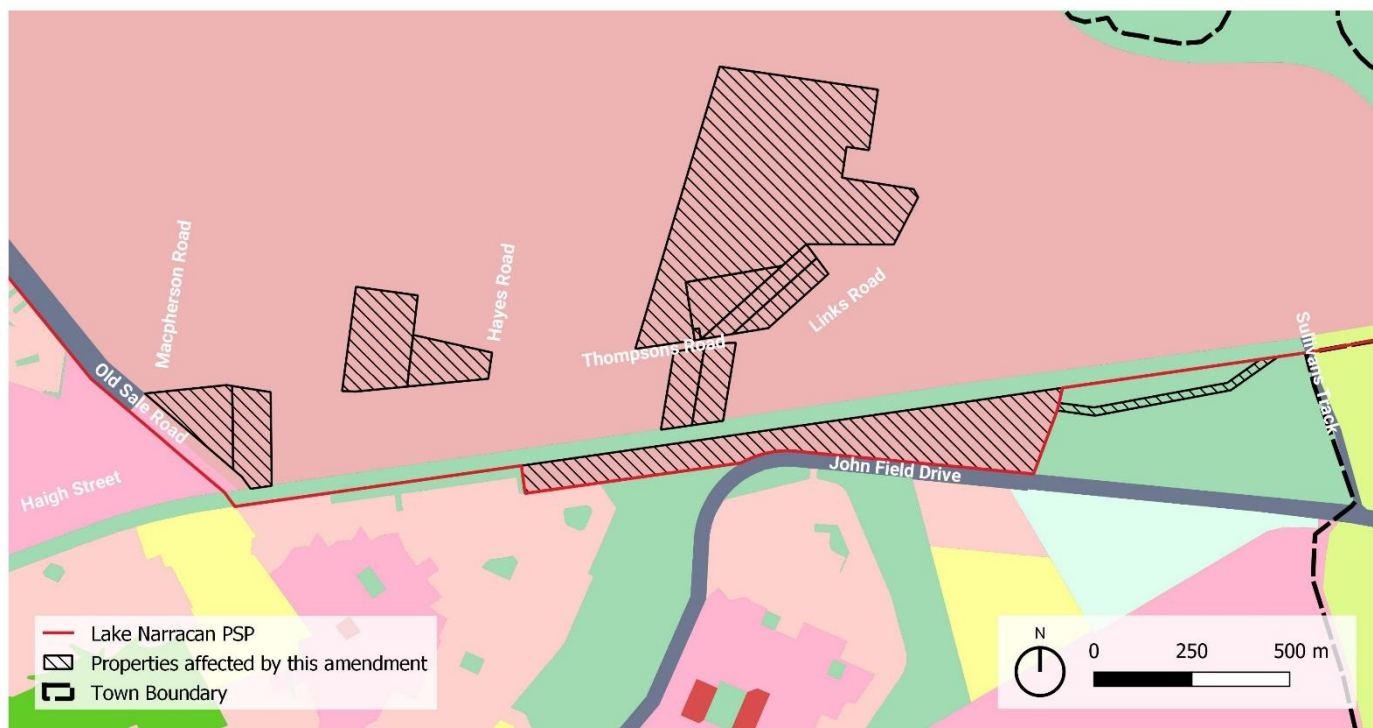


Figure 3: Current Zone of affected properties.

Table 2: Applied zone provisions in UGZ1.

Land use/ Development (Carried out or proposed) generally in accordance with the precinct structure plan applying to the land.	Applied zone provisions
Village Centre	Clause 34.01 – Commercial 1 Zone
Arterial road	Clause 36.04 – Transport Zone 2
Connector street	Clause 36.04 – Transport Zone 3
Land or any lot wholly contained within, 200 metres distance from a village centre	Clause 32.07 – General Residential Zone 1
All other land	Clause 32.08 schedule 1 – General Residential Zone 3

1.3 Current Overlays

One overlay affects the subject land, Development Contribution Plan Overlay Schedule 1. This Schedule was specifically created to implement the Lake Narracan Development Contribution Plan (DCP). The schedule allows Council to collect contributions as outlined in the Lake Narracan DCP without the need for entering into a section 173 agreement. The Development Contribution Plan Overlay was adopted into the scheme by Amendment C86 which was gazetted on 17 December 2015.

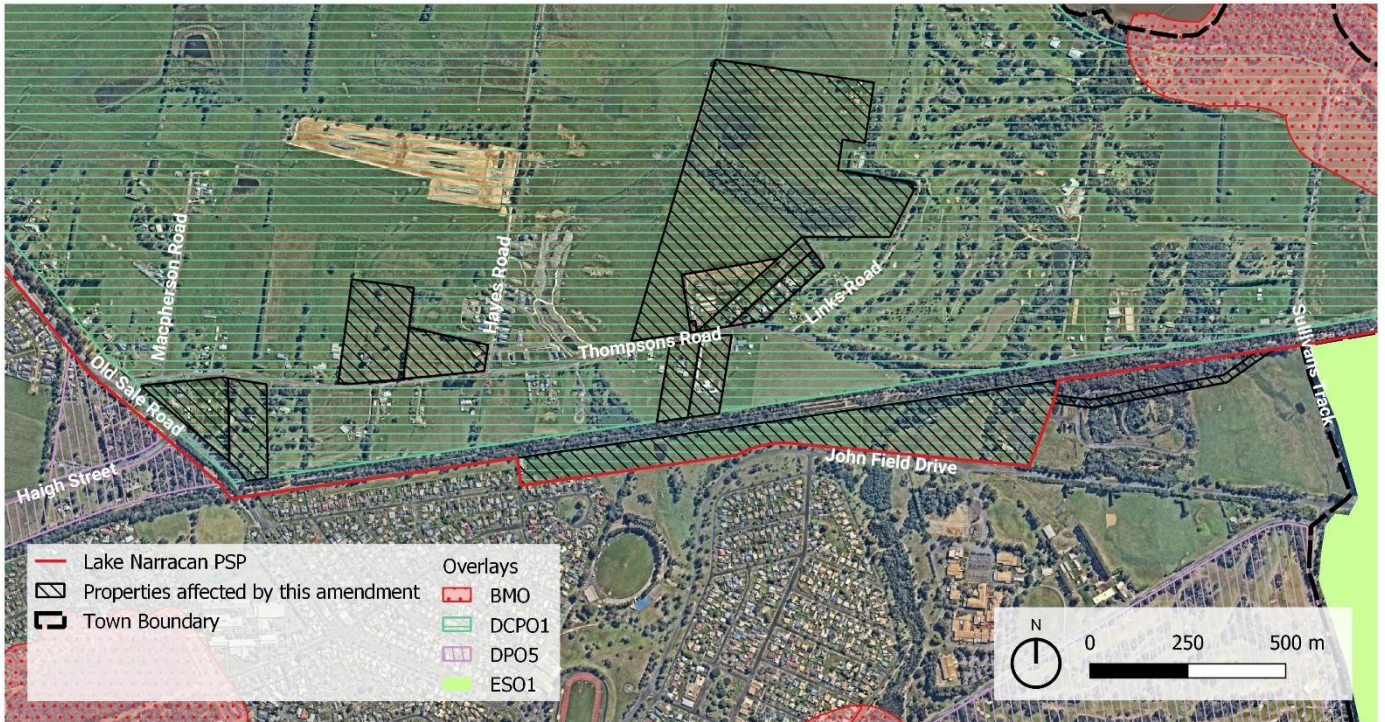


Figure 4: Current overlays on affected land.

2.0 History

2.1 Lake Narracan Precinct Structure Plan, Development Contribution Plan and Native Vegetation Precinct Plan

On 11 July 2012 the State Government released *The Latrobe Valley Industry and Employment Roadmap*, which responded to a submission by Latrobe City. This submission, amongst other things, requested assistance in planning Latrobe’s growth areas. The roadmap responded by identifying Strategic Direction 6: Enhancing Liveability, New Planning Support for Regional Growth Areas. This direction aimed to accelerate structure planning of new growth areas in regional councils to facilitate land supply and ensure sufficient supply of housing in regional areas.

Council and the Metropolitan Planning Authority (MPA), then Growth Areas Authority (GAA), first reviewed the strategic viability of a growth area on the banks of Lake Narracan in 2013. The GAA’s report, published in August 2013, acknowledged that Moe-Newborough was growing but that the planning scheme identified sufficient supply to meet state policy regarding land supply. To ensure the town maintained adequate supply, the report advised that it would be better to plan the growth area now rather than later. It argued

that beginning planning early would help ensure that the negative impacts of a land supply shortage would be avoided.

At the November 2013 Ordinary Council Meeting Council resolved to undertake preliminary community consultation from 11 November 2013 to 13 December 2013. This consultation informed a background report on the growth area prepared by the MPA. The background report identifies a range of opportunities and restrictions including landscape and character, servicing and infrastructure requirements, and environmental factors. The MPA published their background report on Lake Narracan in June 2014.

Council and the MPA undertook public consultation on the draft Lake Narracan PSP, DCP and NVPP from the 1 August 2014 to 29 August 2014. The final documents were adopted by Council at the 15 December 2014 Ordinary Council Meeting.

2.2 Rezoning to Residential

The current zone was implemented into the Latrobe Planning Scheme by Amendment C86. At the 15 December 2014 Ordinary Council Meeting, Council resolved to request the Minister for Planning to prepare a Planning Scheme Amendment under Section 20(4) of the Planning and Environment Act 1987 to implement the Lake Narracan PSP into the Latrobe Planning Scheme. Section 20(4) of the Planning and Environment Act 1987 allows the Minister for Planning to

undertake amendment without exhibition or notification. Council requested this due to the extensive consultation undertaken while preparing the Lake Narracan PSP and associated documents.

Amendment C86 rezoned all the land within the Lake Narracan PSP to Urban Growth Zone Schedule 1, applied the Development Contribution Plan Overlay Schedule 1, and updated the Moe-Newborough Town Structure Plan (Figure 5). Amendment C86 was gazetted on the 17 December 2015.

Prior to Amendment C86, the properties were zoned a mix of Residential 1, Rural Living 6, and Farming Zone, see Table 3 below. This zoning reflected the Moe-Newborough Town Structure Plan prior to Amendment C86 (Figure 6) which designated the land north of the Moe-Yallourn Rail Trail and north of Old Sale Road, as being outside the town of Moe-Newborough. 710 John Field Drive was within the town boundary as it is south of the rail trail. It was therefore previously zoned Residential 1 but undeveloped at the time of the amendment.

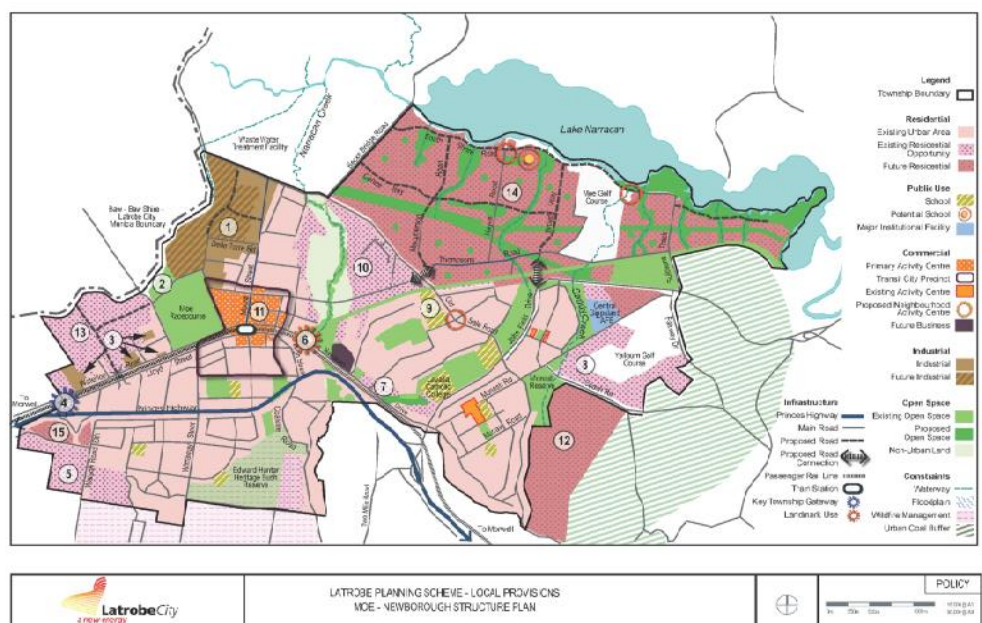
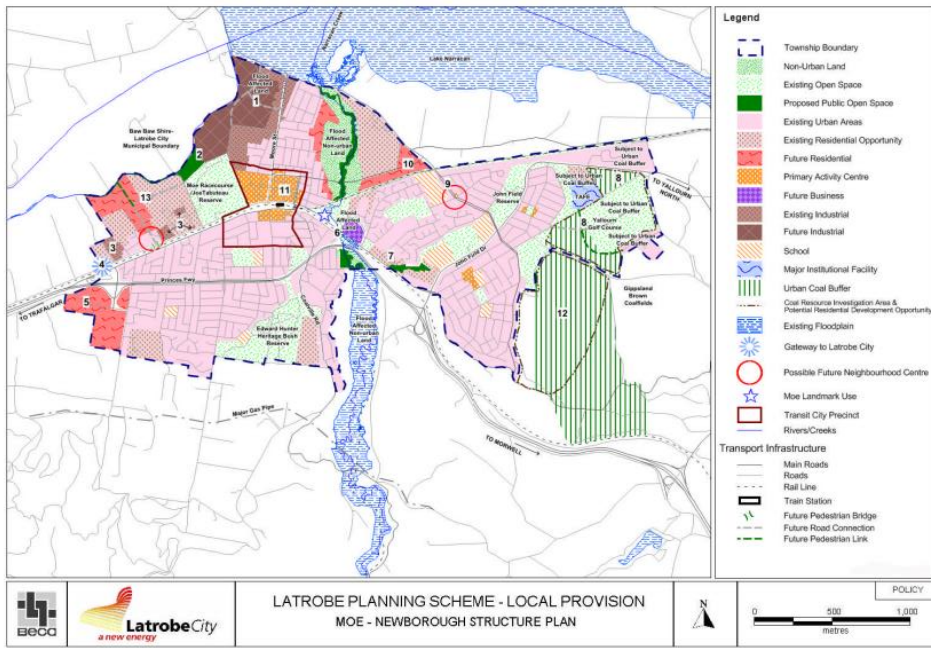


Figure 5: Moe-Newborough Town Structure Plan adopted by Amendment C86.



Prior to Amendment C86, clause 21.05 identified that residential growth should be accommodated in areas 5, 10 and 13 of the Town Structure Plan and to resolve issues with the Environmental Significance Overlay to allow residential growth in areas 8 and 12. With the exception of area 12, the areas identified for growth were all within the then town boundary. Moe-Newborough had limited opportunities to grow the town boundary due to a range of environmental factors and State objectives in

Figure 6: Moe-Newborough Town Structure Plan prior to Amendment C86.

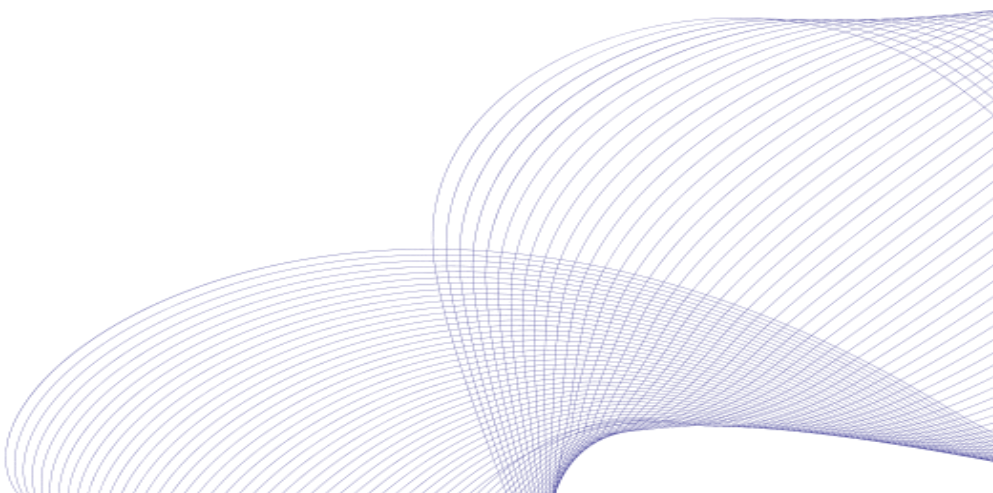
the Planning Scheme. The Environmental Significance Overlay defines the eastern edge of Newborough. This overlay is designed to keep urban development a safe distance from Yallourn Coal Mine and power stations. The southern edge is defined by hilly terrain which is heavily vegetated with native vegetation. This area, if developed, would be exposed to significant fire hazard, and require significant loss of native vegetation. Expansion westward can be accommodated but is limited due to the close proximity of the municipal boundary to Moe and the hilly terrain to the south. Expansion north west is not possible due to the town already abutting the municipal boundary and floodplain. Clause 21.05 (Municipal Strategic Statement – Main Towns) contained written policy to maintain a non-urban break between Moe and neighbouring settlements to the west in Baw Baw Shire. North east in contrast, is relatively flat cleared farmland gently sloping down to Lake Narracan, with native vegetation confined to the banks of the lake and distinct patches. Therefore, growth north east towards Lake Narracan was identified as the only practical option for Moe-Newborough to grow. The concept of lakeside living was also seen as a major selling point with the potential to introduce a unique lifestyle to Latrobe City. This unique lifestyle would be further enhanced by the fact that the Moe Golf Club already existed on the banks of Lake Narracan.

Table 3: Zone of affected properties prior to Amendment C86.

Property	Zone prior to Amendment C86 (17 December 2015)
1 Thompsons Road, NEWBOROUGH – 1\LP142353	Rural Living Zone – Schedule 6
3 Thompsons Road, NEWBOROUGH – 2\LP142353	Rural Living Zone – Schedule 6
10 Thompsons Road, NEWBOROUGH – 6\LP157245	Rural Living Zone – Schedule 6
5 Hayes Road, NEWBOROUGH – 1\LP126050	Rural Living Zone – Schedule 6
Links Road, NEWBOROUGH – 2\PS636142	Farming Zone
18 Thompsons Road, NEWBOROUGH – 1\TP594736	Farming Zone
18 Thompsons Road, NEWBOROUGH – 1\TP248759	Farming Zone
20 Thompsons Road, NEWBOROUGH – 3E\PP3273	Farming Zone
22 Thompsons Road, NEWBOROUGH – 3H\PP3273	Farming Zone
25 Thompsons Road, NEWBOROUGH – 1\TP582048	Rural Living Zone – Schedule 6
25A Thompsons Road, NEWBOROUGH – 2\TP582048	Rural Living Zone – Schedule 6
710 John Field Drive, NEWBOROUGH – 34\LP121048	Residential 1 Zone

2.2 Development Activity in the precinct

Historically, development activity in the precinct has been low. Council received two staged multi-lot subdivision permit applications in 2016, these permits were granted in December 2016 (670 residential lots) and June 2018 (314 residential lots). A third multi-lot staged subdivision was received in 2021 and granted in May 2022 (316 residential lots). The first lots titled under these permit approvals were issued in September 2022. Council currently has 5 stages (203 residential lots in total) undergoing approval with more expected to be lodged over the next 12 months. Council Officers are aware of at least three properties whose owners are likely to apply for development permits in the next 12 months. Council Officers are also aware of three properties on the market being advertised based on their subdivision potential. Council Officers have handled multiple enquiries from prospective purchasers seeking to understand the planning requirements of the land. The current state of activity in the precinct is displayed in Figure 7.



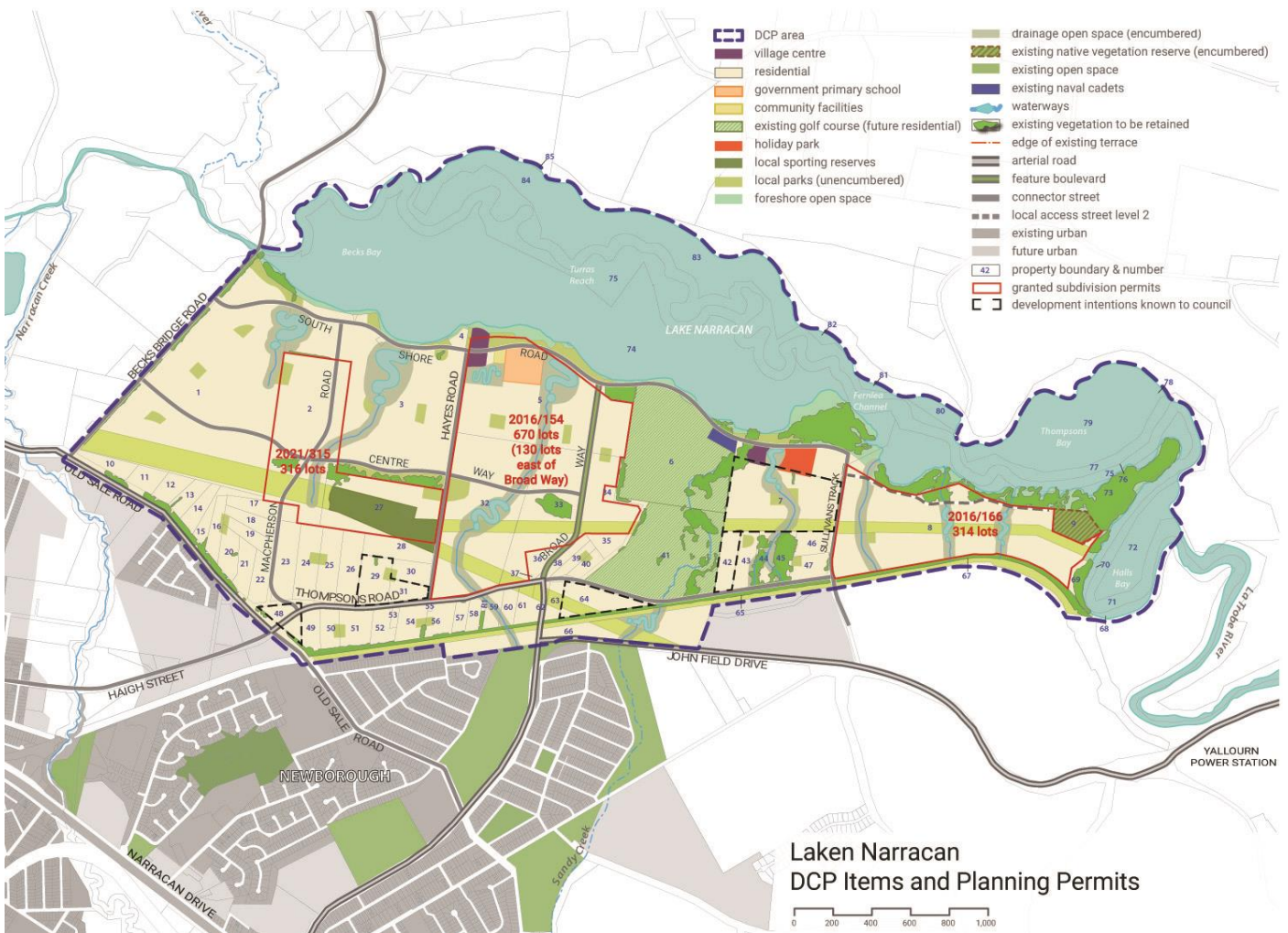


Figure 7: Development activity as of January 2024.

2.3 Property Titles

All property titles listed in Table 1 were reviewed to identify any restrictions on title which would/or may conflict, prevent, or detrimentally affect the acquisition of land via a PAO. Only one property was identified as having a restriction which may pose an issue - 2\PS636142.

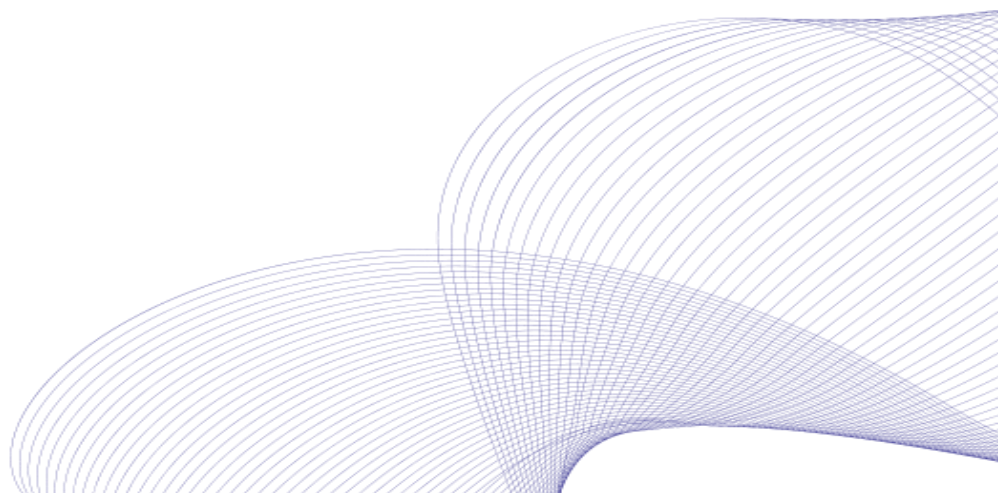
2\PS636142 contains a Section 173 agreement requiring the payment of development contributions to Latrobe City Council in accordance with the Development Contribution Schedule contained within the agreement. This agreement is a result of a condition in permit 2016/154 (see Figure 7 above for extent of permit). This agreement does contain the transfer of land for DCP project RD-02 but only at the time of subdivision of the relevant stage. Acquiring at the time of subdivision is Council's preferred option. However, it is prudent, given RD-02 forms part of a key arterial road for Moe-Newborough and the growth area, that a secondary means to acquire the land is in place should the delivery of development under 2016/154 stall.

3.0 Proposed Change

The proposal is to amend the Latrobe Planning Scheme by:

- Introducing PAO2 into the Schedule to Clause 45.01 PUBLIC ACQUISITION OVERLAY, naming Latrobe City as the acquiring authority for this number, and specifying the purpose of acquisition as for 'Road projects.'
- Applying PAO2 to part of the 11 properties, listed in Table 1, spread across maps 24, 25 and 30.
- Altering the schedule to Clause 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF? to reference PAO2 on maps 24, 25 and 30.
- Altering the schedule to Clause 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS to outline how the Public Acquisition Overlay implements the Municipal Planning Strategy.

The location of PAO2 on each property can be seen in Figure 8 and Figure 9 below.



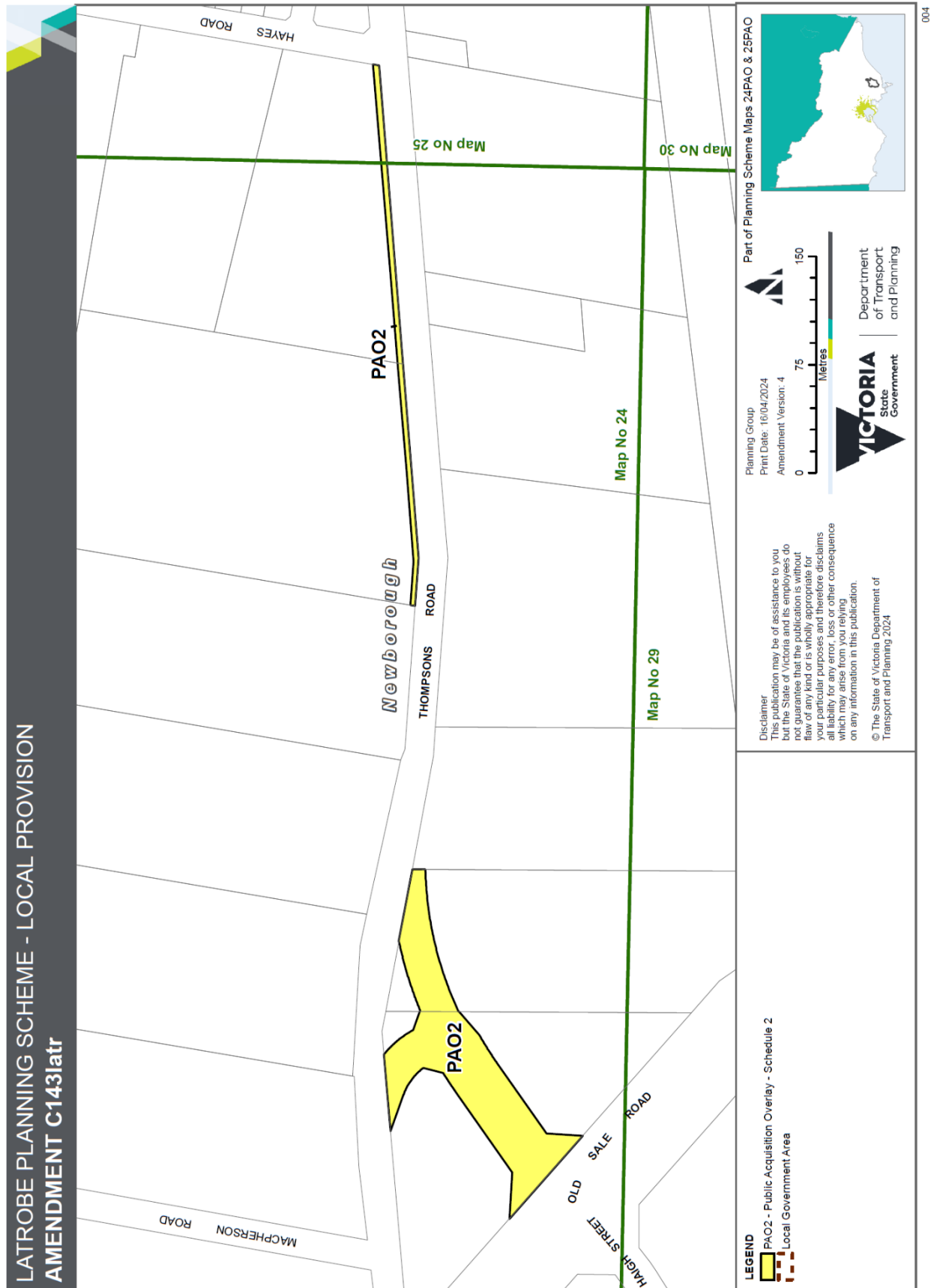


Figure 8: Extent of PAO required for DCP projects IN-02 and RD-01.

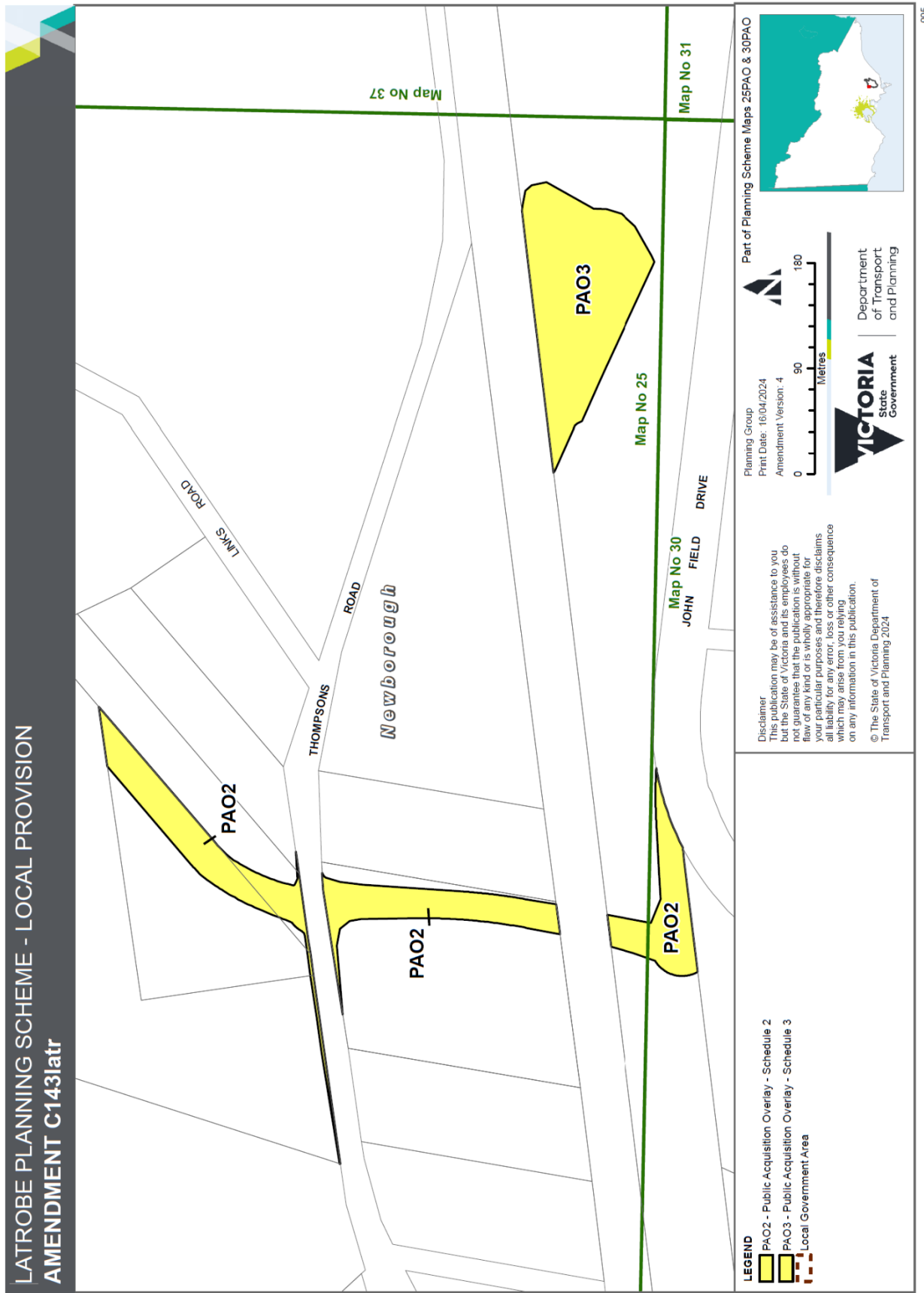


Figure 9: Extent of PAO required for DCP projects IN-04, IN-05 and RD-02.

4.0 Relevant Policy

4.1 Lake Narracan Precinct Structure Plan and Development Contribution Plan

The Lake Narracan PSP and Lake Narracan DCP are each an incorporated document in the Latrobe Planning Scheme – Clause 81. As these documents are incorporated documents, they must be addressed like any other requirement in the scheme if triggered.

Lake Narracan PSP and DCP were prepared by the Metropolitan Planning Authority (MPA), now Victoria Planning Authority (VPA), in partnership with Latrobe City Council, agencies and authorities, and the local Moe-Newborough community. The PSP covers approximately 604 hectares of land along the banks of Lake Narracan. The PSP is bounded by Lake Narracan to the north and east, Becks Bridge Road and Old Sale Road along the west and Moe – Yallourn Rail Trail and John Field Drive along the south. The PSP primarily provides for residential development and is estimated to accommodate 3,723 dwellings. The PSP will also provide for 3000 square metres of commercial land across two 'village centres', 33.148 hectares of public open and recreation space, 104.388 hectares of restored waterways and habitat, and a school and a community hub. The PSP provides a significant population increase to the Moe-Newborough town. By significantly expanding the local population the PSP aims to improve the commercial viability of the Moe Activity Centre and, by extension, improve local employment opportunities.

The DCP allows Latrobe, as the nominated collecting authority, to collect a Development Infrastructure Levy towards 36 projects and a Community Infrastructure Levy towards a further five (5) projects. These projects are spread across seven categories: Intersections, roads, culverts, open space, community facilities, wetlands, and waterways. These projects are key to ensuring the new urban area will have a high liveability standard. The natural environment will also be improved through the provision of new wetlands and upgraded waterways which will improve the quality of water running into Lake Narracan and the greater Latrobe River system. The collecting authority is then required to spend the collected contributions as described in the DCP as and when the DCP identifies a project will be triggered. Most projects are triggered at the time of subdivision. Other projects have specific indicative triggers outlined in the DCP.

Costs in the DCP have been calculated on the basis of 337.66 developable hectares which will yield 3,723 dwellings. Costs in the DCP are reviewed annually with updated costs and levies published to Councils website in accordance with the Planning and Environment Act 1987 and relevant State Government guidelines.

It is proposed to apply PAO2 to thirteen properties in Newborough as Council Officers have come to the belief that five road projects are nearing their indicative trigger (see Table 4). Current subdivision approvals mean that 444 lots have been approved east of Broad Way, and 856 lots west of Broad Way. To date, only 32 lots west of Broad Way have had titles issued, with zero titles issued to the east, therefore dwelling approvals are not at the indicative trigger.

Whilst the number of titles issued is still low, most of the land identified for acquisition is not yet subject to a planning permit (with the exception of property 36). This means that should no further new applications be received, Council will not be able to take ownership of the required land through the subdivision process. Therefore, it is appropriate, and in accordance with the aims of the DCP, that Council provide alternative means to acquire the land identified in the DCP to ensure infrastructure can be built when required. Applying PAO2 to the identified properties provides this alternative means.

Table 4: DCP project description as per the Lake Narracan DCP.

DCP Project Identification	Description of the project	Indicative provision trigger
IN-02	Purchase of land from property 23, 48 and 49 and construction of realigned Thompsons Road to link to existing Old Sale Road roundabout and construction of unsignalised T intersection at Macphersons Road.	The approval of 250 new dwellings west of Broad Way or 400 turning movements at the existing intersection of Thompsons Road and Old Sale Road
IN-04	Purchase of land from property 36, 38, 39, 61 and 62 and construction of arterial standard roundabout and Broad Way approach.	The approval of 650 new dwellings east of Broad Way
IN-05	Purchase of land from property 66 and construction of arterial standard roundabout, connections to existing John Field Drive and Broad Way approach.	The approval of 650 new dwellings east of Broad Way
RD-01	Purchase of land adjacent from property 29 and 31 for widening of Thompsons Road and construction of 24.0m wide 2 lane arterial boulevard.	At time of subdivision
RD-02	Purchase of land adjacent from property 32, 33 and 37 for widening of Thompsons Road and construction of 24.0m wide 2 lane arterial boulevard.	At time of subdivision

4.2 Guide to Victoria's Planning System (Chapter 6: Acquisition and Compensation) and relevant legislation

The *Guide to Victoria's Planning Scheme* is a document published by the State Government which outlines administrative procedures and technical interpretations of the Planning and Environment Act, functions and requirements of planning schemes and other supporting Acts. Chapter 6 specifically outlines:

- who can compulsorily acquire land;
- when compulsory acquisition is allowed;
- how to compulsorily acquire land;
- when compensation is required; and how it is to be calculated; and
- when and how to use the Public Acquisition Overlay.

Who can compulsorily acquire land?

The Land Acquisition and Compensation Act 1986 defines that only Authorities can compulsorily acquire land. In this Act, an Authority is defined as a person or body authorised under the special Act to acquire land. The special Act is not a specific Act, rather it is a clause in either an Act or regulation which states

that the Act or regulation is the special Act for the purposes of the Land Acquisition and Compensation Act 1986.

Section 172(3) of the Planning and Environment Act 1987 designates the Planning and Environment Act 1987 as the special Act for the purposes of the Land Acquisition and Compensation Act 1986. It also states that both the Minister for Planning and the responsible authority can be the Authority under the Land Acquisition and Compensation Act 1986.

What land can be compulsorily acquired?

Section 172(1) of the Planning and Environment Act 1987 states that:

“The Minister for Planning or the responsible authority may compulsorily acquire—

(a) any land which is required for the purposes of any planning scheme even if the scheme or an amendment to the scheme including the requirement has not been adopted or approved by the relevant planning authority or approved by the Minister; or

(b) any land which—

(i) is used for any purpose not in conformity with, whether or not actually prohibited by, the planning scheme; or

(ii) is vacant and unoccupied—

if in the opinion of the Minister or the responsible authority to achieve the proper development of any area in accordance with the planning scheme it is desirable that the use should not be continued or (as the case requires) that the land should be put to appropriate use; or

(c) any land in an area in respect of which a declaration under subsection (2) is in force.”

Subsection 2 is for when the Governor in Council (Governor of Victoria) has issued a notice in the Government Gazette to declare an area where it is desirable for the Minister for Planning or a responsible authority to compulsorily acquire land.

Latrobe City Council is the responsible authority for the Latrobe Planning Scheme and therefore can under section 172 acquire land for the purposes of the planning scheme. This report outlines that the projects identified are for the purpose of the planning scheme as they are part of an incorporated document in the Latrobe Planning Scheme (Lake Narracan DCP). Therefore, it is appropriate to identify the land for compulsory acquisition to ensure proper development as per the planning scheme.

Latrobe City Council is not proposing to act under Section 112 of the Local Government Act 2020. Section 112 nominates the Local Government Act 2020 as a special Act and allows Councils to compulsorily acquire land for the purposes of performing its functions i.e., the provision of stormwater systems or local roads. Whilst this report does identify the acquisition of land for road projects, these projects are required because of the planning scheme. Acting under Section 112 would be appropriate if Council desired to expand an existing wetland or road to aid its normal functions.

How to compulsorily acquire land

The Land Acquisition and Compensation Act 1986 outlines the process to legally compulsorily acquire land. If the process is not followed the acquisition is not legal.

Before compulsory acquisition can begin, the land must first be reserved “under a planning instrument for public purposes” (Section 5 (1)). The Guide specifies that the practical meaning of this section is that the Public Acquisition Overlay (PAO) has been applied to the relevant land. The Victorian Planning Provisions

(VPP) contain a number of options to identify land for public purposes i.e. Public Use Zone, however they can only be applied when the land is owned by a public authority. The PAO is one of two tools in the VPP which can reserve land for a public purpose where the land is privately owned. The other tool is an Infrastructure Contributions Plan (ICP). The projects Council has identified are not part of an ICP and therefore the only tool available is the Public Acquisition Overlay.

Regulation 6 of the Land Acquisition and Compensation Regulations specifies two exemptions where land is not required to be reserved before beginning. These are:

“(a) land to be acquired for a road widening or the deviation of a road if the land is only part of an allotment and-

(i) the area of the land to be acquired is less than 10 per cent of the total area of the allotment; and

(ii) the total value of the interest to be acquired is less than 10 per cent of the value of the unencumbered freehold interest in the total area of the allotment;

(b) land over which an easement is to be acquired if the acquisition of that easement will not reduce the value of the unencumbered freehold interest in the allotment by more than 10 per cent.”

4.3 Municipal Planning Strategy

Clause 2.03-1 Settlement

Clause 2.03-1 outlines municipal policy relating to settlements. In this clause Moe-Newborough is identified as one of four primary population centres in Latrobe and identified for further growth. The proposed change will facilitate the delivery of residential subdivisions. This is in accordance with the aims identified in the clause whereby the proposal ‘supports’ both residential growth and the creation of a peri-urban lifestyle option near Melbourne. Thereby supporting the aim of clause 2.03-1 to encourage residential growth in the four primary population centres.

Clause 2.03-6 Housing

Clause 2.03-6 notes that Latrobe aspires to a population of 100,000 by 2050. Lake Narracan PSP contributes to the significant supply of residential land needed to accommodate 100,000 people. The Lake Narracan DCP identifies the projects listed in Table 4 as being critical to the delivery of the growth area. Therefore an amendment which facilitates the delivery of housing is in accordance with 2.03-6.

Clause 2.03-9 Infrastructure

Clause 2.03-9 specifically discusses development infrastructure and how Council should seek to coordinate the delivery of infrastructure. An objective of this clause is to seek to “align development with the delivery of key infrastructure...”. The proposal meets this objective as it seeks to reserve the land such that Council can acquire the land when it is required by development in the precinct. Without this proposal, Council will not be able to acquire the land in a timely manner when development in the precinct necessitates it.

4.4 Planning Policy Framework

Clause 11 Settlement

At a high level, clause 11 outlines that planning's purpose is to *"facilitate sustainable development that takes full advantage of existing settlement patterns..."*. Lake Narracan is a natural extension of the northern fringe of Moe-Newborough. The PSP is designed to extend Haigh Street and John Field Drive into the growth area as the primary routes into Moe and Newborough respectively. By using existing primary routes, the growth takes full advantage of existing road hierarchy. IN-02 will directly feed Thompsons Road into Haigh Street for onward travel to the Moe activity centre, while IN-04 and IN-05 will provide direct access to the many sports facilities in Newborough.

Clause 11.01-1L Moe-Newborough

Under clause 11.01-1L is the Moe-Newborough Town Structure Plan. This plan outlines a variety of objects and strategies (both visually and in writing). The road links which the application of the PAO will facilitate, are identified in the Town Structure Plan. This means the provision of these links must be considered under any change to policy in the scheme or permit application. The application of the PAO will ensure that these road alignments are protected until such time as they are needed.

Clause 13.06-1S Air quality management

This clause is aimed at improving air quality through good planning. This Amendment is in line with two of the strategies identified in this clause:

- Integrating transport and land use planning to improve transport accessibility and connections
- Providing infrastructure for walking, cycling and public transport.

The Lake Narracan PSP and DCP were designed in consultation with the relevant road and public transport agencies of the time thus ensuring that the transport provisions made in the PSP and DCP are proportional to the development expected and any existing transport patterns. This is in accordance with point one.

The PSP specifies which roads are to be bus capable, of which Thompsons Road and Broad Way are designated.

The projects facilitated by this proposal will also add road connections to improve accessibility – IN-04 and IN-05 linking Thompsons Road south to John Field Drive. This link is a missing connection which is likely to be heavily utilised once the growth area is developed.

Clause 18.01-1S Land use and transport integration

This clause requires land use planning and transport planning to improve access to social, cultural and economic options. Suggested strategies which relate to the proposal include:

- *Protect planned transport infrastructure from encroachment or detriment that would impact deliverability or future operation* – applying the PAO will achieve this as any development within the overlay will require a planning permit.
- *Plan land use and development to allow for the ongoing improvement and development of the State Transport System in the short and long term* – the PSP and DCP were prepared in consultation with the relevant road authority. Thus, planned improvement was considered at that time on the advice of the road authority. The PSP contains requirements which will see Thompsons Road rebuilt to a profile befitting a key movement corridor in an urban area.

- *Plan movement networks and adjoining land uses to minimise disruption to residential communities and their amenity* – the network identified in the PSP will ensure through traffic is separated from urban streets. The intersections facilitated by this proposal will be key to achieving this in practice.
- *Plan the timely delivery of transport infrastructure and services to support changing land use and associated transport demands* – the DCP outlines the timely delivery of infrastructure, but it does little to empower Council to collect land required for DCP projects from landowners uninterested in developing. The proposal will allow Council to compulsorily acquire land, in accordance with the Land Acquisition and Compensation Act 1986, thus ensuring transport infrastructure can be delivered when necessary.
- *Plan improvements to public transport, walking and cycling networks to coordinate with the ongoing development and redevelopment of urban areas* – the road and intersection projects facilitated by the proposal will all result in dedicated walking and cycling infrastructure through the provision of bike lanes and footpaths. Due to the current rural nature of the growth area, this infrastructure is not present.

Clause 18.01-2S Transport system

This clause requires the development of efficient, and reliable transport networks and to integrate land use planning and transport planning to improve access to social cultural and economic options. Suggested strategies which relate to the proposal include:

- *Facilitates the efficient, coordinated and reliable movement of people and goods at all times* – the projects facilitated by the proposal have been identified by the DCP because without the projects, the scale of development proposed in the PSP will result in significant negative impacts to the reliability of transport in Moe-Newborough.
- *Improves connectivity and facilitates the growth and development of regional Victoria* – the road network made possible by the proposal will improve east-west and north-south movements within Moe-Newborough. The improved connections to central Moe and the sports fields of Newborough will improve the growth area's attractiveness referencing its development potential.

Clause 18.01-2R Transport system - Gippsland

This clause specifically states to support timely improvements to the road and public transport networks in Gippsland as population growth occurs. The proposal is central to achieving this aim. Without the proposal, Council may be challenged to deliver projects identified in the DCP as they would not have the right to compulsorily acquire land.

Clause 18.02-4S Roads

The clause speaks to achieving an efficient and safe road network. The key relevant strategy is:

- *Improve cross-town arterial links in outer suburbs and growth areas, including circumferential and radial movement to facilitate access to jobs and services* – IN-02 will realign an intersection to make a direct route into central Moe from the growth area, IN-04 and IN-05 will create a direct access route into Newborough. RD-01 and RD-02 are required to accommodate the road cross-section specified in the PSP. This cross-section was designed in consultation with the relevant roads authority at the time. The PAO is required so that Council can compulsorily acquire the land when required.

Clause 19.03-1S Development and infrastructure contributions plans

This clause aims to ensure the timely provision of planned infrastructure to communities through the use and implementation of DCPs. Council has prepared a DCP and is seeking to implement the infrastructure contained in it when it is identified as necessary. However, some infrastructure is located on land yet to receive development permission. Therefore the application of the proposal will allow Council to acquire the necessary land when planned infrastructure is required.

4.5 Clause 45.01 Public Acquisition Overlay

Clause 45.01 outlines four key purposes of the Public Acquisition Overlay.

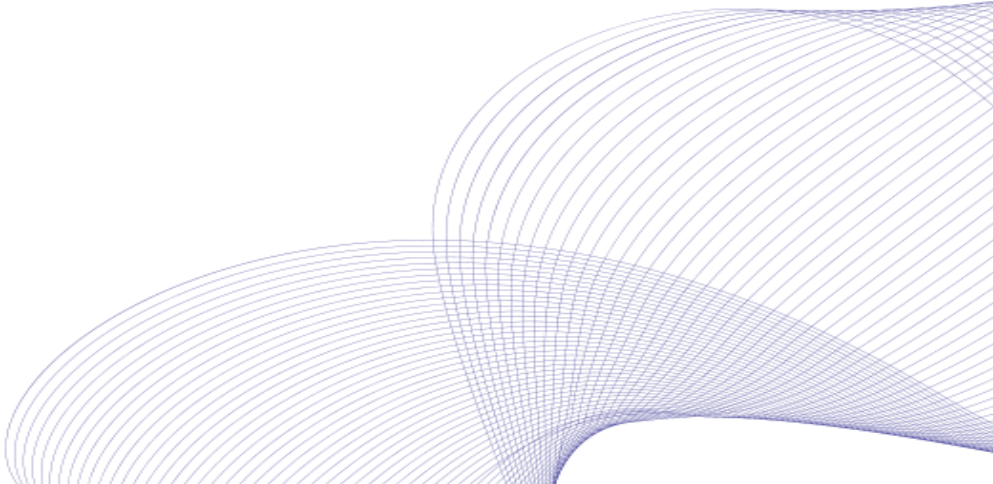
- *To implement the Municipal Planning Strategy and the Planning Policy Framework* – how the proposal achieves this has been outlined in sections 4.3 and 4.4.
- *To identify land which is proposed to be acquired by a Minister, public authority or municipal council* – this proposal seeks to amend the scheme such that the land required for road projects in the Lake Narracan DCP is shown clearly by the use of the PAO on the land.
- *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* – the application of the PAO now while land in the precinct is still relatively undeveloped, will minimise the loss landowners experience when land is acquired as the PAO will provide a clear expectation that no development is to occur on the affected land.

5.0 Interest and Advice

The proposal to apply the Public Acquisition Overlay to facilitate the identified DCP projects in Lake Narracan has come from Council Officer concerns, not from a private party, nor state authority or agency. Council is seeking to apply the PAO to protect the land required for DCP projects. It is not seeking to deliver the projects at this stage.

Council Officers are aware that the proposal will likely generate significant interest from multiple landowners within the growth area. This is because of the large number of rural lifestyle properties (1-4ha in size and desirably close to central Moe) allowed under the previous zoning along Thompsons Road. Managing this interest will be a key task during the amendment process to ensure all submitters understand why the proposal is required, the limited scope of the amendment, their rights under the *Land Acquisition and Compensation Act 1986* and the requirements placed on an acquiring authority.

The DCP projects were designed in consultation with Regional Roads Victoria's predecessor. Their advice informed the size and design of intersections. Functional designs were prepared by GTA Consultants to inform the figures in the DCP. The proposed land to be affected aligns with the designs prepared by GTA Consultants. Regional Roads Victoria's predecessor provided consent to the designs contained within the DCP provided that any relevant project or permit was referred to them. Council intends to refer any project facilitated by the proposal to Regional Roads Victoria for their approval.



6.0 Recommendation

This report identifies that the proposal to apply the Public Acquisition Overlay to the required parts of 11 properties in Newborough for the purposes of reserving land for road and intersection projects identified in the Lake Narracan DCP is in accordance with relevant objectives, strategies and provisions outlined in the Latrobe Planning Scheme and is in accordance with relevant State Government guidelines. It is therefore recommended that the proposal be adopted by Latrobe City Council as a planning scheme amendment and that Council seeks the authorisation from the Minister for Planning to prepare and exhibit an amendment to implement the proposal.

