

Our Ref: CB:EJ8129

14 March 2025

Victorian Planning Authority
GPO BOX 2392
MELBOURNE VICTORIA 3000

Dear Sir/Madam

Melton East Precinct Structure Plan | 1315-1355 Beattys Road Grangefields

We refer to your letter dated 3 March 2025 and confirm that we act on behalf of [REDACTED] and [REDACTED] the registered proprietors of 1315-1355 Beattys Road, Grangefields who are directly affected by the Proposed Public Acquisition Overlay (PAO15 & PAO14) (“**POA**”) as outlined in the Melton East Precinct Structure Plan (“**PSP**”) and Draft Amendment C244 to the Melton Planning Scheme.

Our client objects to the PAO due to inadequate justification, failure to explore alternative solutions, the financial burden imposed on affected landowners, and a lack of procedural fairness in the consultation process.

Under the *Land Acquisition and Compensation Act 1986 (Vic)* (“**LAC Act**”) and the *Planning and Environment Act 1987 (Vic)* (“**PEA Act**”), compulsory acquisition of private land should always be a last resort and must be pursued only when all reasonable alternatives have been exhausted. The process must be fair, transparent, and comply with legal obligations. In particular, section 19 of PEA Act stipulates that planning authorities must adequately consider submissions from affected stakeholders. While our clients acknowledge receipt of the PAO notice, the Victorian Planning Authority (“**VPA**”) has yet to demonstrate that stakeholders, including our client, were meaningfully engaged or included in any substantive dispute resolution process. That said, the proposed acquisition fails to meet these legal requirements, lacks proper justification, and imposes undue hardship on our client.

Unclear Justification for Land Selection

The PSP identifies transport infrastructure as a priority but does not provide a clear and transparent explanation as to why our client’s property was selected for acquisition instead of alternative locations within the precinct. The selection of land for compulsory acquisition must be supported by a rigorous, transparent, and strategic assessment that demonstrates necessity.

Beyond the financial burden on individual landowners, the proposed acquisition will disrupt the existing community by forcibly removing landowners who have invested in the area. The PSP contains no studies on how this displacement will affect the local economy, housing availability, or overall community stability. The long-term impact of displacing property owners has not been assessed, which raises concerns about whether the acquisition aligns with responsible urban planning principles.

Moreover, section 5 of the LAC Act requires that acquisition be for a legitimate public purpose and must be the least intrusive means available. Without definitive evidence of necessity or clear exploration of alternatives, the proposed acquisition fails to meet this obligation.

Further, in accordance with section 19 of the LAC, the VPA must ensure that affected landowners, such as our clients, are notified of the amendment and are provided with reasonable opportunities to submit objections and engage in negotiation. While this notice has been communicated, the lack of genuine consultation mechanisms or clear procedures for landowners to dispute or negotiate acquisition terms violates the principles of procedural fairness anticipated by this legislation. However, the PSP does not contain any comparative analysis of other potential sites within the precinct that could serve the same purpose. There is no publicly available feasibility study justifying why our client's property is preferred over public land, existing road reserves, or other less disruptive options.

Lack of Infrastructure Clarity & Planning Transparency

The PSP lacks a detailed plan specifying what infrastructure will be built on the acquired land. Affected landowners cannot properly assess the necessity or impact of the acquisition without clear documentation detailing what the land will be used for. The PSP lacks transparency on the criteria used to determine which properties were targeted. Without this critical information, affected landowners cannot meaningfully assess or challenge the decision-making process.

Without a specific infrastructure plan, including exact road alignments, design specifications, and the expected construction timeline, landowners are left uncertain. The VPA should be required to provide an infrastructure plan before proceeding with compulsory acquisition. The absence of detailed engineering plans, environmental assessments, and feasibility studies raises serious concerns about whether this acquisition is necessary at all.

Beattys Road Reserve as a Viable Alternative to Private Land Acquisition

The PEA Act and associated statutory frameworks implicitly require that planning authorities undertake substantive analysis of alternatives, particularly when proposing overlays that significantly interfere with private property rights. In this case, the PSP identifies significant portions of public land and unencumbered parcels suitable for arterial road development. The absence of detailed studies explaining why these lands were excluded from the PAO boundaries is an issue.

The PSP further highlights road intersections, connectors, and boulevards requiring upgrades. However, there is no evidence of efforts to reduce acquisition requirements through alternative alignment configurations. It is noted that the PSP identifies Beattys Road Reserve as surplus land in Section G28 (page 34), stating that portions of the reserve may be suitable for residential development, drainage infrastructure, or internal roads. If public land is available within the same precinct, then it must be properly assessed as a potential alternative before private land is taken. However, the PSP does not demonstrate that the surplus land within Beattys Road Reserve has been adequately considered as an alternative site for road upgrades.

That said, road alignments and configurations presented in Plan 4: Movement Network have not been justified as the least intrusive option. Adjustments to these plans could reduce encroachment upon private land. If drainage infrastructure is the main restriction, then the VPA must provide engineering studies demonstrating why roadworks cannot be accommodated alongside drainage infrastructure. The absence of a feasibility study or comparative site analysis raises serious concerns about whether the PAO is legally justified.

Failure to Meet Legal Requirements for Fair Process and Just Compensation

The PSP does not outline how property values will be assessed or how compensation will be determined. This is concerning because section 40 of the LAC Act requires that compensation reflect the highest and best use

of the land. Without a transparent compensation framework, our client is at risk of financial loss, investment insecurity, and diminished land value due to government intervention.

In addition to the above objections, the proposal does not adequately address our clients' safety concerns regarding the high number of road accidents in the area, some of which have been fatal, which they believe should be paramount in any planning scheme. Our clients note that the plans fail to include a detailed assessment or mitigation strategy to address these hazards. Additionally, there appears to be insufficient consideration of alternative road alignments which might have a lesser impact on road safety risks.

Our clients have significant concerns regarding the proposed design of road infrastructure as it relates to their land. Specifically, the plans lack a clear justification for the road alignment running through their property to the service station next door, particularly when there appears to be available land at the rear of the service station which could be utilised instead. There is no evidence provided in the PSP regarding why this alternative alignment has not been properly considered.

Further, our clients are concerned about the inclusion of portions of their land being designated for parks and amenity areas without adequate explanation. While public open space contributes to community development, the justification for these allocations on our clients' private land has not been made transparent and appear to be close to road infrastructure which brings into question safety concerns.

The inclusion of PAO on our client's land has significant financial and personal consequences:

1. **Property Devaluation:** The presence of a PAO restricts future development opportunities, making the land less attractive to buyers and investors.
2. **Uncertain Compensation:** Our client cannot plan for financial recovery because the PSP lacks a clear valuation process and does not specify how compensation will be calculated.
3. **Legal and Administrative Costs:** Our client must now engage legal, planning, and valuation professionals to protect their rights, incurring unnecessary expenses due to government action.
4. **Disruption to Future Plans:** If the land was intended for residential, commercial, or investment purposes, our client faces major uncertainty and economic insecurity.

Should the PAO proceed our clients are entitled to compensation and it must fully reflect the market value for the acquired portions of the lands, the residual lands diminished value and any associated opportunity costs.

Our clients request that the VPA reexamine the PAO on their properties, including the amendments, and urge the VPA to conduct more studies. Should the PAO proceed despite these objections, our clients formally request that:

1. The VPA provides a detailed justification for why our client's land has been selected over other properties, including a full comparative analysis of alternative sites;
2. A feasibility study should be conducted on the potential use of Beattys Road Reserve for infrastructure development instead of private land acquisition; and
3. A revised PSP be issued that includes a transparent compensation framework, valuation methodology, and dispute resolution process.

We thank you for considering this submission and look forward to your prompt response.

Yours sincerely,



Carly Burke
Director