

Afternoon Stewart!
Thanks for your email.
Please accept the existing submission in relation to this matter.
Thanks

Regards,

Buildcap

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From: Stewart Saunders
Sent: Friday, November 22, 2024 5:07 pm

Subject: RE: Att Strategic Planning - Exhibition Submission- Amendment C143

Hi
Council has recommenced exhibition of Amendment C143 and we can now accept submissions.

Would you like to Council to accept your submission made on the 9 September or would you like to make a new submission?

Regards,

Stewart Saunders
Senior Urban Growth Planner

Phone: (03) 5128 5751
Mobile: 0424 803 498
Stewart.Saunders@latrobe.vic.gov.au



Phone: 1300 367 700
PO Box 264, Morwell 3840
www.latrobe.vic.gov.au

Latrobe City Council operates on the traditional land of the Brayakaulung people of the Gunaikurnai nation

Sent: Thursday, September 12, 2024 2:45 PM

Subject: RE: Att Strategic Planning - Exhibition Submission- Amendment C143

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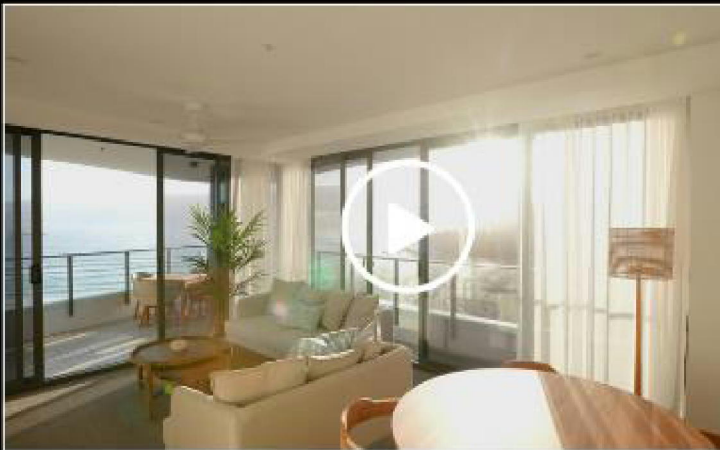
Thanks Stewart all noted !



• buildcap.com.au

Office: 10 James Street, Windsor VIC 3181

Postage: Postage PO Box 1138, 71 Chapel Street, Windsor VIC 3181



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bc. x



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From: Stewart Saunders <Stewart.Saunders@latrobe.vic.gov.au>

Sent: Wednesday, 11 September 2024 3:59 PM

Subject: RE: Att Strategic Planning - Exhibition Submission- Amendment C143

Good afternoon [REDACTED]

Thank you for your email. At this point in time Council cannot accept your submission due to Amendment C143 having been withdrawn from public exhibition on the 16 August 2024 on the advice of the Department of Transport and Planning and Councils own legal advice. We will keep your submission in our records and contact you when we recommence public exhibition after the completion of the October Council elections. Once we recommence exhibition, you will be able to remake your submission if you so desire.

Notice of the withdrawal of the Amendment was sent via mail on the 16 August 2024. If Buildcap did not receive a letter, please let me know and I can email a copy to you for your records.

If you would like to discussion the situation further, you are welcome to call me via either my phone or mobile below. I can generally advise that Council would not seek to use the PAO to delay private parties attempts to deliver developments generally in accordance with the Morwell North West Development Plan.

Thank you,

Stewart Saunders
(he/him)
Senior Urban Growth Planner

Phone: (03) 5128 5751
Mobile: 0424 803 498
Stewart.Saunders@latrobe.vic.gov.au

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PO Box 264, Morwell 3840
www.latrobe.vic.gov.au

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Sent: Monday, September 9, 2024 9:47 AM

To: latrobe@latrobe.vic.gov.au

Subject: Att Strategic Planning - Exhibition Submission- Amendment C143

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Morning Latrobe,

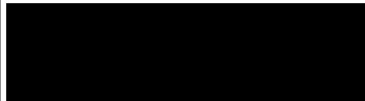
Please see below submission on behalf of Buildcap Heritage P/L, the developer of Heritage Place Estate (Lot H, Heritage Boulevard Morwell)

- Buildcap Heritage are supportive of Amendment C143 however, on the provision that the Gazettal of the Amendment does not prohibit or delay the developer reaching commercial agreement in the interim with their neighbouring property to develop the drainage asset that straddles both properties (that is otherwise the subject of PAO3)
- If a legally binding Commercial Agreement is reached with parties withing the PAO, it would be unnecessary for Council to acquire the land (post Gazettal) In otherwise, the PAO should only be acted on if necessary to support the procurement of land for drainage (and therefore support development)
- Buildcap Heritage recommend that the PAO linework is clarified with the subject property owners prior to finalisation of the Amendment to confirm that the extent best reflects the size, shape and geography of the future drainage asset.

Please contact me on the undersigned if you wish to discuss my submission. Meanwhile, I look forward to following the Amendment's progress.

Regards,

A black rectangular box redacting the signature of the sender.



buildcap.com.au

Office: 10 James Street, Windsor VIC 3181

Postage: Postage PO Box 1138, 71 Chapel Street, Windsor VIC 3181



bc. x



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From: [REDACTED]
To: [Stewart Saunders](#)
Subject: RE: Amendment C143 - response to submission
Date: Monday, 3 February 2025 2:00:48 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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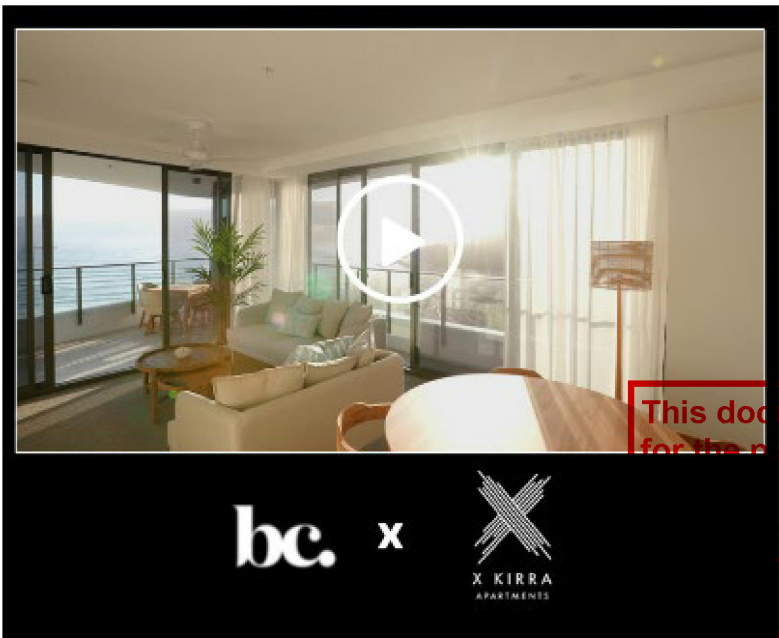
Hi Stewart,
Apologies for my delay in responding (I've had travel to two states in the last fortnight)
In any case, I confirm that your response of the 19/12/204, resolves our concerns and therefore we can support the amendment as proposed.
Anything further please let me know.

[REDACTED]



• buildcap.com.au

Office: 127 High Street, Prahran VIC 3181
Postage: Postage PO Box 1138, 71 Chapel Street, Windsor VIC 3181



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From: Stewart Saunders <Stewart.Saunders@latrobe.vic.gov.au>
Sent: Wednesday, 22 January 2025 10:02 AM
To: [REDACTED]
Subject: RE: Amendment C143 - response to submission

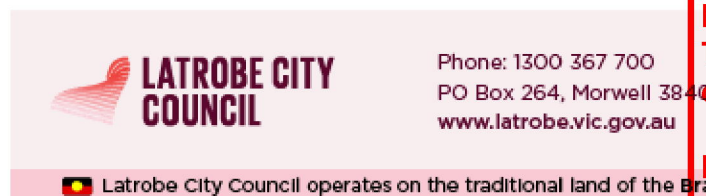
[REDACTED]

I am following up the advice I sent via email on the 19 December 2024. Can you please confirm in writing by Friday 24 January 2025 if my response satisfied the concerns raised in your submission? A clear statement that your submission is now 'resolved and in support', 'resolved and withdrawn' or 'submission remains unchanged' would be appreciated. If you still have concerns, you are welcome to call me on (03) 5128 5751.

Regards,

Stewart Saunders
Senior Urban Growth Planner

Phone: (03) 5128 5751
Mobile: 0424 803 498
Stewart.Saunders@latrobe.vic.gov.au



From: Stewart Saunders
Sent: Thursday, December 19, 2024 11:05 AM
To: [REDACTED]
Subject: Amendment C143 - response to submission

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[REDACTED]

Please find attached councils response to your submission to Amendment C143 in which we have attempted to resolve the concerns raised in your submission.

I will be on leave from the 20 December and returning to the office on the 6 January. I will be able to answer any response to the attached letter when I return. If you would like a response before then, please ensure your response is sent to latrobe@latrobe.vic.gov.au, so that one of my colleagues can respond in my absence. I note, Latrobe City Council will be closed from the 25 December and reopening on the 2 January.

I hope the attached letter satisfactorily resolves the concerns raised in your submission.


Sincerely,

Stewart Saunders
Senior Urban Growth Planner

Phone: (03) 5128 5751
Mobile: 0424 803 498
Stewart.Saunders@latrobe.vic.gov.au



Phone: 1300 367 700
PO Box 264, Morwell 3840
www.latrobe.vic.gov.au

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From: "West Gippsland Catchment Management Authority"
Sent: Wed, 11 Dec 2024 13:21:56 +1100
To: latrobe@latrobe.vic.gov.au
Subject: WGCMA response for Latrobe Planning Scheme Amendment C143 Morwell Vic 3840
Our ref: WGCMA-F-2024-00629
Attachments: WGCMA-F-2024-00629-02.pdf

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OFFICIAL

Dear [REDACTED]

Response issued for Latrobe Planning Scheme Amendment C143 Morwell Vic 3840.

Your Ref: C143

Regards

Planning Administration

West & East Gippsland Catchment Management Authority
16 Hotham Street (PO Box 1374), Traralgon 3844
For any queries please contact;
Office Phone: 1300 094 262

www.wgcma.vic.gov.au Stay informed, [sign up to our mailing list](#).



I respectfully acknowledge the Traditional Owners of the Country upon which I work; their Elders past, present and future.

West Gippsland Catchment Management Authority, 16 Hotham Street Traralgon and Corner Young & Bair Streets Leongatha | PO Box 1374 Traralgon 3844 | 1300 094 262 for standard call cost | westgippy@wgcm.vic.gov.au | www.wgcma.vic.gov.au

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WGCMA Ref: WGCMA-F-2024-00629
Document No: 2
Date: 11 December 2024

[REDACTED]
[REDACTED]
Latrobe City Council

Dear [REDACTED]

Regarding: Planning Scheme Amendment C143

I refer to your correspondence received at the West Gippsland Catchment Management Authority ('the Authority') on 21 November 2024 in relation to Latrobe Planning Scheme Amendment C143 relating to the Public Acquisition Overlay (PAO).

The Authority understands that the amendment seeks to introduce the PAO to parts of 23 properties to facilitate the delivery of the Lake Narracan Precinct Structure Plan & Development Contribution Plan, the Morwell North West Development Plan & Development Contribution Plan and the Traralgon North Development Plan & Development Contribution Plan.

The Overlay will facilitate the delivery of projects associated with drainage, road construction and open space in a timely manner.

The Authority **supports** the amendment.

Should you have any queries, please do not hesitate to contact [REDACTED] on [REDACTED] or email [REDACTED]. To assist the Authority in handling any enquiries please quote **WGCMA-F-2024-00629** in your correspondence with us.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

The information contained in this correspondence is subject to the disclaimers and definitions attached.

Definitions

1. **AEP** as Annual Exceedance Probability is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

2. **AHD** as Australian Height Datum is the adopted national height datum that generally relates to height above mean sea level. The elevation is in metres.
3. **ARI** as Average Recurrence Interval is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as, or larger than, the design flood event. For example, floods with a discharge as large as, or larger than, the 100 year ARI flood will occur on average once every 100 years.
4. **Finished Floor Level** is the level of the top layer of the floor. This is the layer of floor that you will see and walk on.
5. **Flood Resistant Materials** are materials used in building construction that are capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Some examples of this are concrete, metal, brick and some timber. Avoid using materials like carpet, plaster and some timber.
6. **Nominal Flood Protection Level** is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.

Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for, or makes no warranty regarding, the accuracy or naming of this proposed development location according to its official land title description.
3. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
4. This letter has been prepared for the sole use by the party to whom it is addressed, and no responsibility is accepted by the Authority regarding any third-party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
5. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.

6. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.
7. The flood information provided in this letter is generally more up to date than the Flood Overlay (FO) or Land Subject to Inundation Overlay (LSIO). This is because the Authority continually updates its flood information whenever new information becomes available. The overlays mentioned above are maintained by Council and are often out of date (by years in some areas).

From: "Planning and Environment Assessment (DEECA) (DEECA)"
Sent: Thu, 12 Dec 2024 13:44:25 +1100
To: "latrobe@latrobe.vic.gov.au" <latrobe@latrobe.vic.gov.au>
Subject: OFFICIAL: DEECA submission - Am C143latr
Attachments: 7135dpr.pdf

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- You've never replied to this person.

Mark Safe

Report

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Dear [REDACTED]

Please find attached DEECA's submission to this exhibited planning scheme amendment.

Any queries please contact me by email at [REDACTED]

Kind regards

[REDACTED]



Planning Services (Central East)
DEECA Planning and Environment Assessment
Regions, Environment, Climate Action and First Peoples
Department of Energy, Environment and Climate Action
M: [REDACTED] E: [REDACTED]



We acknowledge Victorian Traditional Owners and their Elders past and present as the original custodians of Victoria's land and waters and commit to genuinely partnering with them and Victoria's Aboriginal community to progress their aspirations.

OFFICIAL



Department of Energy, Environment
and Climate Action

Ref: 7135

Latrobe City Council
141 Commercial Road
MORWELL VIC 3840

By email: latrobe@latrobe.vic.gov.au

Dear [REDACTED]

REFERENCE NUMBER: AM C143LATR
PROPOSAL: PUBLIC ACQUISITION OF LAND
ADDRESS: LAND LOCATED IN THE LAKE NARRACAN PRECINCT
STRUCTURE PLAN, MORWELL NORTH WEST
DEVELOPMENT PLAN AND TRARALGON NORTH
DEVELOPMENT PLAN

Thank you for your correspondence of 21 November 2024 pursuant to Section 19 of the *Planning and Environment Act 1987*.

Council has given the Department of Energy, Environment and Climate Action (DEECA) notice of a proposed planning scheme amendment that seeks to:

- insert Planning Scheme map numbers 24PAO, 25PAO, 30PAO, 50PAO, 71PAO, and 76PAO to apply the Public Acquisition Overlay (PAO2 or PAO3) to 23 properties;
- amend the Schedule to Clause 45.01 (Public Acquisition Overlay) to make Latrobe City Council the acquiring authority for the:
 - PAO2 with the purpose of the acquisition 'Road projects'
 - PAO3 with the purpose of the acquisition 'Drainage / Open space reserves'
- amend the schedule to Clause 72.03 – *What does this planning scheme consist of?* to list 24PAO, 25PAO, 30PAO, 50PAO, 71PAO, and 76PAO.
- amend the schedule to Clause 74.01 – *Application of zones, overlays and provisions* to outline how the Public Acquisition Overlay implements the Municipal Planning Strategy.

Applying the PAO to identified land will ensure infrastructure projects can be delivered, when they are required, to support residential development.

The properties affected by this amendment are:

- ■ Thompsons Road, Newborough (lot 1 LP142353) apply PAO2
- ■ Thompsons Road, Newborough (lot 2 LP142353) apply PAO2
- ■ Thompsons Road, Newborough (lot 6 LP157245) apply PAO2
- ■ Hayes Road, Newborough (lot 1 LP126050) apply PAO2

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- Links Road, Newborough (lot 2 PS636142) apply PAO2
- ■ Thompsons Road, Newborough (lot 1 TP594736) apply PAO2
- ■ Thompsons Road, Newborough (lot 1 TP248759) apply PAO2
- ■ Thompsons Road, Newborough (lot 3E PP3273) apply PAO2
- ■ Thompsons Road, Newborough (lot 3H PP3273) apply PAO2
- ■ Thompsons Road, Newborough (lot 1 TP582048) apply PAO2
- ■ Thompsons Road, Newborough (lot 2 TP582048) apply PAO2
- ■ John Field Drive, Newborough (lot 34 LP121048) apply PAO2 & PAO3
- ■ Latrobe Road, Morwell (lot 70E PP3072) apply PAO3
- ■ Latrobe Road, Morwell (lot 70D PP3072) apply PAO3
- ■ Latrobe Road, Morwell (lot 70C PP3072) apply PAO3
- ■ Latrobe Road, Morwell (lot 70B PP3072) apply PAO3
- ■ English Street, Morwell (lot 70L PP3072) apply PAO3
- ■ English Street, Morwell (lot 1 TP211967) apply PAO3
- ■ English Street, Morwell (lot 14 LP11865) apply PAO3
- ■ English Street, Morwell (lot 70H PP3072) apply PAO3
- ■ Jason Street, Morwell (lot 1 PS404523) apply PAO3
- ■ Ashley Avenue, Morwell, (lot 19 LP111605) apply PAO3
- Heritage Boulevard, Morwell (lot H PS739559) apply PAO3
- ■ Glendale Road, Traralgon (lot 1 PS329021) apply PAO3

DEECA has considered the above application and do not oppose the amendment.

If you have any queries regarding this matter, please contact ■ on ■ or at ■.

Yours sincerely

■

■

■

Planning Services (Central East)
DEECA Planning and Environment Assessment

12/12/2024

From: [REDACTED]
Sent: Sun, 22 Dec 2024 19:05:21 +1100
To: "latrobe@latrobe.vic.gov.au" <latrobe@latrobe.vic.gov.au>
Cc: [REDACTED]
Subject: Strategic Planning Amendment C143
Attachments: Proposed design Morwell North West DP.pdf

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Mark Safe

Report

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Amendment C143 Public Acquisition Overlay (POA)

Hi team

RE: [REDACTED]

While we are in favour of the future development outlined in the North West Development Plan, we wish to formally object to Amendment C143 to the Latrobe Planning Scheme, which proposes to apply a Public Acquisition Overlay (PAO) to our property at [REDACTED]

The current Latrobe City plans to facilitate necessary infrastructure developments, including stormwater management systems, will significantly impact our property. Specifically, the proposed drainage reserve will divide our property into two sections, creating an awkward and unusable rear lot with no road access.

Upon reviewing the Morwell North-West DCP Drainage Report, it appears the drainage design was primarily based on the existing drain without sufficient consideration of current land ownership or property boundaries. This approach fails to adequately address the adverse effects on landowners like us.

We strongly recommend that you seek expert advice and engage a qualified hydrologist to review the Morwell North-West DCP Drainage Report. We propose relocating the drainage reserve to the eastern boundary of our property to prevent the division of the land and mitigate the negative impact on its functionality.

Additionally, it is arguable that the extent of the land designated as 'encumbered' appears to serve a precinct-wide function, benefiting other landowners while disproportionately affecting us.

We request that this matter be reviewed and revised to ensure a fair and equitable outcome for all parties.

Thank you for considering our concerns. We look forward to your response.

Please see attached amended drawings.

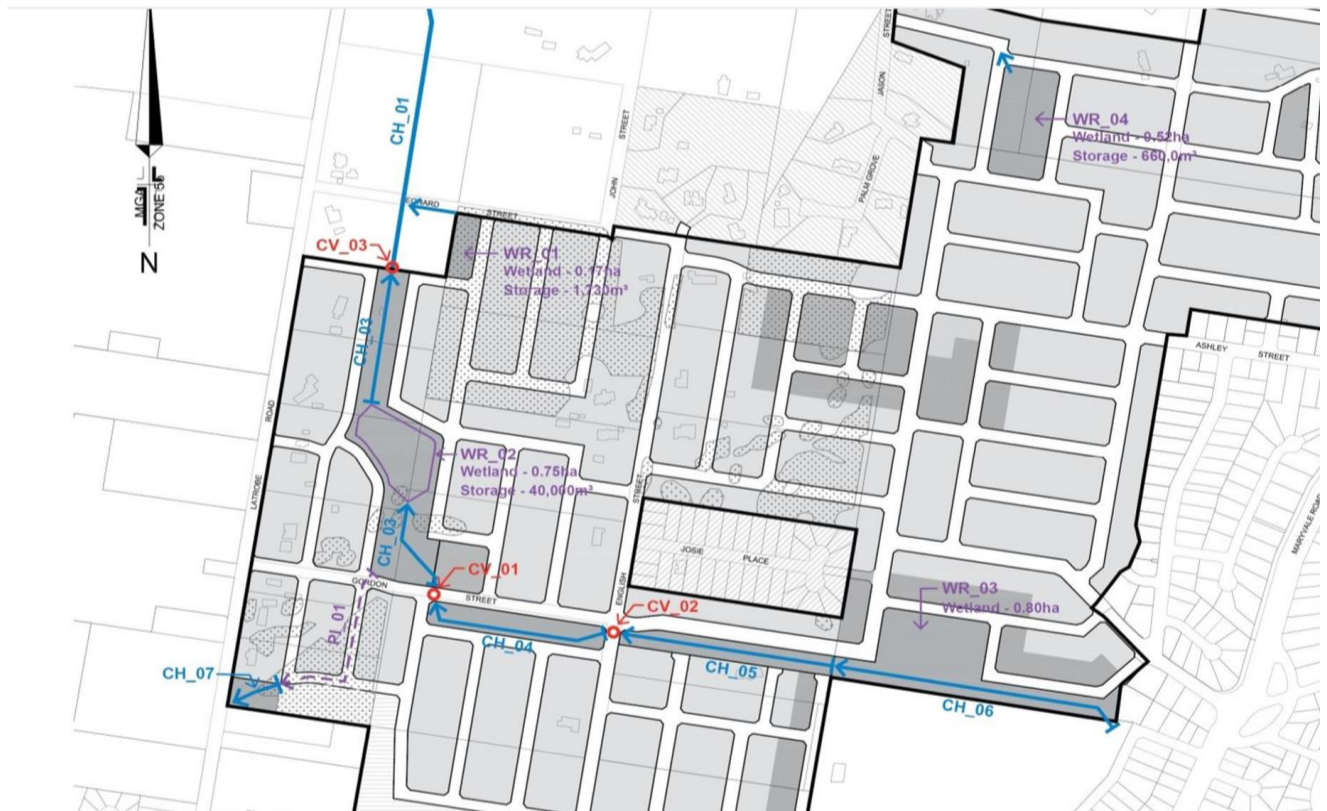
Best regards



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Existing design – CH 03 WR_02 Wetland to Ch 03 impacting

203acbf5...CP_2018



Consider the following changes – moving to the boundary, flow to remain the same



Existing



To: Adapting Light Green below:



Share



PLA

From: [REDACTED]
To: [Stewart Saunders](#)
Subject: Amendment C143 - Council response to Submission
Date: Tuesday, 11 February 2025 12:40:45 PM
Attachments: [image001.png](#)
[image002.png](#)

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Hi Stewart

Thanks for providing a response to our submission.

Before we meet next week can you please answer the following questions:

Compensation:

How will the compensation amount be determined, and what methodology will be used for valuation?

What specific "loss" and "inconvenience" factors will be considered in compensation?

Property Access & Usability:

Who is responsible for ensuring that the physical vehicle crossing is built and maintained?

What guarantees can the Council provide that the rear lot will remain accessible and developable in the future?

Would there be any additional costs to the property owner in maintaining or upgrading this access?

Drainage Reserve & Development Plan:

(DCP levy be significantly increased) Can a cost-benefit analysis be conducted to compare the proposed drainage plan vs. the alternative alignment?

Would Council consider financial support or incentives for the property owner if the rear lot is deemed less viable for development?

Future Development & Legal Considerations:

If the rear lot remains undeveloped for a long period, are there any legal obligations or restrictions imposed on the landowner?

Would the property owner have any say in the timing of compulsory acquisition, or is it set by the Council?

Are there any opportunities to negotiate additional compensation beyond land value, considering the long-term impact on property usability?

I look forward to your reply.

Best Regards

[REDACTED]
[REDACTED]

From: Stewart Saunders <Stewart.Saunders@latrobe.vic.gov.au>
Sent: Monday, 10 February 2025 5:01 PM
To: [REDACTED]
Subject: Amendment C143 - Council response to Submission

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Thank you for making a submission to Amendment C143. I have created the below table based on what I understand to be the key points raised by your submission. I have then provided a detailed response to each point which I hope resolves the issue. Please let me know if there are any other points which you would like a response to.

Points raised in submission	Council Officer Response
Significantly impacted and unfairly burdened by drainage infrastructure which serves a precinct-wide function to the benefit of others.	<p>Officers accept that the Development Plan (DP) and Development Contributions Plan (DCP) do set significant impacts and burdens for your property. These are a result of the fact drainage reserves and stormwater systems are gravity-based systems, whose location is dictated by getting the correct grades to ensure water can freely drain without pumps. This usually means locating the drainage reserves at natural low points in the landscape. The natural low point in the precinct runs south to north through your property in the approximate location of the current drain.</p> <p>Placing the drainage reserve anywhere else on the property will require significant earthworks to re-shape the property, and the wider precinct, to ensure stormwater can freely drain to the drainage reserve by gravity, and then down the drainage reserve out of the precinct.</p> <p>Council included a DCP to share the burden of infrastructure costs equally across all properties as land use could not always be arranged to share the burdens. The DCP provides a financial mechanism to collect money from lesser burdened properties to refund those which are heavily burdened.</p> <p>However, officers do acknowledge the mechanism is only of benefit to a property when they develop their land. If landowners do not intend to develop, no compensation is available unless compulsory acquisition occurs. Council officers are intending to acquire this drainage reserve through compulsory acquisition. As part of the acquisition process, the Acquiring Authority (Latrobe City Council) will be required to negotiate and pay compensation in accordance with the process defined by the <i>Land Acquisition and Compensation Act 1986</i>.</p> <p>This compensation is likely to be far larger than any under the DCP as it is required to take into consideration the value of the land being acquired and the impact of 'loss' and 'inconvenience' amongst other factors.</p> <p><u>The Compensation Negotiation Process</u> Generally, the compensation process set by the Act and the <i>Land Acquisition and Compensation Regulations 2021</i> specifies that the Acquiring Authority (Latrobe City Council) can only make two offers, the second of which</p>

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	<p>is in response to a counteroffer by the claimant (you). If the Acquiring Authorities second offer is not accepted, the negotiation is referred to the Victorian Civil and Administrative Tribunal (VCAT) for a hearing and a determination.</p>
<p>The proposed PAO will divide our property in two creating a rear lot with no road access.</p>	<p>The PAO has been located in accordance with the Morwell North West Development Plan (DP) and Development Contributions Plan (DCP). These plans located the drainage reserve in this spot because it is the natural low point of the land. Council officers acknowledge that by locating the drainage reserve at the natural low point, it does split the property in two.</p> <p>For short term purposes, road access can be created by one of the three scenarios listed below. Note, all expenses associated with creating new titles are carried by the Acquiring Authority at the time of the acquisition. Long term, the Development Plan envisages road access being provided from the land on English Street once it has been subdivided.</p> <p>Three scenarios for short term access.</p> <ol style="list-style-type: none"> 1. Creation of a reserve on title and designating the land east and west as two separate lots <ol style="list-style-type: none"> a. Right of way easement required for lot 2 across both reserve and lot 1 to provide road access. b. Physical access across reserve required to be constructed by and at expense of the Acquiring Authority. 2. Creation of a reserve on title and designating the land east and west as one lot. <ol style="list-style-type: none"> a. No road access required. b. Right of way easement required across drainage reserve required to provide legal access. c. Physical access across drainage reserve required to be constructed by and at expense of the Acquiring Authority. 3. Creation of easement on title for drainage . <ol style="list-style-type: none"> a. No additional lots created and no road access required to land at rear. b. Physical access across drainage reserve required to be constructed by and at expense of the Acquiring Authority. <p>Physical access to the rear land will be required regardless which of the above options is chosen. Therefore, as part of the terms of compensation, council would be required to ensure physical access is maintained to the land at the rear in the form of a vehicle capable crossing.</p>
<p>The rear lot proposed will be unusable</p>	<p>The lot at the rear will be approximately 50 metres x 110 metres with an area of approximately 1.26 acres. 1.26</p>

	<p>acres is approximately double the size of the current vineyard on the property. With access provided by the Acquiring Authority at the time of acquisition/construction of the drainage reserve, officers do not consider it to be unusable.</p> <p>Long term the DP has located the drainage reserve to ensure the rear area of the property is suitably dimensioned for standard residential development. A parcel of 50 metres x 110 metres can theoretically be divided into 6 lots 18 metres wide by 35 metres deep fronting a road reserve of 15 metres wide.</p>
Insufficient consideration of current lot boundaries and land ownership.	<p>Officers are aware that the pre-development lot boundaries can have a significant impact on when infrastructure can happen, and the pattern development will occur in. It is preferable to contain drainage assets, due to their expensive and land hungry nature, to large properties which can carry the cost of delivering them. However, ultimately a drainage asset does have to work with the natural fall of the land and unfortunately, the existing lots in the lower lying areas are smaller than ideal. Therefore, to manage costs and development viability it was decided to closely follow the natural low point as this minimises the number of properties involved, and the cost of the earthworks required.</p> <p>As stated above, the design of the DP does consider how the land either side of the drainage reserve will be developed and makes sure that the drainage reserve is appropriately sized to ensure the land either side is of developable dimensions.</p>
Request Council to review the Morwell North-West DCP Drainage Report to investigate relocating the drainage reserve to the eastern (rear) boundary of the property.	<p>Council officers have discussed the practicalities of this proposed change with our engineers and the West Gippsland Catchment Management Authority (WGCMA). The following conclusions were reached:</p> <ul style="list-style-type: none"> i. The proposed route is technically possible as the land still does generally fall in the correct directions (north). ii. The WGCMA are open to considering the alternative alignment but would require a new stormwater study to identify the impacts of the design (flooding, earthworks required etc). iii. The scale of earthworks required would be significantly increased because the channel would not sit at the natural low point but higher. This means the low point would need to be filled in (west of the new alignment) to ensure stormwater can freely drain by from the Latrobe Road area to the drainage reserve. Earthworks would also be required on the east side to regrade the ground into the waterway at an appropriate angle. iv. Increasing the scale of the earthworks will increase the cost of the project. Because the

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	<p>cost of each DCP project is shared by the precinct, the increased cost of the project would see the DCP levy be significantly increased. Whilst not quantifiable at this time, the scale of the increase could make development in the precinct cost prohibitive resulting in no development.</p> <p>v. The land take may be no smaller under your proposed alternative because updated strategy would have to consider the current regulatory environment. Since the last drainage review in 2016/17, stormwater strategies are now required to consider climate change and the likely water patterns in a climate change future. Most studies are showing significantly higher flows needing to be conveyed in the future which would require a larger channel.</p> <p>Whilst council officers agree considering other options is good in an ideal process, it is not considered necessary for this amendment as the studies are under 10 years old and therefore not due for further review.</p>
--	--

Ultimately the development of a growth area has to balance environmental outcomes, development economics and urban design outcomes. Council officers sincerely believe that applying the PAO and undertaking compulsory acquisition can result in the best outcome for you and the wider growth area.

I look forward to discussing your submission in person at our meeting on Monday 17 February 2025. If you have any questions or need to contact me to reschedule the meeting, please call me or email me via the details below.

Regards,

Stewart Saunders

Senior Urban Growth Planner

Phone: (03) 5128 5751

Mobile: 0424 803 498

Stewart.Saunders@latrobe.vic.gov.au



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[illegible]

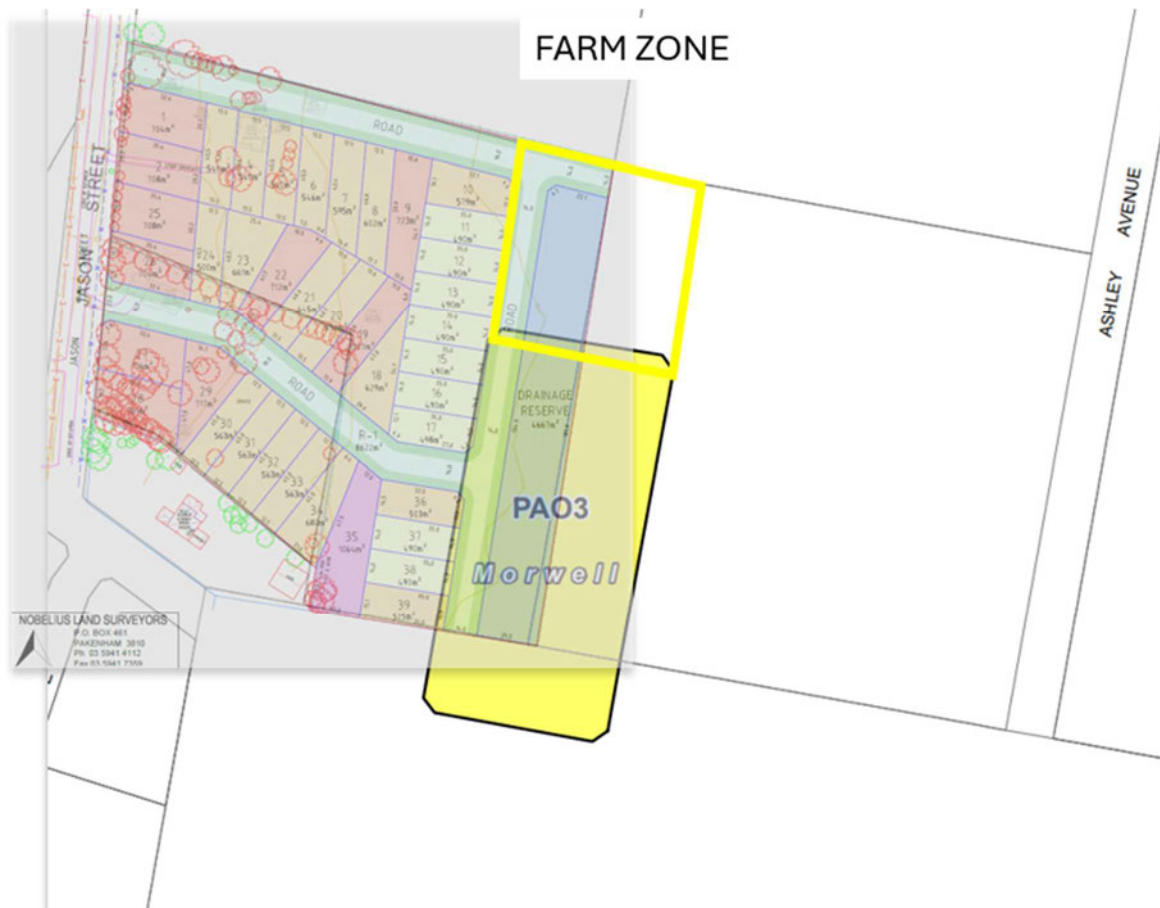
Please note that this plan has not been endorsed by council, however we anticipate lodgement in the next 3 months.

The development plan shows the subdivision of the land into 39 parcels plus proposed road access & a drainage reserve to facilitate drainage of the surrounding properties.

As you will note the drainage reserve extends to the perimeter road, which we have proposed adjacent to the northern boundary.

Perimeter roads that have the purpose of providing separation from bushfire prone vegetation (as advised by figure 1 page 6 in the Design Guidelines Settlement Planning at the Bushfire Interface) should envelop all land required for drainage associated with WR-04¹ to ensure maximum separation of residential land use from vegetated land employed for the purpose of drainage. Our Development Plan provides evidence of this design preference, ensuring the residential land mitigates the risk posed by bushfire.

Given the drainage of these sites flow to the north/north west, we propose the PAO3 be extended all the way to the northern boundary of our subject site and the parcel to the East (7 [REDACTED] [REDACTED]) as per the yellow outlined square in the graphic below:



The benefit of this revision/inclusion is that this will provide the landowners of [REDACTED] and [REDACTED] more flexibility when working through the detailed design of the wetlands/flood basin, as opposed to getting to a situation where more land is required, but the PAO doesn't extend over it (easier to over-extend the PAO now and use less at the time of acquisition).

¹ <https://www.latrobe.vic.gov.au/sites/default/files/2024-08/Morwell%20North%20West%20DCP%20WR04%20Review%202017%20WaterTech.pdf>

We look forward to the opportunity to provide further feedback.

If any further information is required, or if there are any questions regarding the submitted information, please do not hesitate to contact me at planning@nobelius.com.au or call 5941 4112.

Yours faithfully,

A handwritten signature in grey ink, appearing to be 'J. M.', with a long horizontal stroke extending to the right.A solid black rectangular redaction box covering the name of the sender.

MUrbPlanEnv, BA Geog (Hons), GradCert BFire, BPAD Level 1 & 2

A solid black rectangular redaction box covering the contact information of the sender.

From: [REDACTED]
To: [Stewart Saunders](#)
Cc: [REDACTED]
Subject: RE: Amendment C143 - submission response
Date: Wednesday, 22 January 2025 7:33:54 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

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Hi Stewart,
Thanks for the detailed response on this one.
My formal response is **submission remains unchanged**.

The 2 concerns I have with your response is:

1. *'The Acquiring Authorities power to compulsorily acquire land is limited to the extent of the PAO on the property. If Latrobe City Council needed to acquire an area larger than the PAO, we would have to negotiate this purchase as part of the compensation terms'*
in my opinion this is short sighted and could lead to our client (or either neighbour) getting stuck. If more/different land is required from a neighbouring parcel but the neighbour refuses to negotiate with Council, then it's ultimately the developer who goes first that will have to compromise and be unduly burdened. This is the main point of our submission, and I don't feel like your response addresses this. I'm asking you/Council to increase the PAO area which then put Council in the situation of negotiating backwards (need less and compensate less), should they find themselves in the unlikely position of needing to acquire land.
2. *'For the PAO to be applied, council officers believe the overlay must be consistent with the documents which provide the strategic justification for the amendment.'*
The strategic documents are now outdated and lacking (nothing relating to bushfire policy). Shouldn't they be updated?

P. 1300 NOBELIUS
E. [REDACTED]
W. www.nobelius.com.au
M. 0419 355 837

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From: Stewart Saunders <Stewart.Saunders@latrobe.vic.gov.au>

Sent: Thursday, 16 January 2025 2:17 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Amendment C143 - submission response

Thank you for your submission to Latrobe City Councils Amendment C143. On the 14 January 2025 I had a phone call with your Senior Town Planner [REDACTED] regarding your submission. I am writing this email as a record of our discussion and to hopefully resolve your submission.

Your submission requests that the extent of the Public Acquisition Overlay (PAO) on 23 Jason Street and 77 Ashley Avenue be extended to the northern boundary of these properties. Your justification for this is:

- That drainage of these sites generally flows in the north/north west direction which is consistent with the enlarged area;
- That the enlarged area would result in more flexibility when working through the detailed design for either property;
- Enlarging the area would avoid a situation where more land is required than the PAO covers; and
- Changing the shape of the PAO is a result of developing a subdivision concept which address bushfire policy in the Latrobe planning scheme.

Having discussed the submission with your Senior Town Planner, I advise the following:

- In the instance of the properties in question, Councils primary intent for applying the PAO is to ensure we have a fair and prudent process to acquire the land for the wetland (WR_04) as specified in the Morwell North West Development Plan (the DP) if the development industry has been unable to negotiate purchase and requests Latrobe City Council to exercise its powers of acquisition under the overlay. WR_04 is a project in the Morwell North West Development Contributions Plan (the DCP) that council are willing to allow developers to deliver as part of a subdivision permit as a 'Works in Kind'. Applying the PAO does not change this. It is still councils preference

that most of the infrastructure items in the DCP be delivered by developers as part of their developments where it is feasible to do so.

- Applying the PAO will introduce a permit referral to Latrobe City Council as they are the specified Acquiring Authority for the land. Council would be a determining referral authority. As a determining referral authority, Council would have the ability to require the permit be refused if it was reasonably believed that granting the permit would make it harder to deliver WR_04. If a permit application proposes to deliver WR_04, then provided your proposed design satisfies the requirements of the DP and DCP, council would have no reason to refuse the permit under the PAO. Any decision or advice made by Latrobe City Council as the Acquiring Authority, will not be made by the planner assessing the permit. It will be made by a different area of council.
- The Acquiring Authorities power to compulsorily acquire land is limited to the extent of the PAO on the property. If Latrobe City Council needed to acquire an area larger than the PAO, we would have to negotiate this purchase as part of the compensation terms. The terms of Compensation are not negotiated until an Acquiring Authority formally notifies landowners of their intention to acquire. Latrobe City Council has not made such a notice. As above, the PAO does not prevent permits being proposed which would deliver WR_04 to a different design provided the Acquiring Authority can be satisfied the proposed design is still fit for purpose.
- Ultimately, any permit application in the Development Plan Overlay will be judged on how generally in accordance with the DP it is and, where other permit have already been approved, whether it connects appropriately. Your design proposes an alternative street network to that in the DP. You have advised this is in an attempt to address bushfire policy which has been included in the planning scheme after the adoption of the DP. I believe this is a reasonable reason to diverge from the DP, as the protection of life prevails above all else in the scheme. However, it is not appropriate to advise as part of responding to your submission, how 'generally in accordance' with the DP or other policy your proposed layout is. I will advise that the property to the south of 23 Jason Street has an approved permit for subdivision, permit 2011/116.
- Because you proposed change is derived from a subdivision design which has not been assessed or approved by Council, your proposed change cannot be supported. For the PAO to be applied, council officers believe the overlay must be consistent with the documents which provide the strategic justification for the amendment. These documents are the Morwell North West Development Plan and Development Contributions Plan and their background strategies.

I hope that the above information has addressed your submission to the point your concerns have been answered. Can you please respond to this email by Friday 24 January 2025 and confirm if the status of your submission is; 'submission remains unchanged', 'resolved and withdrawn' or, 'now support'. If you still have concerns, ~~you are welcome to call me on (03) 5128 5751.~~

Sincerely,

Stewart Saunders
Senior Urban Growth Planner


Phone: (03) 5128 5751
Mobile: 0424 803 498
Stewart.Saunders@latrobe.vic.gov.au

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From: [REDACTED]
To: [Stewart](#)
Cc: [REDACTED]
Subject: RE: Amendment C143 - submission response
Date: Thursday, 6 February 2025 12:02:56 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

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Hi Stewart,
As mentioned by phone recently I don't believe this PAO is going to resolve the issue you foresee and it will only lead to further confusion and negotiation.
My advice is to either amend the reports and come up with a more accurate/informed area to apply the overlay to (if oversizing isn't an option as you've outlined), or don't waste your time at this stage and invest that into trying to resolve the issue if it arises when the properties are to be developed.

Regards


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E. [REDACTED]
W. www.nobelius.com.au
M. [REDACTED]

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From: Stewart [REDACTED]
Sent: Friday, 31 January 2025 10:59 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Amendment C143 - submission response

Thank you, [REDACTED] for your response and our conversation on Tuesday 28 January 2025.

Sorry for the delay getting this to you. Below is our response to the points raised in your email.

Your concerns to Council previous response	Council officer response
<p><i>'The Acquiring Authorities power to compulsorily acquire land is limited to the extent of the PAO on the property. If Latrobe City Council needed to acquire an area larger than the PAO, we would have to negotiate this purchase as part of the compensation terms'</i></p> <p>in my opinion this is short sighted and could lead to our client (or either neighbour) getting stuck. If more/different land is required from a neighbouring parcel but the neighbour refuses to negotiate with Council, then it's ultimately the developer who goes first that will have to compromise and be unduly burdened. This is the main point of our submission, and I don't feel like your response addresses this. I'm asking you/Council to increase the PAO area which then put Council in the situation of negotiating backwards (need less and compensate less), should they find themselves in the unlikely position of needing to acquire land.</p>	<p>Oversizing the PAO may open Latrobe City Council up to compensation claims that are not triggered under the proposed PAO. Under the <i>Land Acquisition and Compensation Act 1986</i> (the Act), a landowner is eligible for compensation if a PAO is applied to their property and then removed without the land ever being acquired by the Acquiring Authority. The compensation would reflect the loss experienced by the landowner because the use of their land was restricted while the PAO was in effect. I understand that the areas in play are not of significant size, but they are still large enough for a risk to have been identified by Council.</p> <p>Council is unlikely to get stuck in negotiating additional land (if it is deemed to be required at the time of acquisition) because the Act and the <i>Land Acquisition and Compensation Regulations 2021</i> set out the process and timeframes acquisition has to be completed in. In the process, the Acquiring Authority (Latrobe City Council) can only make two offers, the second of which is in response to a counteroffer. If the Acquiring Authorities second offer is not accepted, the negotiation is referred to the Victorian Civil and Administrative Tribunal (VCAT) for determination. At VCAT, Council would outline why the additional land is required and why the offer is fair and in accordance with the Act and Regulations. VCAT will then make a determination on the compensation payable and the terms of that compensation. VCAT may not agree the additional land take is acceptable, but council officers believe such that the risk of such a decision is a preferable risk to the risk the PAO may end up on land never required for a drainage reserve.</p> <p>It is not justified to change the size of the PAO on 23 Jason Street and 77 Ashley Avenue as:</p> <ol style="list-style-type: none"> No evidence of engagement with or consent to the change by 77 Ashley Avenue has been provided, yet the change would have implications for their property; The change is counter to the approved

	<p>drainage strategy and endorsed DP;</p> <ul style="list-style-type: none"> c. No alternative drainage strategy to support the change has been provided; and d. Applying the PAO not in accordance with the documents which support the amendment, opens up the Acquiring Authority to unnecessary risks associated with compensation at the time the PAO is removed from the land in the future. <p>Latrobe City Council's preferred process for land to be transferred to them is through the planning permit and certification process. It is not their preference to undertake compulsory acquisition. By undertaking Amendment C143, Council is not intending to discourage developers from acquiring the land necessary to deliver their subdivision. Rather, the PAO is a backup option for Council to facilitate development if the development industry is unable to acquire the land necessary for the identified DCP projects.</p>
<p><i>For the PAO to be applied, council officers believe the overlay must be consistent with the documents which provide the strategic justification for the amendment.'</i></p> <p>The strategic documents are now outdated and lacking (nothing relating to bushfire policy). Shouldn't they be updated?</p>	<p>Regarding drainage, council officers believe the documents are not old enough to be out of date. Council undertook a review of the drainage study for WR-04 in 2016-17. This report did identify changes to the design which were implemented in the 2018 update of the Development Plan.</p> <p>The amended Morwell North West DP was considered to meet the requirements of Development Plan Overlay Schedule 1 (DPO1) to be endorsed in 2018.</p> <p>The Development Plan Overlay clause 43.04 (DPO) only requires that a Development Plan must:</p> <ul style="list-style-type: none"> • Meet the requirements of Clause 56 (for a residential development); • Describe the land to which the plan applies; • Describe the proposed use and development of each part of the land; and • Any other requirements specified for the plan in a schedule to this overlay. DPO1 does not specify any requirements relating to meeting state or local policy. <p>No where is it specified that a DP must be</p>

	<p>consistent with the policy of the scheme.</p> <p>There are a range of reasons why a subdivision application may not match with a DP. That is why the DPO allows a permit to be granted provided it justifies that the design is 'generally in accordance' with the endorsed DP. If this justification is not achieved, the scheme is clear the permit must not be granted.</p>
--	---

If you think it better that Council should not apply the PAO, please advise this in your response.

I hope that the above information has addressed your submission to the point your concerns have been answered. Can you please respond to this email by COB Wednesday 5 February 2025 and confirm if the status of your submission.

Regards,

Stewart [REDACTED]

Phone: (03) 5128 5751

Mobile: [REDACTED]



From: [REDACTED]
Sent: Wednesday, January 22, 2025 7:34 AM
To: Stewart [REDACTED]
Cc: [REDACTED]
Subject: RE: Amendment C143 - submission response

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Hi Stewart,
 Thanks for the detailed response on this one.
 My formal response is **submission remains unchanged**.

The 2 concerns I have with your response is:

1. *'The Acquiring Authorities power to compulsorily acquire land is limited to the extent of the PAO on the property. If Latrobe City Council needed to acquire an area larger than the PAO, we would have to negotiate this purchase as part of the compensation terms'* in my opinion this is short sighted and could lead to our client (or either neighbour) getting stuck. If more/different land is required from a neighbouring parcel but the neighbour refuses to negotiate with Council, then it's ultimately the developer who goes first that will have to compromise and be unduly burdened. This is the main point of our submission, and I don't feel like your response addresses this. I'm asking you/Council to increase the PAO area which then put Council in the situation of

negotiating backwards (need less and compensate less), should they find themselves in the unlikely position of needing to acquire land.

2. *For the PAO to be applied, council officers believe the overlay must be consistent with the documents which provide the strategic justification for the amendment.'*

The strategic documents are now outdated and lacking (nothing relating to bushfire policy). Shouldn't they be updated?

Regards

[REDACTED]

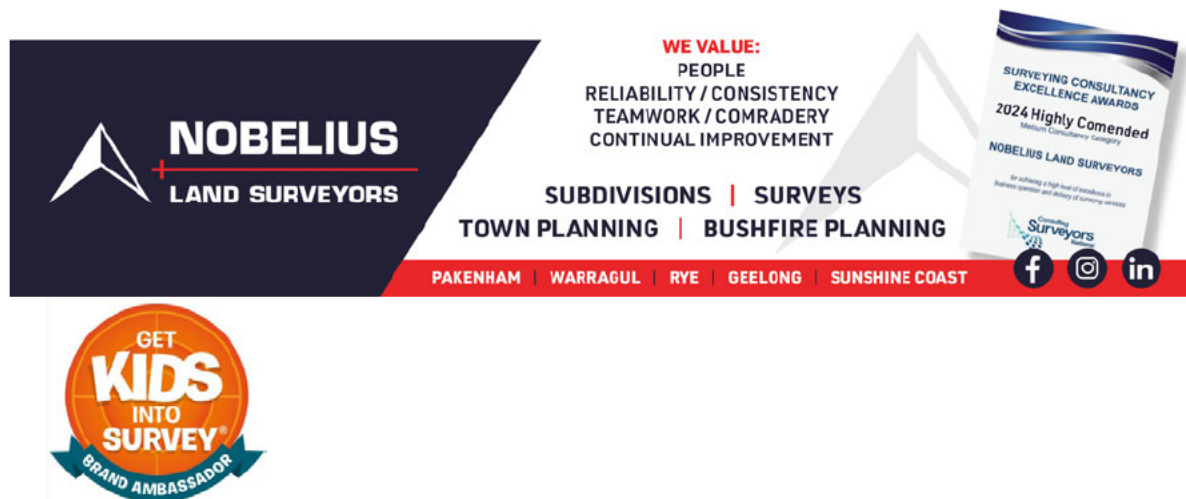
[REDACTED]

P. 1300 NOBELIUS

E. [REDACTED]

W. www.nobelius.com.au

M. [REDACTED]



The banner features the Nobelius Land Surveyors logo on the left, which includes a stylized 'N' and the text 'NOBELIUS LAND SURVEYORS'. To the right, it lists core values: 'WE VALUE: PEOPLE, RELIABILITY / CONSISTENCY, TEAMWORK / COMRADERY, CONTINUAL IMPROVEMENT'. Below these are service areas: 'SUBDIVISIONS | SURVEYS' and 'TOWN PLANNING | BUSHFIRE PLANNING'. At the bottom, a red bar lists locations: 'PAKENHAM | WARRAGUL | RYE | GEELONG | SUNSHINE COAST' and includes social media icons for Facebook, Instagram, and LinkedIn. On the right side of the banner is an image of a '2024 Highly Comended' award certificate from the Surveying Consultancy Excellence Awards, awarded to Nobelius Land Surveyors.

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From: Stewart [REDACTED]

Sent: Thursday, 16 January 2025 2:17 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Amendment C143 - submission response

Dear [REDACTED]

Thank you for your submission to Latrobe City Councils Amendment C143. On the 14 January 2025 I had a phone call with your Senior Town Planner [REDACTED] regarding your submission. I am writing this email as a record of our discussion and to hopefully resolve your submission.

Your submission requests that the extent of the Public Acquisition Overlay (PAO) on 23 Jason Street and 77 Ashley Avenue be extended to the northern boundary of these properties. Your justification for this is:

That drainage of these sites generally flows in the north/north west direction which is

- consistent with the enlarged area;
- That the enlarged area would result in more flexibility when working through the detailed design for either property;
- Enlarging the area would avoid a situation where more land is required than the PAO covers; and
- Changing the shape of the PAO is a result of developing a subdivision concept which address bushfire policy in the Latrobe planning scheme.

Having discussed the submission with your Senior Town Planner, I advise the following:

- In the instance of the properties in question, Councils primary intent for applying the PAO is to ensure we have a fair and prudent process to acquire the land for the wetland (WR_04) as specified in the Morwell North West Development Plan (the DP) **if** the development industry has been unable to negotiate purchase and requests Latrobe City Council to exercise its powers of acquisition under the overlay. WR_04 is a project in the Morwell North West Development Contributions Plan (the DCP) that council are willing to allow developers to deliver as part of a subdivision permit as a 'Works in Kind'. Applying the PAO does not change this. It is still councils preference that most of the infrastructure items in the DCP be delivered by developers as part of their developments where it is feasible to do so.
- Applying the PAO will introduce a permit referral to Latrobe City Council as they are the specified Acquiring Authority for the land. Council would be a determining referral authority. As a determining referral authority, Council would have the ability to require the permit be refused if it was reasonably believed that granting the permit would make it harder to deliver WR_04. If a permit application proposes to deliver WR_04, then provided your proposed design satisfies the requirements of the DP and DCP, council would have no reason to refuse the permit under the PAO. Any decision or advice made by Latrobe City Council as the Acquiring Authority, will not be made by the planner assessing the permit. It will be made by a different area of council.
- The Acquiring Authorities power to compulsorily acquire land is limited to the extent of the PAO on the property. If Latrobe City Council needed to acquire an area larger than the PAO, we would have to negotiate this purchase as part of the compensation terms. The terms of Compensation are not negotiated until an Acquiring Authority formally notifies landowners of their intention to acquire. Latrobe City Council has not made such a notice. As above, the PAO does not prevent permits being proposed which would deliver WR_04 to a different design provided the Acquiring Authority can be satisfied the proposed design is still fit for purpose.
- Ultimately, any permit application in the Development Plan Overlay will be judged on how generally in accordance with the DP it is and, where other permit have already been approved, whether it connects appropriately. Your design proposes an alternative street network to that in the DP. You have advised this is in an attempt to address bushfire policy which has been included in the planning scheme after the adoption of the DP. I believe this is a reasonable reason to diverge from the DP, as the protection of life prevails above all else in the scheme. However, it is not appropriate to advise as part of responding to your submission, how 'generally in accordance' with the DP or other policy your proposed layout is. I will advise that the property to the south of 23 Jason Street has an approved permit for subdivision, permit 2011/116.
- Because you proposed change is derived from a subdivision design which has not

been assessed or approved by Council, your proposed change cannot be supported. For the PAO to be applied, council officers believe the overlay must be consistent with the documents which provide the strategic justification for the amendment. These documents are the Morwell North West Development Plan and Development Contributions Plan and their background strategies.

I hope that the above information has addressed your submission to the point your concerns have been answered. Can you please respond to this email by Friday 24 January 2025 and confirm if the status of your submission is; 'submission remains unchanged', 'resolved and withdrawn' or, 'now support'. If you still have concerns, you are welcome to call me on (03) 5128 5751.

Sincerely,

Stewart [REDACTED]

Phone: (03) 5128 5751

Mobile: [REDACTED]



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Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria

CFA Fire Risk, Research and Community Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 27000-82362-140985

27 December 2025

[REDACTED]
Latrobe City Council
PO BOX 264
MORWELL VIC 3840

Dear [REDACTED]

Proposal: C143latr

Thank you for providing CFA notice of C143latr in accordance with Section 19 of the *Planning and Environment Act 1987*.

CFA has reviewed C143latr and understands the amendment seeks to introduce a Public Acquisition Overlay within the Precinct Structure Plan boundaries of Lake Narracan, Morwell North West and Traralgon North for the purposes of road and drainage infrastructure.

CFA offer no further comment on the proposed planning scheme amendment.

CFA welcome the opportunity to continue discussions regarding this and other proposals within Latrobe City. If you wish to discuss this matter in more detail, please do not hesitate to contact me on 9262 8672.

Yours sincerely,

[REDACTED]

[REDACTED]

CFA Fire Risk, Research and Community Preparedness

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We support it on the basis that it will provide some surety to our client/landowner and ensure any required acquisition happens in a timely manner. We note in relation to our clients land, the acquisition is very much needed to provide certainty and clarity for our client and to ensure Council ends up with the land required to provide for critical infrastructure required to make the PSP area function and integrate with existing built-up areas.

Regards,



NBA Group Pty Ltd 
www.nbagroup.com.au



OFFICES:

63-65 Wellington Park Way, Sale 3850
156 Commercial Road, Morwell 3840

MAIL TO:

PO Box 1170, Sale 3850

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