

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

FILE REFERENCE INT2026844

RESPONSIBLE GENERAL MANAGER Tracey Parker

AUTHOR Michelle Nichols

RECOMMENDATION

That Council adopt Amendment C241 to the Cardinia Planning Scheme under Section 29 of the Planning and Environment Act 1987 (the Act) and submit to the Minister for Planning for approval under Section 31 of the Act.

Attachments

- 1 Updated Plans of Five Parcels Included in Public Acquisition Overlay 1 Page

EXECUTIVE SUMMARY

The proposed Amendment is required to implement the recommendations of the Officer Precinct Structure Plan (PSP) and Officer Development Contributions Plan (DCP) 2011. 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 upgrade of two signalised intersections along the Princes Highway at Whiteside Rd/Brunt Rd and Tivendale Rd/Station St. 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.

Following the 9 December 2019 Council meeting and seeking authorisation to commence the Amendment, the land required at McMullen Road was secured by Council through a contract of sale. As such, the previous report to Council included an additional signalised intersection at McMullen Road, but was removed prior to exhibiting the Amendment. The number of parcels of land exhibited for the Amendment was only five, rather than six as originally proposed.

No submissions were received during the four week exhibition period.

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 and Tivendale/Station 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
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 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

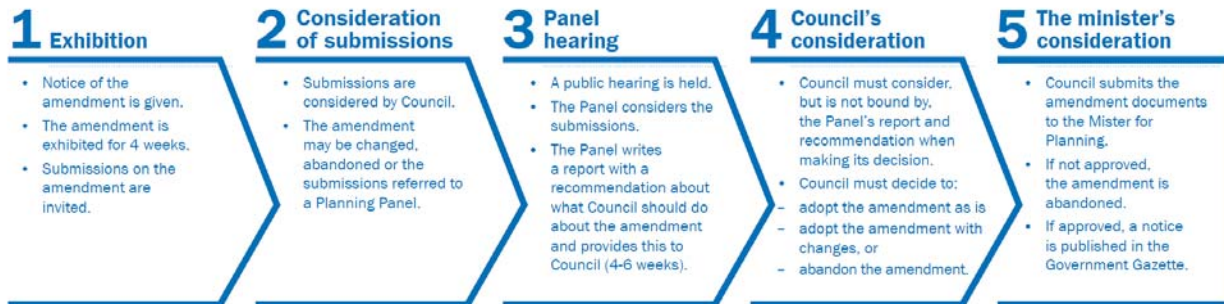


Table 2. Steps in the Planning Scheme Amendment Process

Following Council adoption of the Amendment, Council officers will prepare the final documentation and submit these to the Minister for Planning for Approval (Stage 5). Approval timeframes of the Amendment cannot be confirmed and are subject to processes undertaken by DELWP.

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

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.

Amendment C241 was placed on public exhibition from Thursday 20 February 2020 to Friday 20 March 2020. At the conclusion of the public exhibition period no submissions were received.

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 two intersection upgrades as identified in the Officer Precinct Structure Plan 2011 and Officer Development Contributions Plan 2011.

No submissions were received during the exhibition period for the Amendment. It is therefore recommended that Council resolve to adopt Amendment C241 to the Cardinia Planning Scheme under Section 29 of the Act and submit to the Minister for Planning for approval under Section 31 of the Act.



Amendment C241 - Public Acquisition Overlay to acquire land for upgrades to intersections in Officer and Beaconsfield

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