



BALLARAT WESTERN LINK ROAD PUBLIC ACQUISITION OVERLAY- FAQ's

Public Acquisition Overlay (PAO)

In order to proceed with the Ballarat Western Link Road, Ballarat City Council (Council) will be required to acquire land for the road reservation where needed. This means a Public Acquisition Overlay will be put into the Ballarat Planning Scheme.

The purpose of a PAO is to:

- identify land which is proposed to be acquired by an authority; and
- reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To apply a PAO, Council is required to prepare and publicly exhibit a planning scheme amendment as part of the statutory process. During this process affected land owners must be notified and invited to comment and make submissions that may support or oppose the amendment.

If Council cannot resolve issues raised in submissions, it must ask the Minister for Planning to appoint an independent planning panel. The Panel convenes a hearing and submitters are able to make presentations to the Panel. The Council has to await the Panel's report before it can make a final decision on the amendment and seek approval from the Minister for Planning to implement the PAO in the Planning Scheme.

The road is likely to be constructed in stages and land will be acquired over a number of years. It is therefore unlikely that Council will commence acquiring land as soon as the PAO for the Ballarat Western Link Road is included in the Planning Scheme.

How is the alignment reserved in the Planning Scheme?

The alignment to be reserved has been studied and surveyed in detail. The Council has approved the alignment to be reserved following advice on social, economic and environmental factors, and following a lengthy period of consultation with land owners, utility providers, government agencies and others.

The reservation is to be publicly exhibited, showing the land that has to be acquired for the road, along with supporting documentation. During the exhibition period (minimum 30 days) landowners and others affected have the opportunity to comment and make submissions. Submissions may need to be heard by an independent panel. The Minister for Planning makes the final decision regarding whether to approve the amendment.

Why is it necessary to apply a PAO now? Why not wait until closer to the time when the road is needed?

A PAO is applied early in the planning process to reserve land and ensure that changes to the use and development of land do not prejudice the eventual acquisition of the land and the alignment of the road. The identification of the land at an early stage assists affected landowners and others in the vicinity to make informed decisions about use and development on their land.

Contact information

For more information visit www.ballarat.vic.gov.au

Alternatively you can call 5320 5500.

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Will I be compensated for the acquisition of my land?

Land owners are offered fair compensation, based on existing conditions at the time of acquisition, for land that is acquired for the road. The process for acquiring land is subject to the provisions of the *Land Acquisition and Compensation Act 1986*. This process cannot commence until the PAO has been formally approved.

When will my land be acquired?

If land is to be acquired, it is generally 'reserved' within a PAO before the acquisition process can commence. In most circumstances, land is included in a PAO well in advance of its proposed acquisition.

Council does not expect to commence this process until the final road alignment has been approved and funding is available for construction of the road. The identification of the land in the early stage assists affected landowners and others in the vicinity to make informed decisions.

Some construction and upgrades to roads along the alignment may occur as part of the Ballarat West Growth Area development process.

How will I be notified of Council's intention to commence the acquisition process?

When the time comes to acquire the land for the Ballarat Western Link Road, Council officers will personally contact you to discuss the proposals and provide any information required.

How will the PAO affect the way I use/develop my land?

The PAO will trigger the requirement for a planning permit for the proposed use of the land for buildings and works on the land to be acquired for the Ballarat Western Link Road. When assessing a planning permit for use and development, Council will consider the impact of any proposal on the future planning and construction of the Ballarat Western Link Road.

Current zoning provisions will still apply to land which is going to be acquired - permits will still be required in accordance with current zoning controls, as well as the PAO.

What if the PAO limits my land use?

A PAO does not require you to change the way your land is used. However, it enables Council to ensure that changes to the use and development of land, such as construction of new buildings, do not prejudice the eventual acquisition of the land.

What happens if I decided to sell my property before it is acquired?

The PAO does not stop land from being sold or purchased. Where a property affected by the PAO for the Ballarat Western Link Road is sold before Council acquires the land, compensation may be payable for any loss suffered on the sale of the property. 'Loss on Sale Compensation' applies if it can be shown that the sale price was lower than expected due to the PAO for the Ballarat Western Link Road being in place.

Further information

Further information about the Public Acquisition Overlays is available from the Department of Environment, Land, Water and Planning website <http://delwp.vic.gov.au/>.

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