

## 9.5 WALLAN-KILMORE BYPASS - PUBLIC ACQUISITION OVERLAY (PAO) PROCESS

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**File No:** PL/03/046

**Attachments:** 1. Regional Roads Victoria Correspondence

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### SUMMARY

Regional Roads Victoria (RRV) have written to Council seeking support of the process to implement the Public Acquisition Overlay (PAO) for the western option of the Wallan-Kilmore Bypass around Kilmore township to facilitate its future construction.

### RECOMMENDATION

**THAT** Council:

1. Write to Regional Roads Victoria supporting 'Process 1' to introduce the Public Acquisition Overlay (PAO) into the Mitchell Planning Scheme as outlined in their correspondence at Attachment 1.
2. Confirms its expectation that for the alignment of the By-Pass to the north of Willowmavin Road that Process 2 (as outlined in this report) will be undertaken without further delay.

### BACKGROUND

The Wallan-Kilmore Bypass has been through an extensive planning and design process over a number of years, which has included the review of a number of alignment options around Kilmore and the Environment Effects Statement (EES) process. Specifically, in 2015, the then Minister for Planning confirmed the Bypass would follow the western option around the Kilmore Township. This confirmation was based on the condition that further work is required to minimise impacts on the Kilmore Wastewater Management Facility.

### ISSUES AND DISCUSSION

Regional Roads Victoria (RRV) have written to Council outlining the proposed process to introduce a Public Acquisition Overlay (PAO) along the western alignment of the Kilmore township. RRV are now seeking Council's support to advance the planning to introduce the PAO into the Mitchell Planning Scheme. A copy of the correspondence is included as Attachment 1.

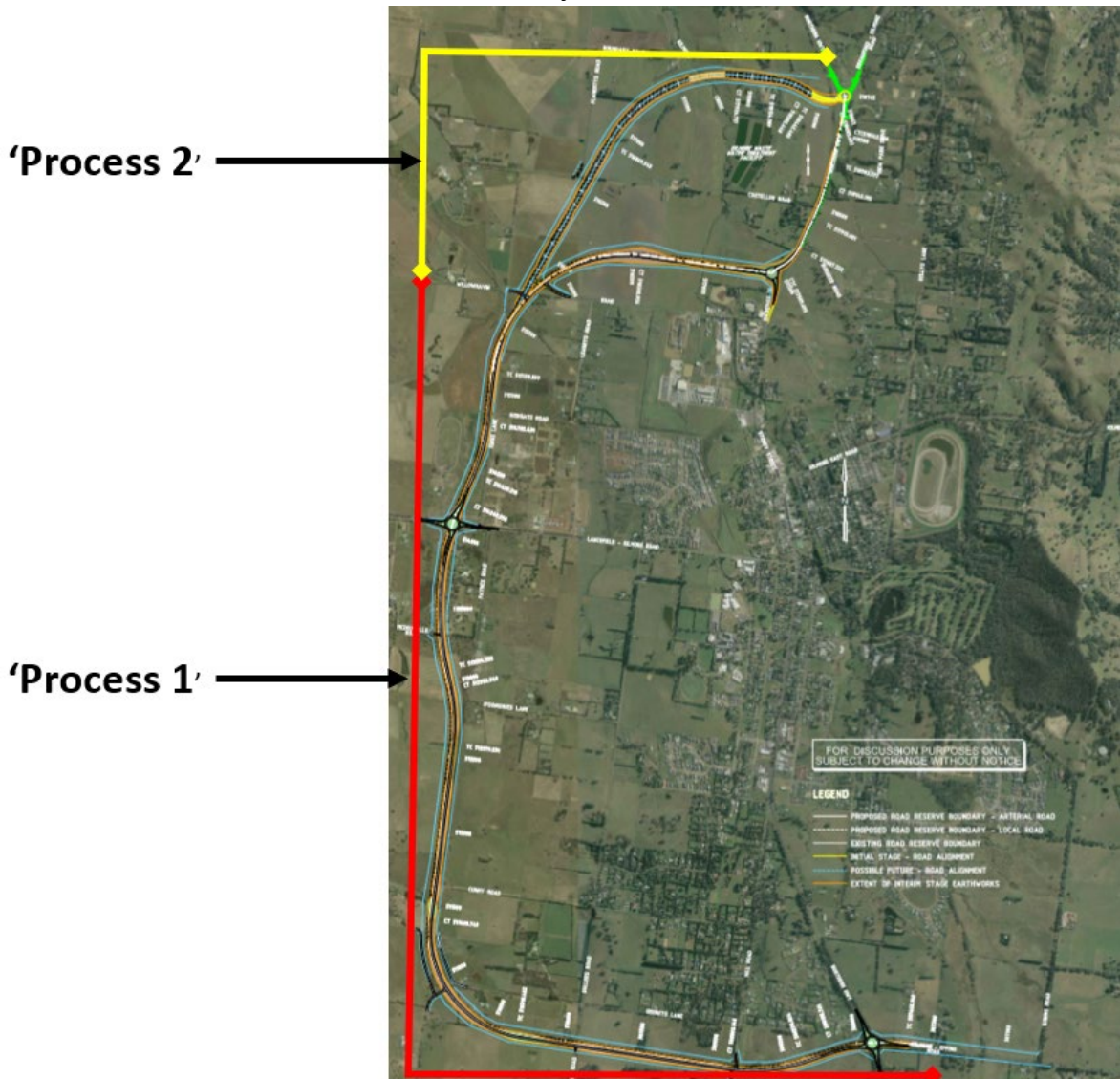
As part of the process, RRV have proposed the Planning Scheme Amendment be split into two distinct processes:

1. Ministerial Amendment under 20(4) of the *Planning and Environment Act 1987* which exempts the Minister from undertaking notification and public notice. This would apply to the section from Wandong Road/Northern Highway intersection,

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through to the intersection of the proposed bypass and Willowmavin Road (identified as 'Process 1' on the Plan below).

2. Northern section – Willowmavin Road to Northern Highway where Regional Roads Victoria are reviewing two options. This is identified as 'Process 2' where consultation will occur with targeted stakeholders, including directly affected landowners, Council and Goulburn Valley Water.



**Process 1**

The area identified as 'Process 1' is the same alignment that has been extensively consulted and resolved through the Environment Effects Statement (EES) process. Notwithstanding, part of 'Process 1' Regional Roads Victoria intend to consult with affected landowners and invite submissions that identify any material change since the EES process in November 2014.

**Process 2**

Two alignments are now under formal consideration for the land north of Willowmavin Road. As part of 'Process 2', Regional Roads Victoria are proposing to undertake

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formal consultation with affected landowners, Council, relevant authorities including Goulburn Valley Water and other key agencies. It is also considered vital to consult with the heavy vehicle/freight industry to gain its perspective on the relative merits of the alignment options.

The formal exhibition period, as required under the *Planning and Environment Act 1987*, will occur for a period of one month and will provide the opportunity to make a submission to the process. The Council will be formally asked to provide a submission as to which alignment it would support.

For any unresolved issues/submissions, they will then be referred to the Government Land Standing Advisory Committee for public hearing and independent recommendations. This process is a similar process to a typical Planning Scheme Amendment whereby an Independent Panel considers outstanding or unresolved submissions.

Once this process has occurred, a formal decision will then be made with regard to the bypass' alignment north of Willowmavin Road and will introduce the Public Acquisition Overlay into the Mitchell Planning Scheme.

## CONSULTATION

Regional Roads Victoria (RRV) will be responsible for managing the consultation process, as outlined above. There will be targeted consultation to affected landowners and key agencies, including Council, and will have the ability to make a future submission to the process once it formally commences.

## FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The Planning Scheme Amendment to introduce the Public Acquisition Overlay (PAO) will be managed by Regional Roads Victoria (RRV). It is likely Council officer will prepare a submission to the future Amendment.

## POLICY AND LEGISLATIVE IMPLICATIONS

The proposed process to implement the Public Acquisition Overlay (PAO) is a positive step towards realising the future construction of the bypass as it will assist RRV in acquiring land to facilitate its construction.

## RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Perception that a final alignment to the north of Willowmavin Road has been approved/adopted by Government.	Medium	Ensure clear messaging to key stakeholders, via RRV, that this is about the planning process to introduce a PAO that is being considered.	The communication of the consideration of this matter can occur with Council and RRV resources.

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### **SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)**

The outcome of the future Planning Scheme Amendment to introduce the Public Acquisition Overlay (PAO) into the Mitchell Planning Scheme will provide greater certainty regarding the future construction of the western option around Kilmore township. Should the bypass be constructed, it will improve the amenity, function and environmental conditions along the Sydney Street corridor.

### **CHARTER OF HUMAN RIGHTS IMPLICATIONS**

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

### **CONCLUSION**

The Wallan-Kilmore Bypass has been through an extensive planning and design process over a number of years. It is recommended that Council write to Regional Roads Victoria supporting the 'Process 1' to introduce the Public Acquisition Overlay (PAO) into the Mitchell Planning Scheme as outlined in their correspondence at Attachment 1.

It is also recommended that in relation to 'Process 2' that Council has an expectation that this would follow the steps outlined in this report and that ultimately the PAO implementation would comprise a full Planning Scheme Amendment process inclusive of input from landowners and key stakeholders.

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# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

### **DEVELOPMENT AND INFRASTRUCTURE**

**19 AUGUST 2019**

**9.5**

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ACQUISITION OVERLAY (PAO) PROCESS**

**Attachment No: 1**

**Regional Roads Victoria Correspondence**



