

4 CARDINIA PLANNING SCHEME AMENDMENT C241 - PUBLIC ACQUISITION OVERLAY TO FACILITATE OFFICER PSP INTERSECTIONS

FILE REFERENCE INT1992116

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RECOMMENDATION

That Council resolve to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C241 to the Cardinia Planning Scheme.

Attachments

1	Explanatory Report	5 Pages
2	Instruction Sheet	1 Page
3	Scheme Maps 11 and 13	3 Pages
4	Location Map of all Public Acquisition Overlays	1 Page
5	Extract of Officer Precinct Structure Plan Road Network Plan	1 Page

EXECUTIVE SUMMARY

The proposed Amendment is required to implement the recommendations of the Officer Precinct Structure Plan 2011 (PSP). The Officer PSP guides the delivery of a quality urban environment and sets a vision for how land should be developed. Plan 15 'Road Network' of the Officer PSP details the location for the future transport network including development of intersections.

A Public Acquisition Overlay (PAO) is required to facilitate the design and development of three signalised intersections along the Princes Highway, involving the upgrading of two (Whiteside Road and Tivendale Road) and one new signalised intersection (McMullen Road). The land required on each property either exceeds 10% of the total area of the lot or negotiations with the landowner have failed, and as such, a PAO is necessary to reserve the land for transport purposes and to facilitate acquisition of the land.

BACKGROUND

The objective of Amendment C241 is to reserve land for future intersection development via a PAO to ensure that changes to the use or development of the designated land do not prejudice the purpose for which the land is to be acquired. Early reservation of the land avoids possible buildings and works occurring prior to acquisition, potentially resulting in the need to compensate owners. Where land is subject to a PAO, any use, development or subdivision of the land will generally require a planning permit.

Plan 15 'Road Network' in the Officer PSP demonstrates a sustainable transport network that ensures the efficient operation of the existing and future arterial network. Implementation of the transport network is guided by Table 16 'Transport and Movement Planning and Design Guidelines' and Table 20 'Infrastructure Project List' of the Officer PSP. A summary of the land to be acquired for the development of transport infrastructure for the Whiteside/Brunt, Tivendale/Station and McMullen intersections is outlined in the following table.

Address of property	Title details	Proposed Public Acquisition Overlay	Land to be acquired	Land acquired for	Timing of infrastructure projects in Officer PSP (Table 20) Small - 2011-16 Medium - 2017-22 Long - 2023 +	Lead Agency of Infrastructure Project List in Officer PSP (Table 20)
Princes Highway, Beaconsfield (corner of Whiteside Rd)	L2 PS346905	PA03	632 sqm	Ultimate intersection	S-M	Cardinia Shire Council
10 McMullen Rd, Officer	L2 LP209820	PA03	1957sqm	Ultimate intersection	M	Cardinia Shire Council
4 Station St, Officer	PC361120	PA03	38 sqm	Ultimate intersection	S	Cardinia Shire Council
432 Princes Highway, Officer	L2 PS512528	PA03	23 sqm	Ultimate intersection	S	Cardinia Shire Council
10 Brunt Rd, Officer	L1 PS321253	PA03	88 sqm	Ultimate intersection	S-M	Cardinia Shire Council
1 Station St, Officer	L1 TP189196	PA03	22 sqm	Ultimate intersection	S	Cardinia Shire Council

Table 1. Land Proposed to be Acquired

Under the *Land Acquisition and Compensation Act 1986* "(1) A Council may purchase or compulsorily acquire any land which is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers". The *Land Acquisition and Compensation Act 1986* places strict obligations on an acquiring authority in relation to the process for acquisition. Before the commencement of the acquisition process, the land must first be reserved under a planning scheme through a Planning Scheme Amendment.

Amendment C241 is required to implement the recommendations from the Officer PSP and Officer Development Contributions Plan (DCP).

Specifically the Amendment will:

- Amend the Cardinia Planning Scheme Maps No 11 and 13 to demonstrate the location of the proposed Public Acquisition Overlays

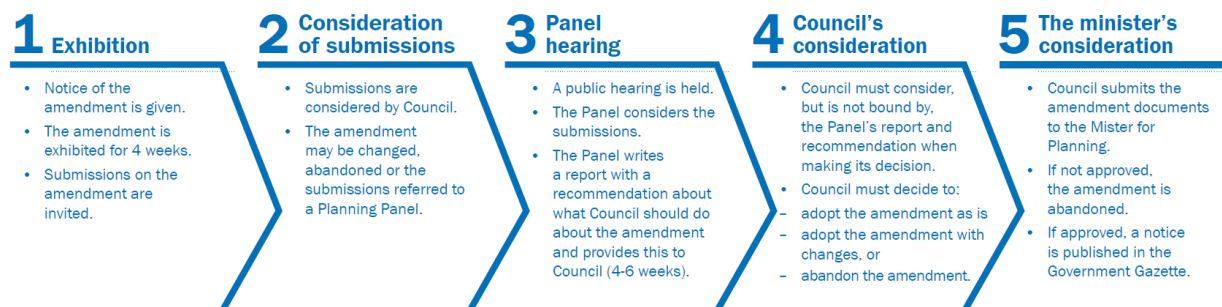


Table 2. Steps in the Planning Scheme Amendment Process

If Council resolves to seek Authorisation from the Minister for Planning at the 9 December 2019 Council Meeting, the sub stages within Stage 1 will be undertaken and public exhibition of the Amendment will commence.

POLICY IMPLICATIONS

The draft C241 Amendment aligns with key Commonwealth, State, and local policies as they relate to planning and delivering transport infrastructure.

Plan Melbourne 2017-2050 - Melbourne Metropolitan Planning Strategy

The relevant directions and policies of Plan Melbourne are as follows:

Direction 3.2 - *Improve transport in Melbourne's outer suburbs*

Policy 3.2.1 - *Improve roads in growth areas and outer suburbs*

Cardinia Shire's Liveability Plan 2017-2029

In particular the Amendment aligns with the following policy based on the need for safe and efficient roads for residents as identified in the Officer PSP:

Housing - Supporting high quality residential developments that respond to best practice in sustainability, environmental, safety and healthy by design guidelines.

The Amendment documentation is also informed by:

- Officer Precinct Structure Plan (2011)
- Officer Development Contributions Plan (2011)
- Cardinia Planning Scheme - relevant Clauses include:
 - Clause 11.03-2S *Growth Areas - to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas*
 - Clause 18.01-2S *Transport system - to coordinate development of all transport modes, including reserving land for strategic transport infrastructure*
 - Clause 18.02-3S *Road system - 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 19.03-1S *Development and infrastructure contributions plans - facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans*

- Clause 19.03-2S *Infrastructure design and provision - to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community*
- Clause 21.03-2 *Urban growth area - to create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Cardinia Urban Growth Area*
- Clause 21.05-2 *Freeways, declared arterial roads - to provide for an efficient, safe and attractive arterial road network and to ensure effective integration of land use, transport and environmental outcomes*

RELEVANCE TO COUNCIL PLAN

The proposed Amendment aligns with the Council Plan under the following objectives:

3. Our Environment

3.1 Provision and maintenance of assets on a life-cycle basis

3.1.1 *Maintain all Council roads and supporting infrastructure in accordance with the Road Management Act 2004*

3.2 Transport Linkages connecting towns

3.2.1 *Upgrade Council roads to improve safety while considering the traffic demand of the community*

3.5 Balanced needs of development, the community and the environment

3.5.2 *Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way*

CONSULTATION/COMMUNICATION

Planning Scheme Amendment C241 documents will be exhibited to the public for a period of 4 weeks in February/March 2020. Direct notification will only be to those landowners affected by the Amendment and discussions with the landowners have already commenced.

The intention to acquire land to upgrade the intersections was identified in the Officer PSP and Officer DCP which were exhibited to the community via Planning Scheme Amendment process C149.

FINANCIAL AND RESOURCE IMPLICATIONS

The financial implications have been considered in the Officer Development Contributions Plan and the rates are adjusted annually.

If the Amendment is adopted by Council the resourcing implications for implementation of the Amendment is accounted for in the Growth Area Planning 2019-2020 business plan.

CONCLUSION

The proposed Amendment seeks to ensure the delivery of three intersection upgrades as identified in the Officer Precinct Structure Plan 2011 and Officer Development Contributions Plan 2011.

It is recommended that Council resolve to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C241 to the Cardinia Planning Scheme to:

- Amend the Cardinia Planning Scheme Maps No 11 and 13 to demonstrate the location of the proposed Public Acquisition Overlays.

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C241

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Cardinia Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Cardinia Shire Council.

Land affected by the Amendment

The Amendment applies to:

- L2 PS346905, Princes Highway, Beaconsfield
- L2 LP209820, 10 McMullen Road, Officer
- PC361120, 4 Station Street, Officer
- L2 PS512528, 432 Princes Highway Officer
- L1 PS321253, 10 Brunt Avenue, Officer
- L1 TP189196, 1 Station Street, Officer

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The Amendment applies the Public Acquisition Overlay to six parcels of land to facilitate intersection development in accordance with the Officer Precinct Structure Plan.

Specifically the Amendment proposes to:

- Amend Planning Scheme Maps 11PAO and 13PAO

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to facilitate the acquisition of six parcels of land associated with the future development of signalised intersections. The Amendment is informed by the Officer Precinct Structure Plan which identifies the sites required to deliver the intersections.

in accordance with the *Land Acquisition and Compensation Act 1986*, prior to the commencement of the acquisition process the land must be reserved which is generally through the application of the Public Acquisition Overlay.

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

The Amendment will implement the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

- To provide for the fair, orderly, economic and sustainable use and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for the for all Victorians and visitors to Victoria; and
- To balance the present and future interests of all Victorians.

The Amendment will provide for fair and orderly acquisition of land to facilitate intersection upgrades providing appropriate and safe transport management for all users.

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

The Amendment will provide vital transport infrastructure through the acquisition of land for signalised intersections.

The Amendment will deliver economic and social benefits to the local area as it will enable the provision of a safer and more efficient road network in Officer. This will provide faster access to and from the Princes Highway particularly during peak periods. Due to the growth rate of residential development in the immediate area, the upgrade of these intersections are becoming increasingly critical.

There are no anticipated environmental effects as a result of the application of a Public Acquisition Overlay.

Does the Amendment address relevant bushfire risk?

The Amendment will not increase the risk to human life, property, community infrastructure and the natural environment from bushfire. The future development of intersections will facilitate appropriate road infrastructure that will assist the movement of vehicles and pedestrians during fire risk periods.

The views of relevant agencies will be sought in formulating the Amendment.

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

The Amendment is consistent with Ministerial Direction The Form and Content of Planning Schemes under Section 7(5) of the Act.

The Amendment is consistent with the following Ministerial Directions as required under Section 12 of the *Planning and Environment Act 1987*:

- Minister Direction 11 – Strategic Assessment of Amendments
- Minister Direction 15 – The Planning Scheme Amendment Process

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

The Amendment supports a number of key policy directions within the Planning Policy Framework including:

- *Clause 11.03-2S Growth areas* seeks to facilitate the orderly development of urban areas. The Amendment will facilitate the acquisition of land for transport in accordance with Officer Precinct Structure Plan.
- *Clause 18.01-2S Transport system* seeks to coordinate development of all transport modes to provide a comprehensive transport system. This includes reserving land for strategic transport infrastructure as is proposed with this Amendment.
- *Clause 18.02-3S Road system* seeks 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. The Amendment supports this by facilitating the need to upgrade intersections for efficiency and safety.
- *Clause 19.03-1S Development and infrastructure contribution plans* seeks to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contribution plans and infrastructure contribution plans. The Amendment will facilitate the acquisition of land for transport in accordance with Officer Precinct Structure Plan and Officer Development Contributions Plan.
- *Clause 19.03-2S Infrastructure design and provision* seeks to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community. The Amendment will ensure land is available for the timely delivery of intersection upgrades to meet the growing community needs.

The Amendment is consistent with Planning Policy Framework which supports the timely delivery of road infrastructure within a planned growth area.

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

The Amendment supports the following policy directions within the Local Planning Policy Framework:

- *Clause 21.03-2 Urban growth area* seeks to create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Cardinia Urban Growth Area.
- *Clause 21.05-2 Freeways, declared arterial roads* seeks to provide for an efficient, safe and attractive arterial road network and to ensure effective integration of land use, transport and environmental outcomes.

The Amendment is consistent with the Municipal Strategic Statement as it will facilitate development to provide a functional and safe road network within the Officer urban growth area.

How does the amendment support or implement the Municipal Planning Strategy?

Not applicable

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

The Amendment meets the form and content requirements of the Victorian Planning Provisions. The amendment also makes proper use of the Victorian Planning Provision by applying a Public Acquisition Overlay to acquire land for the purpose of transport infrastructure in a planned growth area. The Public Acquisition Overlay is the most appropriate tool to reserve the land for transport purposes and to facilitate the acquisition of the land in accordance with the *Land Acquisition and Compensation Act 1986*.

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

The Amendment will be formally referred to all relevant agencies as part of the public exhibition process.

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

The Amendment is not likely to have a significant impact on the transport system, as defined by Section 3 of 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 Amendment is not anticipated to have a significant impact on the resources and administrative costs of the responsible authority. The acquisition of land required to upgrade the intersections is funded through the Officer Development Contributions Plan.

Where you may inspect this Amendment

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

Cardinia Shire Council

Civic Centre
20 Siding Avenue
Officer VIC 3809

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

Or via council's website: www.cardinia.vic.gov.au/AmendmentC241

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by [insert submissions due date].

A submission must be sent to: Cardinia Shire Council, PO Box 7, Pakenham Vic 3810 or email mail@cardinia.vic.gov.au

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: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Beaconsfield	North west corner of Princes Highway and Whiteside Road, Beaconsfield	Cardinia C241 003paoMap11 Exhibition
Officer	10 McMullen Road, Officer	Cardinia C241 001paoMap13 Exhibition
Officer	4 Station Street, Officer	Cardinia C241 002paoMap13 Exhibition
Officer	432 Princes Highway, Officer	Cardinia C241 002paoMap13 Exhibition
Officer	10 Brunt Road, Officer	Cardinia C241 003paoMap11 Exhibition
Officer	1 Station Street, Officer	Cardinia C241 002paoMap11 Exhibition

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C241

INSTRUCTION SHEET

The planning authority for this amendment is the Cardinia Shire Council.

The Cardinia Planning Scheme is amended as follows:

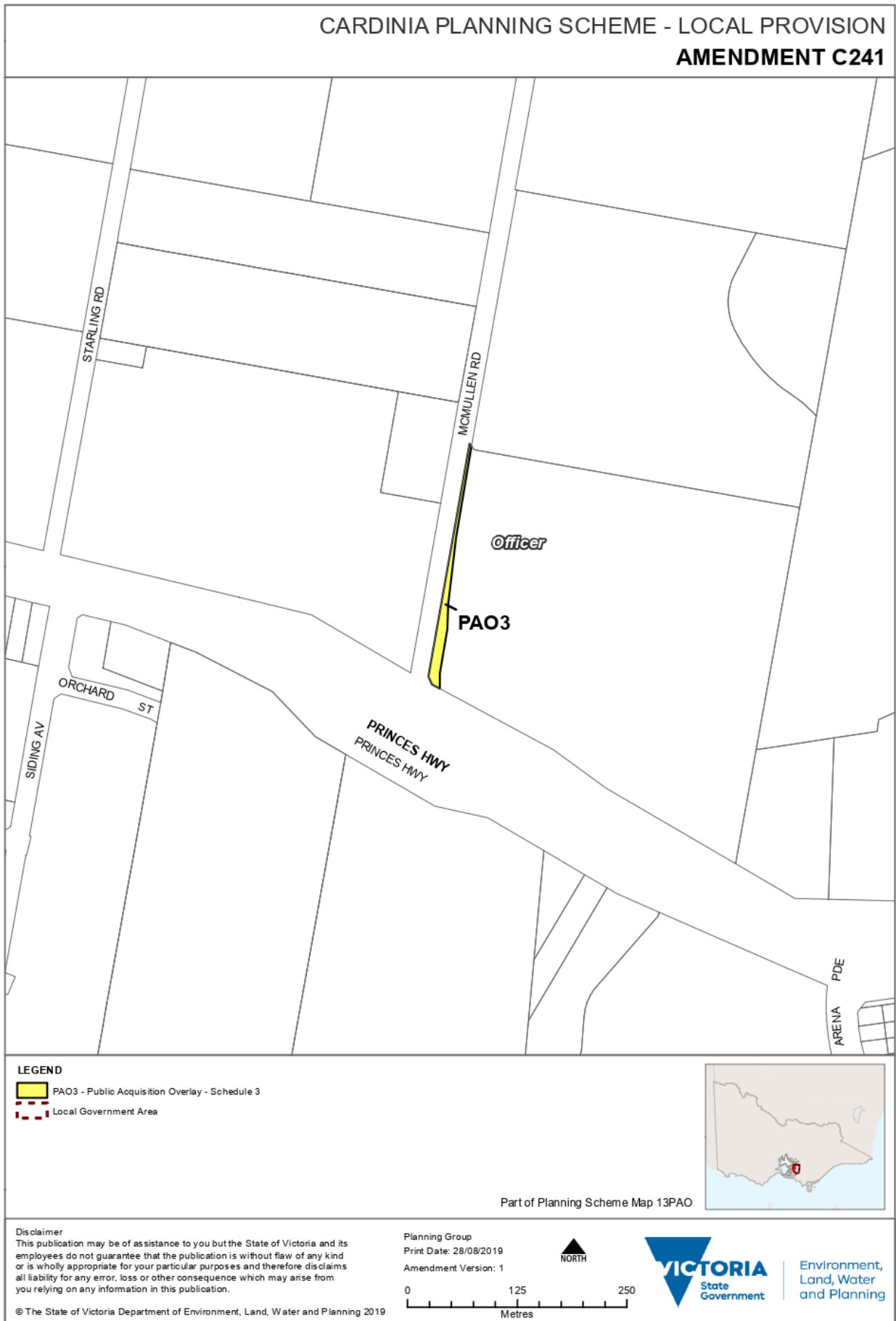
Planning Scheme Maps

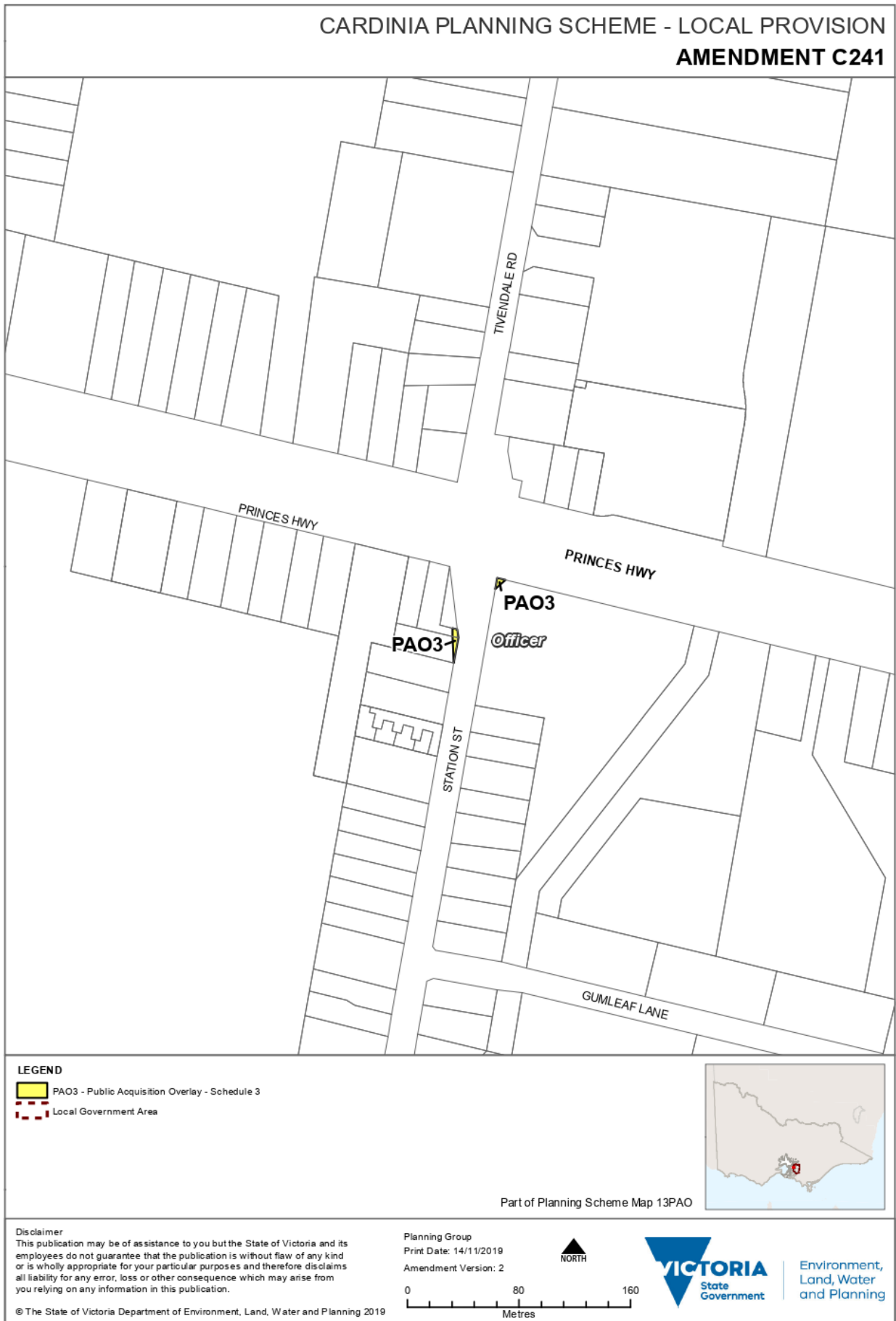
The Planning Scheme Maps are amended by a total of 3 attached map sheets.

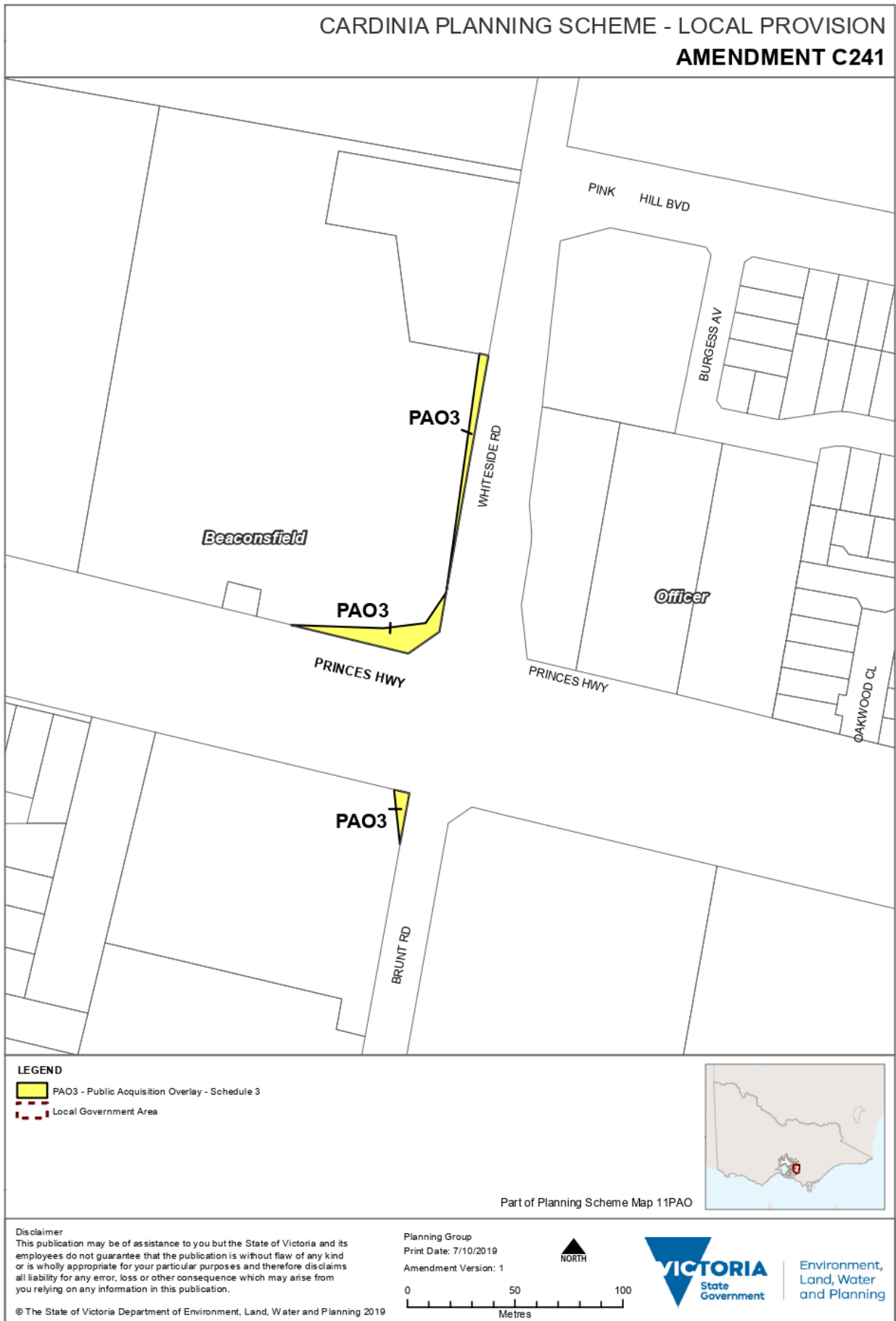
Overlay Maps

1. Amend Planning Scheme Map No. 11PAO in the manner shown on the 1 attached map marked "Cardinia Planning Scheme, Amendment C241".
2. Amend Planning Scheme Map No. 13PAO in the manner shown on the 2 attached maps marked "Cardinia Planning Scheme, Amendment C241".

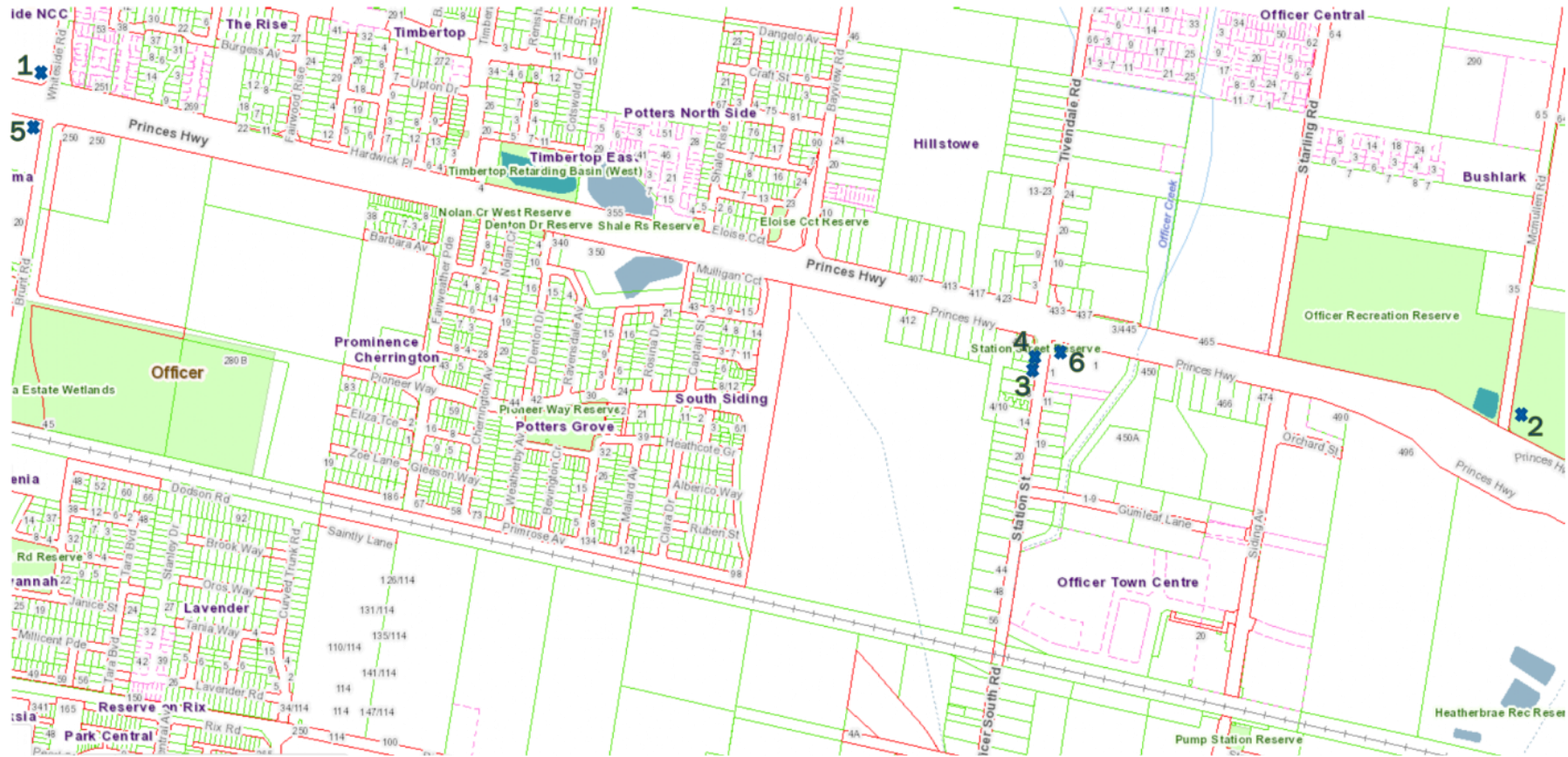
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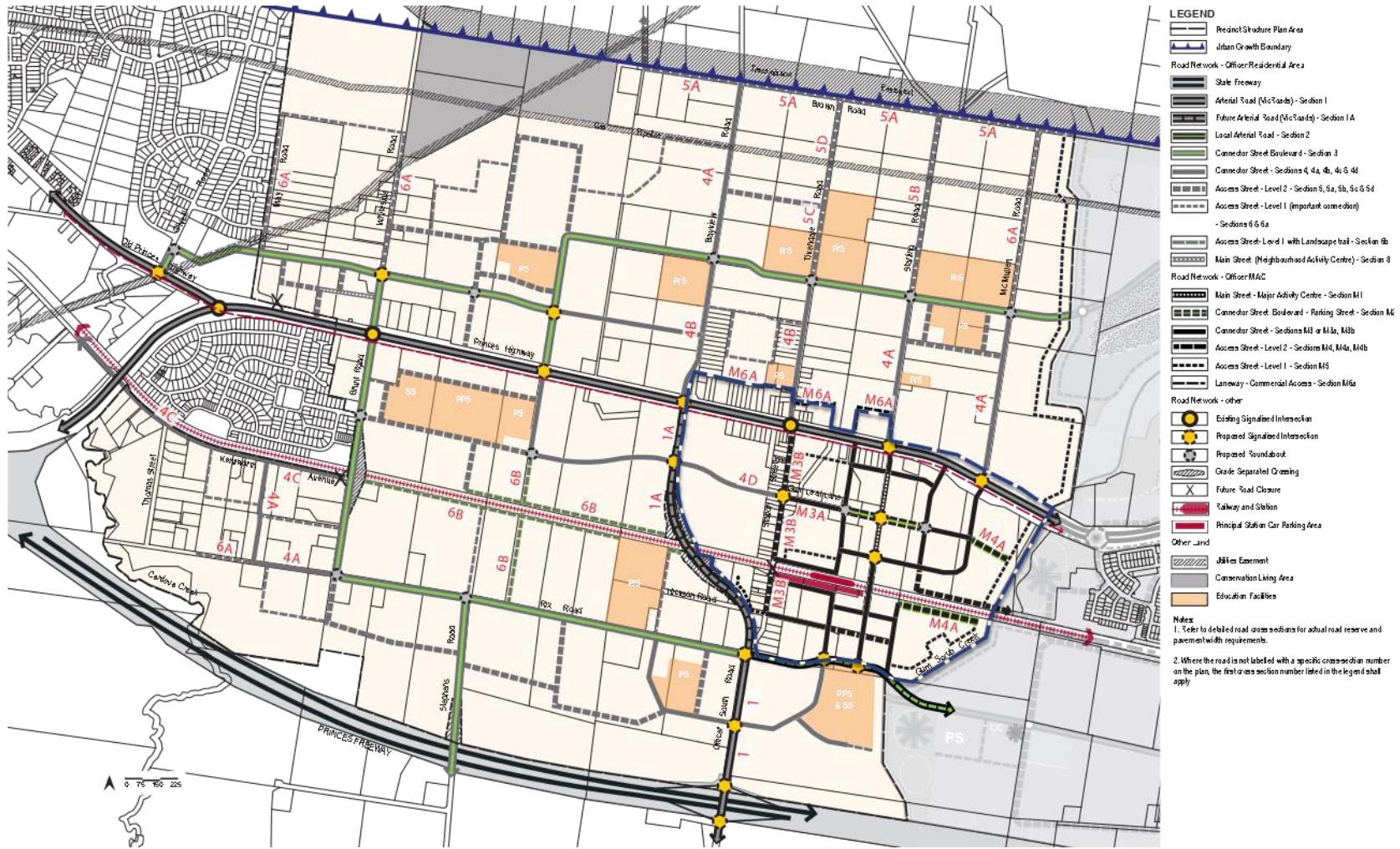


Amendment C241 - Public Acquisition Overlay to acquire land for upgrade to intersections in Officer



- 1 - Corner Princes Highway & Whiteside Road, Beaconsfield
- 2 - 10 McMullen Road, Officer
- 3 - 4 Station Street, Officer
- 4 - 432 Princes Highway, Officer
- 5 - 10 Brunt Road, Officer
- 6 - 1 Station Street, Officer

Plan 15: Road Network



Amended by C232

116 Officer Precinct Structure Plan - September 2011 (Amended March 2018)