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**CONTACT**

James Reid	Director	jreid@ethosurban.com	(03) 9419 7226
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Ethos Urban Pty Ltd  
ABN 13 615 087 931.  
www.ethosurban.com  
Level 8, 30 Collins St, Melbourne  
VIC 3000 t 61 3 94197226

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## 1.0 Introduction

<b>Full name:</b>	James Stuart Reid
<b>Current role:</b>	Victorian Regional Director, Ethos Urban
<b>Qualifications:</b>	<p>Bachelor Planning and Design (University of Melbourne)</p> <p>Bachelor Town and Regional Planning (University of Melbourne)</p>
<b>Experience:</b>	29 years as a planner, manager and senior manager in local government and private consultancy, including extensive experience in regional Victoria and Tasmania
<b>Areas of expertise:</b>	Strategic planning
<b>Significant contributors:</b>	Andy Choi, Junior Urbanist, assisted with background research and the preparation of maps
<b>Involvement in previous reports:</b>	<p><i>Latrobe Rural Living Strategy 2002</i> (Earth Tech) – I provided desktop support for the project from the company's Geelong office.</p> <p><i>Live Work Latrobe 2017</i> (Planisphere) – I was not involved in the project or its constituent reports in any manner. Planisphere merged with JBA Urban Services and Buckley Vann in late 2016 and the merged firm was rebranded in mid 2017.</p>

## 2.0 Instructions

1. My instructions were received directly from Council's statutory planning team.
2. My instructions were limited to examining the housing and rural land uses components of Amendment C105, namely to:
  - Evaluate the exhibited Amendment in relation to the recommendations of the Latrobe Housing Strategy (2017), Urban Design Guidelines (2017) and Rural Land Use Study (2017).
  - Review the selection of planning controls and schedules;
  - Review the Expert Statement prepared by Shelley McGuiness addressing the methodology, rationale and recommendations of the Rural Land Use Strategy 2017;
  - Review referral authority advice in relation to the issues raised in relation to Housing and Rural Land Use;
  - Review submissions made in relation to the rural land use elements of the Amendment (my instructions did not extend to reviewing submissions in relation to housing);

- Form views about proposed post-exhibition changes to the amendment related to housing and rural land use.\*
3. My instructions did not extend to reviewing submissions concerning the housing aspects of the amendment or requests for rezoning.
  4. \*Council staff have provided me with summaries of proposed post-exhibition changes to the amendment. At the time of writing the draft changes had not been finalised and therefore I have not made reference to them in this statement. I am advised that the final versions will be made available to me prior to the hearing and I am prepared to make comment on this material at the hearing if required.

### 3.0 Matters relied upon

5. In preparing this evidence I have relied upon the following information and resources:
  - Latrobe City Council Geographic Information System data
  - Latrobe City Council Meeting Minutes, 3 September 2018
  - Latrobe Housing Strategy 2017
  - Latrobe Planning Scheme Amendment C7 Panel Report
  - Residential and Rural Residential Land Assessment 2009
  - Latrobe Rural Land Use Strategy 2017
  - Latrobe Rural Residential Strategy 2002
  - Latrobe Urban Design Guidelines 2017
  - Planning Practice Note 42, *Applying the Rural ZONES*
  - Shire of Morwell, Rural Residential Strategy 1986
  - Site visits to Callignee, Moe, Morwell, Traralgon, and Yinnar South on 19 October 2018.

### 4.0 Summary of opinion, qualifications and recommendations

6. The *Live Work Latrobe* project represents a comprehensive re-examination of Latrobe City's strategic land use framework that has been prompted by a range of concurrent drivers:
  - the structural economic transformation of the region that has occurred over the past two decades;
  - population growth and diversification;
  - technological advances; and
  - climate change.
7. The three constituent strategies that comprise *Live Work Latrobe* seek to provide an integrated strategic response that will build on the city's strengths and reinforce its status as Gippsland's regional city. My review of these strategies has been confined to the housing and rural land use components of the project.
8. My view is that the housing and rural land use elements of *Live Work Latrobe* represent a logical, sound and strategic response to the opportunities and challenges confronting Latrobe City. From a land use planning perspective, the strategies build upon the pre-existing framework and are generally consistent with State and regional planning directions.

9. The elements of Amendment C105 that I have focussed on represent a sound implementation of *Live Work Latrobe*. I have made the following detailed observations and recommendations within the body of this statement.

## Housing

10. The *Latrobe Housing Strategy 2017* is generally supportive of the State Planning Policy Framework and provides a strategic basis for amending the *Latrobe Planning Scheme*.
11. The proposed Latrobe Settlement Plan is a logical evolution of the current plan, taking into account the refinements proposed by the *Latrobe Housing Strategy 2017*.
12. The strategic application of residential zones is consistent with the proposed Housing Framework and appears logical and consistent with the purposes of each zone.
13. I have not examined the application of the zones in sufficient detail to comment on the proportion of each zone applied. I do note that the Latrobe Housing Strategy states that the proposed framework provides for an adequate supply of land and development potential to accommodate both projected and aspirational growth.
14. The proposed zones and schedules have been applied in a manner that is generally consistent with the proposed housing framework plan in each locality (noting that I have not examined the zone boundaries on a street-by-street basis).
15. I have not examined the justification for each of the proposed zone schedule changes, noting that they include proposed mandatory provisions relating to building height and minimum lot size.
16. I recommend:
  - Increasing the proposed maximum height in RGZ1 to 16.5m (equivalent to 5 storeys) and in RGZ2-4 to 13.5m (equivalent to 4 storeys); and
  - Reviewing the proposed landscaping standards in the Residential Growth Zones where they require one tree per dwelling facing the street. This is likely to be unachievable for apartment developments;

## Rural Land Use

17. The *Latrobe City Rural Land Use Strategy 2017* is generally supportive of the State Planning Policy Framework and provides a strategic basis for amending the *Latrobe Planning Scheme*.
18. The proposed Farming Zone, Schedule 1 is consistent with State and Local Planning Policy Frameworks and will support the planning objectives of the RLUS by preventing further fragmentation of rural land and by reinforcing a nexus between dwellings and agricultural activity.
19. The proposed local policy provisions as they apply to the F1Z area are balanced, providing support for broadacre commercial farming, while guiding discretion in relation to (but not preferencing) intensive agriculture and tourism in these locations.
20. The proposed Farming Zone, Schedule 2 is of itself a 'policy neutral' translation of the current zone provisions in those locations where the current Farming Zone Schedule applies a minimum subdivision area and dwelling permit threshold of 40 hectares.

21. The proposed *Intensive Agriculture Policy* (Clause 22.01) should be modified to discourage Intensive Agriculture in the F2Z precincts and address any ambiguities related to the F2Z or other policies that apply in relation to it.
22. The proposed *Rural Dwelling and Subdivision in the Farming Zone Policy* (Clause 22.02) should be modified to remove references to land uses and development other than dwellings and subdivision; and its language refined to avoid any implied overriding of the provisions of the Farming Zone.
23. The proposed *Rural Tourism in the Farming Zone Policy* (Clause 22.03) represents a reasonable and appropriate mechanism for implementing the economic diversification objectives of the RLUS without undermining the purpose of the Farming Zone.
24. The retention of the Rural Living Zone on the Yinnar South properties identified in the Latrobe City Council resolution of 9 September 2018 is appropriate given that the zoning reflects existing land use and development, offers only limited opportunity for further subdivision and development, and will ensure that incompatible land uses cannot be established within the zoned area.
25. The backzoning of the balance of Rural Living land in Yinnar South is an appropriate outcome given the proposed strategic framework for Latrobe City, the isolation of the locality, poor levels of servicing, environmental sensitivity and bushfire risk.
26. The application of the Farming 2 Zone to the balance of Yinnar South will, for the reasons discussed above, support opportunities for non-farming economic activity, including tourism (subject to a Bushfire Hazard Assessment).

## 5.0 Background to Amendment C105

### 5.1 Live Work Latrobe

27. The Live Work Latrobe project ('*Live Work Latrobe*') provides a framework for the future land use and development of the City of Latrobe. The framework is comprised of three distinct strategies that guide the long-term growth of housing, industry and employment and rural land use. It provides a municipal wide approach to land use planning that targets investment and collaborative action. Key initiatives facilitated by *Live Work Latrobe* include growth to support the regional city role, diversification of jobs and creation of long-term employment, developing attractive and inclusive living environments, enhancing agricultural opportunities and leveraging the natural assets of the city.
28. My evidence is limited to discussion about the housing and rural land use elements of the project.

### 5.2 Housing Strategy

29. The housing strategy component of *Live Work Latrobe* focuses on a range of initiatives and actions that address key issues of housing affordability, design and sustainability for a growing population. Residential areas comprise approximately 4% of all land in the municipality, with housing concentrated in the Traralgon-Morwell-Moe-Churchill networked city. Nevertheless, the strategy applies to all residential land in the City of Latrobe and aims to provide a diverse range of housing opportunities and types while protecting areas of special character.
30. The housing strategy contains two key tools that form the strategic framework for future housing management. The first is a **settlement hierarchy** that defines the role of various

settlements in the city of Latrobe and describes the relationships and interdependencies between localities. The hierarchy outlines three levels of growth to inform decisions surrounding future land use and development: 'promote', 'support' and 'manage'.

31. The second is a **housing framework** that identifies the level of housing growth and change to be accommodated in residential areas. This framework identifies four categories of change that reflect the extent of future growth and housing types: substantial change, incremental change, limited change and minimal change.
32. A **residential capacity assessment** was also prepared as part of the Strategy to ensure that the regional city has the capacity to support a population of 100,000 residents over the next 30 years. In order to accommodate this growth, the residential capacity assessment identifies a notional supply of an additional 40,000 homes can be achieved via infill development and the existing greenfield residential zoned land.

### 5.3 Rural Land Use Strategy

33. The rural land use component of *Live Work Latrobe* seeks to protect and promote economic, environmental and landscape values associated with rural land. It responds to the range of rural circumstances, supporting existing established industries such as agriculture and forestry, promoting rural tourism and addressing gaps in environmental policies. Rural land accounts for approximately 74% of all land in Latrobe City and this strategy incorporates all rural land, with an aim to achieve a balance between protecting high quality agricultural land, rural industry, environmental sustainability and rural living.
34. This strategy establishes objectives and actions pertaining to six different themes that have been identified as significant to the city of Latrobe:
  - Recognition and protection of agricultural land
  - Support and promote the forestry industry
  - Support and promote intensive agriculture
  - Encouraging rural tourism in appropriate locations
  - Providing opportunities for rural living in appropriate locations
  - Protecting and enhancing the significant landscape and environmental values.

### 6.0 Overview of Amendment C105

35. *Latrobe Planning Scheme* Amendment C105 has been prepared by Latrobe City Council and proposes to implement the key recommendations of the three land use strategies that comprise the *Live Work Latrobe* project. These strategies are the *Housing Strategy*, *Industrial and Employment Strategy* and *Rural Land Use Strategy*.
36. The amendment will incorporate recommendations from the various land use strategies into Clause 21 and 22 of the MSS, as well as rezone land across the municipality.
37. Figure 1 provides a summary of the elements of the amendment that relate to housing and rural land use.



**Figure 1 Amendment C105 Housing & Rural Land Use Actions**

Action	Strategy	Addressed in this statement?
<b>Proposed changes to Clause 21 of the Municipal Strategic Statement</b>		
Amend the Traralgon, Traralgon West and Morwell Main Town Structure Plans to align with recommendations.	Housing Strategy	Yes
Introducing a revised Latrobe City Settlement Hierarchy and Housing Framework Plans for Traralgon, Morwell, Moe, Churchill, District and Small Towns.	Housing Strategy	Yes
Providing directions for greater housing diversity and density within close proximity to established town centres.	Housing Strategy	Yes
Introducing the Latrobe City Urban Design Guidelines as a reference document.	Housing Strategy	Yes
Identifying key locations for intensive agriculture, including direction for the interim use and development of land for intensive agriculture on land over coal pending the utilisation of underlying coal resources.	Rural Land Use Strategy	Yes
Recognising the Strzelecki – Alpine biolink (a biodiversity corridor between the Strzelecki bioregion in the south and the Victoria's Alpine region in the north).	Rural Land Use Strategy	Yes
<b>Other proposed actions</b>		
Rezoning all residential land in accordance with the Housing Framework Plans included within the Housing Strategy to support greater housing diversity and density on land within close proximity to activity centres and public transport; whilst preserving the character of established neighbourhoods.	Housing Strategy	Yes
Amends Development Plan Overlay - Schedule 5 and 6 by requiring the planning and development of residential growth areas to align with the principles outlined in the Housing Strategy.	Housing Strategy	No
Replaces the Rural Living Zone Schedules 1-6 with three new Schedules.	Housing Strategy	No
Introduce three new local policies to Clause 22 to provide direction for the consideration and assessment of intensive agriculture proposals, rural tourism and the development of dwellings and subdivision within the Farming Zone.	Rural Land Use Strategy	Yes
Rezoning all land located within the Farming Zone by introducing two new schedules including Farming Zone Schedule 1 – Commercial Agriculture and the Farming Zone Schedule 2 – Mixed Use Farming.	Rural Land Use Strategy	Yes
Rezoning all land located within the Farming Zone to Public Conservation and Resource Zone where land is not in private ownership and deemed to be either State Forest or recognised conservation areas.	Rural Land Use Strategy	No
Implements the recommendations of the Rural Land Use Strategy by rezoning additional land for rural living purposes and applying the Development Plan Overlay – Schedule 8 to new Rural Living Precincts where land is significantly fragmented.	Rural Land Use Strategy	No
Rezoning an area of approximately 1275 hectares of land located in Yinnar South from the Rural Living Zone – Schedule 4 and 6 to the new Farming Zone – Schedule 2 (Mixed Use Farming).	Rural Land Use Strategy	Yes
Corrects a number of zoning and overlay mapping anomalies and errors across the municipality in order to facilitate the recommendations of each of the Live Work Latrobe Land Use Strategies.	All Strategies	No
Introduces each of the Live Work Latrobe land use strategies as Reference Documents to the Latrobe Planning Scheme.	All Strategies	No

## 7.0 Strategic Context

### 7.1 Housing

#### Clause 11 Settlement

38. Clause 11 of the Planning Policy Framework (PPF) outlines that planning is required to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for various land uses. This clause aims to prevent environmental and amenity problems created by siting incompatible land uses close together; and to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in infrastructure and services.
39. Settlement strategies for Gippsland (Clause 11.01-1R) support: urban growth in Latrobe City as Gippsland's regional city; new urban growth fronts in regional centres where natural hazards and environmental risks are avoided or managed; the continuing role towns and small settlements that provide services to their districts; and the creation of vibrant and prosperous town centres.

#### Clause 16 Housing

40. Clause 16 of the PPF outlines that planning for housing should provide for diversity, long term sustainability of new housing and the provision of land for affordable housing.
41. The clause outlines number of key objectives:
  - To facilitate the establishment of crisis accommodation and community care units in residential areas.
  - To deliver more affordable housing closer to jobs, transport and services.
  - To provide for a range of housing types to meet diverse needs.
  - To locate housing in designated areas that offer good access to jobs, services and transport.

#### Clause 21.02 Housing and Settlement

42. This clause addresses the key issues of urban growth, the development of towns and growth corridors, land use and liveability, providing various objectives and strategies for each issue in order to facilitate housing density to locations with access to activity centres while supporting the provision of varied housing choice.
43. The main towns of Moe, Morwell, Traralgon and Churchill are recognised as being part of a 'networked city', with structure plans and growth framework plans having been developed for these areas to provide an overarching strategy for their long term growth. While these town consist of their own constraints, they will continue to develop their unique characteristics through activity centre development and staged urban expansion.

## **7.2 Rural Land Use**

### **Clause 14.01 Agriculture**

44. The protection of agricultural land is a key objective of the PPF and Clause 14.01 aims to preserve productive farmland throughout the state. Strategies to achieve this include protecting identified productive farmland that is of strategic significance in a local or regional context, limit new housing development in rural areas, and ensuring that proposals to alter agricultural land appropriately consider the impacts on the land and productivity.
45. Clause 14.01-2S aims (among other things) to ensure that agricultural and productive rural land use activities are appropriately managed to maintain long term sustainable use of existing natural resources. The clause seeks to support the development of sustainable approaches to agricultural and associated rural land use practices and facilitate the establishment and expansion of animal industries to ensure their use and development is appropriate.

### **Clause 21.05 Natural Resource Management**

46. The protection of rural land for agriculture is a key issue in Clause 21.05. The PPF recognises that rural land covers a significant proportion of the municipality, which has multiple roles in managing and sustaining that land. There exists a need to improve industry efficiency, protect the agricultural land resource base and encourage new sustainable enterprises.
47. Pressure for rural residential development is acknowledged as a legitimate land use, however high value rural land and natural resources need to be protected. Land use conflicts are present with differing expectations between people seeking a rural residential lifestyle and farmers.

## **7.3 Natural hazards - Bushfire**

### **Clause 13.02 Bushfire**

48. Clause 13.02-1S aims to strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritise the protection of human life. Prioritising the protection of human life above all other policy considerations is a key strategy of this clause. This is to be achieved by strategies of directing population growth and development to low risk locations and reducing the vulnerability of communities to bushfire.
49. Consideration and implementation of bushfire hazard identification and risk assessment is critical to achieving the aim of Clause 13.02, as well as ensuring that there is no net increase in risk to existing and future residents through appropriate development and management of plans.

## 8.0 The Merits of the Amendment

### 8.1 Housing

#### 8.1.1 Latrobe Housing Strategy 2017

51. The *Latrobe Housing Strategy 2017* ('LHS') component of *Live Work Latrobe* sets the ambitious objective of establishing Latrobe as Gippsland's only regional city. Its aim is to support the growth of the municipality to a population of 100,000 within the next 30 years, beyond the 82,460 currently projected by the year 2030. The current projection would require around 5,000 new homes to accommodate an additional 8,560 people within the next 12 years.
52. The *LHS* supports the long-established policy of developing a '*networked city*' comprising Moe-Newborough, Morwell, Traralgon and Churchill but for the first time reinforces Morwell-Traralgon as the primary focus of future growth. In order to accommodate this ambitious growth objective the strategy, also for the first time, promotes the urbanisation of the area between Morwell and Traralgon to physically join the two towns.
53. The *LHS* states that demand and supply analysis prepared by Essential Economics demonstrates that there is enough residentially zoned land to meet long-term demand. Furthermore, that a Housing Capacity Assessment prepared as part of the project demonstrates that there is sufficient capacity within the proposed framework to accommodate a population in excess of the proposed 100,000 people (p. 18).
54. Amendment C105 therefore does not propose the rezoning of further land for residential development. While the exhibited amendment did propose rezoning land for Rural Living purposes, this was proposed to accommodate demand for rural lifestyle land and was not included in the population projections outlined in the *LHS*.
55. I have not reviewed the detail or methodology of either the supply and demand or capacity analyses. Instead, I have focussed on the appropriateness of the proposed residential framework and controls.
56. In my opinion the *Latrobe Housing Strategy 2017* is generally supportive of the State Planning Policy Framework and provides a strategic basis for amending the *Latrobe Planning Scheme*.

#### 8.1.2 Changes to Municipal Strategic Statement

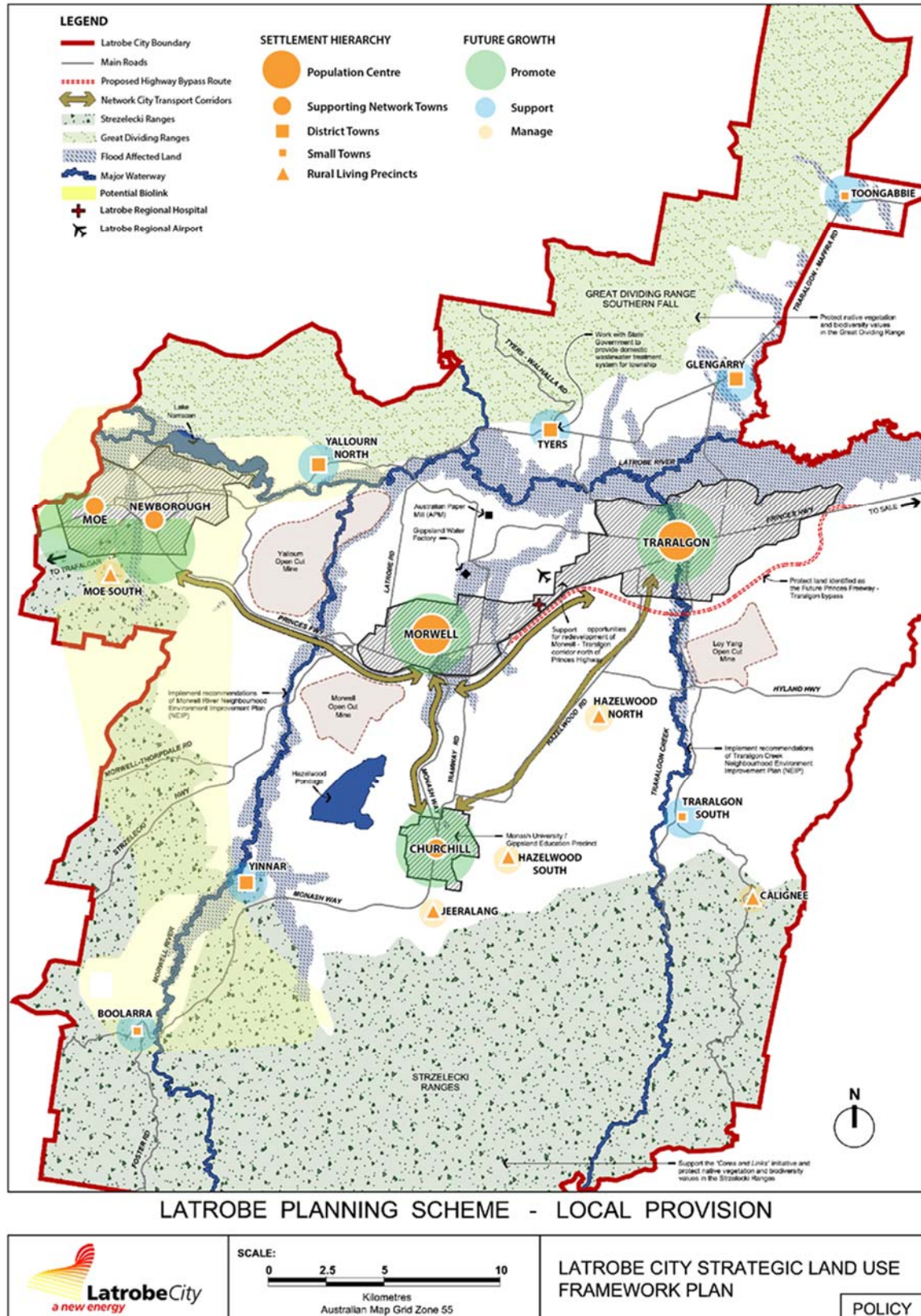
##### Municipal Profile (Clause 21.01)

57. The Municipal Profile (Clause 21.01), including its Strategic Vision and Strategic Land Use Framework Plan is amended to implement the recommendations of *Live Work Latrobe*. The housing and settlement related elements of the Strategic Land Use Framework Plan are consistent with the framework set out in the *RLUS*, namely:
  - Morwell and Traralgon are identified as the 'Primary Population Centre' and will eventually form a single urban unit;
  - Churchill and Moe-Newborough are identified as 'Supporting Network Towns', where growth will also be encouraged;
  - Glengarry, Tyers, Yallourn North and Yinnar are identified as 'District Towns';
  - Boolarra, Toongabbie and Traralgon South are identified as 'Small Towns';



- A number of existing 'Rural Living Precincts' are also identified, however these exclude the locality of Yinnar South (discussed below).

**Figure 2 Proposed Latrobe Settlement Plan**



58. In my opinion the proposed Latrobe Settlement Plan is a logical evolution of the current plan, taking into account the refinements proposed by the *Latrobe Housing Strategy 2017*.

### Built Environment and Settlement

59. The amendment introduces a new Built Environment and Settlement Clause (21.02) to support the settlement hierarchy. Traralgon-Morwell is identified as the '*primary population centre, serving the dominant residential, commercial and retail node.*' (Clause 21.02-3).
60. The 'Housing' Clause (21.02-8) sets out the Council's housing aspirations as described in the *LHS* (see above). I have summarised each of the change areas in Figure 3 Proposed Housing Framework.

**Figure 3 Proposed Housing Framework**

Area Description	Location	Built Form Outcomes	Proposed Zone
Substantial Change	Immediately adjacent to and within 400m of the Principal Activity Centres, being Moe, Morwell, Churchill and Traralgon.	Multi-level residential development in the form of low scale apartments townhouse, shop-tops and units. Smaller housing types. (Clause 21.02-10)	Residential Growth Zone
Incremental Change	Generally within 400m of the Principal Activity Centres, 200m of existing or planned Neighbourhood and Local Activity Centres and the retail centres of District and Small Towns.	Medium density development. (Clause 21.02-11)	General Residential Zone
Limited Change	Generally beyond the Incremental Change Areas.	Detached dwellings and dual occupancies. (Clause 21.02-12)	Neighbourhood Residential Zone
Minimal Change	As for 'Limited Change', however applies to areas with significant environmental, heritage or neighbourhood character attributes.	Detached dwellings and dual occupancies. (Clause 21.02-13)	Neighbourhood Residential Zone

61. In my opinion the strategic application of residential zones is consistent with the proposed housing framework and appears logical and consistent with the purposes of each zone.
62. I have not examined the application of the zones in sufficient detail to comment on the proportion of each zone applied. I do note that the *LHS* states that the proposed framework provides for an adequate supply of land and development potential to accommodate both projected and aspirational growth.

### Local Area Growth Plans (Clause 21.09) and Proposed Zone Schedules

63. Amendment C105 proposes to modify Clause 21.09 by updating the text and replacing or supplementing existing structure plan maps with Housing Framework Plans derived from the *LHS*. In reviewing this Clause I have not examined the plans that form the basis of the current provisions. I have limited my assessment to a high level consideration of the framework and its application to each of the settlements.

**Figure 4 Local Area Plans and Proposed Zones**

Proposed Zone Schedule	Variations
RGZ1 – Traralgon Transit City Precinct	Minimum street setback Landscaping Front fence height
RGZ2 – Compact Living with Special Character	Minimum street setback Landscaping Maximum building height – 12m
RGZ3 – Morwell and Moe Transit City	Minimum street setback Landscaping Front fence height Maximum building height – 12m
RGZ4 – Churchill Activity Centre	Minimum street setback Landscaping Front fence height Maximum building height – 12m
GRZ1 – Incremental Change (Five Minute Neighbourhoods)	Minimum street setback Landscaping Side and rear setbacks Front fence heights
GRZ2 – Incremental Change (Traralgon Garden Suburb)	Minimum street setback Landscaping Side and rear setbacks Walls on boundaries Front fence heights
GRZ3 – New Estates	Minimum street setback Landscaping Side and rear setbacks Walls on boundaries
GRZ4 – District Towns	Minimum street setback Landscaping Side and rear setbacks Walls on boundaries Front fence height
NRZ2 – Bush Garden Neighbourhood	Minimum lot size = 900sqm Minimum street setback Site coverage Permeability Landscaping Side and rear setbacks Walls on boundaries Front fence height
NRZ3 – Lifestyle Suburban	Minimum lot size = 1500sqm Minimum street setback Site coverage Permeability Landscaping Side and rear setbacks Front fence height
NRZ4 – Regional Suburbs	Minimum street setback Site coverage Landscaping Side and rear setbacks Walls on boundaries

64. In my opinion the proposed zones and schedules have been applied in a manner that is generally consistent with the proposed housing framework plan in each locality (noting that I have not examined the zone boundaries on a street-by-street basis).

65. I have not examined the justification for each of the proposed zone schedule changes, noting that they include proposed mandatory provisions relating to building height and minimum lot size. From an implementation perspective I make the following two minor observations.
66. First, the landscaping standards included in the RGZ schedules require '*One canopy tree in front setback per dwelling facing the street*'. My observation is that this is unlikely to be achievable for apartment developments that have multiple dwellings facing the street.
67. Second, the RGZ schedules include maximum height provisions that are based on a maximum height of 3 metres per storey (i.e. RGZ1 seeks to accommodate 5 storeys within 15 metres; RGZ2 to 4 provide for 4 storeys within 12 metres). In my view some additional flexibility should be provided to accommodate lift overruns, architectural features, parapets and services. On this basis heights of 16.5 metres and 13.5 metres would be preferable.
68. I recommend:
  - Increasing the proposed maximum height in RGZ1 to 16.5m (equivalent to 5 storeys) and in RGZ2-4 to 13.5m (equivalent to 4 storeys);
  - Reviewing the proposed reduced minimum front setback standards in the Neighbourhood Residential ones as these appear to contradict the intent of these schedules.

## 8.2 Rural Land Use

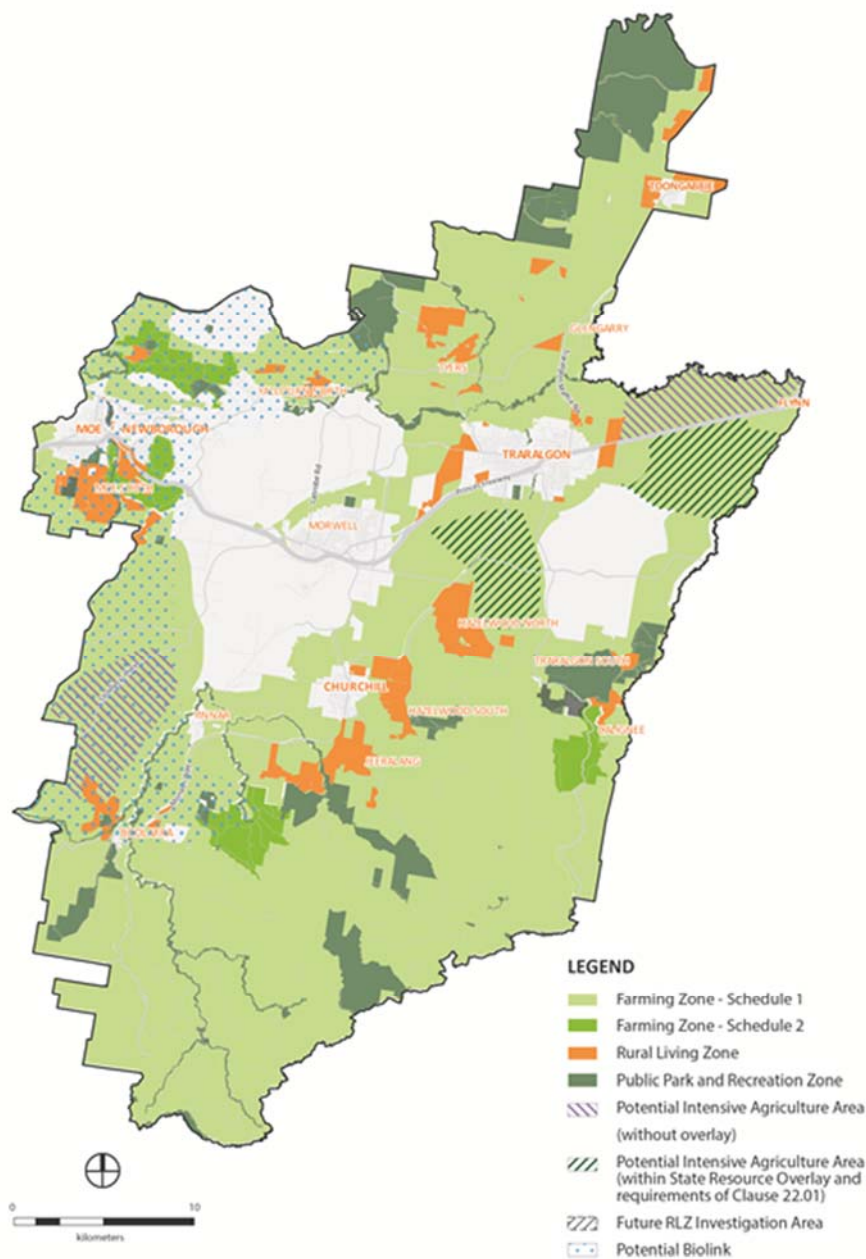
### 8.2.1 Overview

69. The Amendment C105 Explanatory Report states that the Latrobe City Rural Land Use Strategy 2017 (the 'RLUS') 'establishes a framework to protect and promote economic, environmental and landscape values associated with rural land as well as respond to competing and diverse rural land uses.'
70. Within the broader context of the structural economic changes that have occurred within the Latrobe Valley over the past twenty years the RLUS aims to enhance the strategic emphasis placed on the agricultural sector, support value-adding, protect existing enterprises, encourage innovation and intensive forms of agriculture, and create opportunities for rural tourism.
71. The rural land use components of the amendment are therefore primarily directed at supporting the economic development and employment objectives of *Live Work Latrobe*. Secondly, they also support and intersect with objectives relating to the natural environment, resources, environmental risk, landscape and liveability.
72. The proposed changes to the MSS are focussed on Clause 21.05 Natural Resource Managements. This broad direction is supplemented by various refinements to other Clauses. For the purposes of this statement I will place greatest emphasis on Clause 21.05.
73. The proposed Rural Framework Plan (Clause 21.05) provides a useful spatial tool for illustrating the strategic directions and statutory changes proposed by Amendment C105. The following table seeks to simplify the broad intent of the RLUS and its implementation by reference to the Rural Framework Plan. For the purposes of clarity in Figure 5 I have simplified the descriptions of the strategies and observe that the agriculture-related strategies are not mutually exclusive.



**Figure 5 Rural Framework Overview**

Strategy	Rural Framework Plan legend reference	Proposed zone & schedule	Proposed local policies
Support broad hectare commercial agriculture  (Clause 21.05-2, Strategy 1.3)	Farming Zone – Schedule 1	Farming Zone – Schedule 1 (FZ1)	Rural Dwelling and Subdivision in the Farming Zone (Clause 22.02)  Rural Tourism in the Farming Zone (Clause 22.03)
Promote intensive agriculture and horticulture  (Clause 21.05-2, Strategy 1.5)  (Clause 21.05-11, Strategy 3.5)	Potential Intensive Agriculture Areas	Farming Zone – Schedule 1 (FZ1)	Intensive Agriculture (Clause 22.01)
Support mixed farming and tourism  (Clause 21.05-2, Strategy 1.4)  (Clause 21.07-17, Strategy 1.2)	Farming Zone – Schedule 2	Farming Zone – Schedule 2 (FZ2)	Rural Dwelling and Subdivision in the Farming Zone (Clause 22.02)  Rural Tourism in the Farming Zone (Clause 22.03)
Manage growth in appropriately located rural living precincts  (Clause 21.02-3, Strategy 2.5)  (Clause 21.02-19, Objective 1)  (Clause 21.04-8, Strategy 1.1)	Rural Living Zone	Rural Living Zone	N/A
Enhance biolink connections (Clause 21.03-6, Strategy 1.2)  (Clause 21.03-10, Strategy 1.1)	Potential Biolink	Various	N/A

**Figure 6 Rural Framework Plan Map**

## 8.2.2 Implementing the Rural Land Use Strategy

### Broad hectare agriculture

74. In broad terms Amendment C105 seeks to support commercial, broadhectare agriculture by avoiding the fragmentation of farm land through subdivision, discouraging the construction of dwellings that are unrelated to agriculture and avoiding the introduction of land uses that may contribution to land use conflicts. These overarching objectives are to be achieved through the following provisions.

75. The proposed **Farming Zone, Schedule 1 (FZ1)** increases the mandatory minimum subdivision area from 40 hectares<sup>1</sup> to 80 hectares; and the minimum land area for which no permit is required to use a dwelling from 40 hectares to 100 hectares. This will support the objectives outlined above and break the nexus between subdivision and the ability to construct a dwelling as-of-right. Notably, this will not alter the potential to apply for a dwelling on smaller lots nor change the application requirements or decision guidelines contained within the zone.
76. The proposed **Intensive Agriculture Policy (Clause 22.01)** will give policy preference to identified Intensive Agriculture Precincts (see next section) but does not discourage intensive agriculture throughout the FZ1 area where land characteristics, environmental protection and dwelling buffer distances are deemed suitable.
77. The proposed **Rural Dwelling and Subdivision in the Farming Zone Policy (Clause 22.02)** will guide the exercise of discretion under the Farming Zone subject to the minimum lot sizes and dwelling permit trigger contained in the Farming Zone. In relation to the FZ1 it will support the purposes of the zone by discouraging dwellings, second dwellings and dwelling excisions unless they are demonstrably associated with the agricultural use of the land. The policy also provides guidance as to the location of dwellings and requires consideration of Section 173 agreements to prevent the resubdivision of lots that exceed the minimum lot size.
78. The proposed **Rural Tourism in the Farming Zone Policy (Clause 22.03)** will guide the exercise of discretion under the Farming Zone in relation to tourism-related uses. It provides support for such uses in order to complement the viability of agricultural activity and provides guidance in relation to siting and other parameters for the avoidance of land use conflict. The policy gives preference to the F2Z for these types of uses. In the F1Z it seeks to support uses that are *'ancillary to and associated with'* an existing farming activity whether that activity remains the primary land use.
79. The F1Z is proposed to apply to the majority of agricultural land across the municipality. The RLUS notes that this land is already heavily fragmented, especially in areas of high amenity and in close proximity to major settlements. Generally speaking, larger lots have been preserved in areas affected by coal resource buffers, forestry areas and on productive land that is more remote from settlements. The strategy also identifies that the number of subdivisions permitted in the Farming Zone has been gradually declining.
80. Aside from the fragmentation of land parcels, the development of dwellings not related to agriculture also represents a threat to agricultural productivity. The RLUS notes that since 2009 approximately 22 dwellings have been permitted per annum in the Farming Zone, despite the number of farm businesses remaining static during that time. The implication drawn is that many of these dwellings are not related to farming activities.
81. Analysis provided to me by the Latrobe City Council examines the impact of the minimum lot size and minimum dwelling area provisions in the F1Z areas. The proposed changes to the minimum subdivision lot size are more significant than the dwelling trigger because they will preclude land from further subdivision. In contrast the change to the permit trigger will not serve to prohibit new dwellings in the F1Z area.
82. The analysis states that there are currently 178 properties that are greater than 80 hectares that may be subdivided under the minimum 40 hectare provisions. If the minimum lot size is doubled to 80 hectares, as proposed, the number of subdividable properties (i.e. greater than 160 hectares) will decrease to 65. The effect will be to remove the subdivision potential of 113 properties, representing around 12,000 hectares of land. It should be noted that these figures include properties that are being activity used as forestry plantations.

1.

<sup>1</sup> A lower minimum lot size currently applies to a small precinct to the north-east of Moe. I have not examined this aspect of the amendment.

83. In relation to the dwelling permit trigger, the proposed schedule changes would reduce the number of vacant properties that are large enough to accommodate an as-of-right dwelling from 158 (minimum 40 hectares) to 36 (minimum 100 hectares), an overall reduction of 122 properties. Again, this figure includes properties subject to forestry activity and does not take into account properties that may be unsuitable for development. Further, I note that the need for a planning permit may be triggered by other provisions, such as the Bushfire Management Overlay, on a proportion of these lots.
84. In my opinion:
- The Latrobe City Rural Land Use Strategy 2017 is generally supportive of the State Planning Policy Framework and provides a strategic basis for amending the Latrobe Planning Scheme.
  - The proposed Farming Zone, Schedule 1 is consistent with State and Local Planning Policy Frameworks and will support the planning objectives of the RLUS by preventing further fragmentation of rural land and by reinforcing a nexus between dwellings and agricultural activity.
  - The proposed local policy provisions as they apply to the F1Z area are balanced, providing support for broadacre commercial farming, while guiding discretion in relation to (but not preferencing) intensive agriculture and tourism in these locations.

### **Intensive agriculture and horticulture**

85. The proposed **Intensive Agriculture Policy (Clause 22.01)** seeks to direct intensive agriculture to preferred locations within the Farming Zone, Schedule 1 (see discussion above). The policy does not preclude consideration of applications throughout the FZ1, however it does give policy preference to four locations identified on a map:
- Flynn Creek Intensive Agriculture Precinct (within the State Resource Overlay)
  - Latrobe River East Intensive Agriculture Precinct (outside the SRO)
  - Silver Creek Intensive Agriculture Precinct (outside the SRO)
  - Traralgon Creek Intensive Agriculture Precinct (within the SRO).
86. In addition, the policy (among other things) supports the establishment of appropriate buffer zones, discourages rural lifestyle dwellings, requires consideration of environmental impacts, and takes into account potential future coal extraction requirements.
87. The areas identified are characterised by relative flat topography, larger lot sizes, and dispersed dwellings with significant distances between them. They therefore provide a strategic opportunity to accommodate rural land uses that require substantial buffer distances due to the intensity of activity and external amenity impacts associated with them. Conversely, their relative proximity to transport infrastructure and urban areas provides ready access to markets, logistics nodes, services and value chains.
88. Although the local policy serves to direct intensive agriculture to the four identified precincts it does not override the permit requirements, objectives, information requirements or decision guidelines of relevant zones or overlays. Accordingly, the merits of each application, particularly with respect to considerations such as access, land use conflict, buffer zones and environmental protection would still need to be assessed in each case.
89. I have not examined in detail the appropriateness of the location or boundaries of the proposed policy precincts.

90. In my opinion the proposed Intensive Agriculture Policy (Clause 22.01) is consistent with State and Local Planning policy objectives by supporting the diversification of agricultural activity within areas capable of providing appropriate infrastructure, buffer distances and environmental impact mitigation.

### **Mixed farming and tourism**

91. The Rural Framework Plan (Clause 21.05) identifies a number of precincts for inclusion in the Farming Zone, Schedule 2 (FZ2). The proposed MSS provisions refer to this zone as supporting 'Mixed Farming', which includes *'niche and small scale farming, hobby farms, tourism and associated dwellings.'* (Clause 21.05, Strategy 1.4). These areas are located to the north and south of Moe-Newborough, Yinnar South and Calignee.
92. Apart from a portion of Yinnar South these areas are currently included in the Farming Zone. The balance of this discussion is focussed on the land that is to be retained in the Farming Zone. The portion of Yinnar South proposed for rezoning from Rural Living Zone to Farming Zone is addressed separately below.
93. In the areas to which it is proposed to apply the **Farming Zone, Schedule 2 (FZ2)** does not alter the minimum subdivision area or the minimum land area for which no permit is required to use a dwelling, both of which are currently set at 40 hectares. Accordingly, the impact of Amendment C105 is limited to the effect of changes to the Local Policy Framework.
94. The proposed **Intensive Agriculture Policy (Clause 22.01)** will give policy preference to identified Intensive Agriculture Precincts (to be zoned FZ1) but does not discourage intensive agriculture throughout the Farming Zone where land characteristics, environmental protection and dwelling buffer distances are deemed suitable. The areas to be zoned FZ2 tend to be relatively fragmented and contain numerous dwellings and are therefore unlikely to provide conditions suitable for intensive agriculture.
95. Nevertheless, it would be preferable to modify the policy to discourage intensive agriculture within the FZ2 areas in order to clarify the policy intent. Furthermore, as the policy does not explicitly exclude the FZ2 at present the policy to discourage the establishment of dwellings on lots of less than 100 hectares is inconsistent with the FZ2 schedule. This ambiguity should also be resolved.
96. In the FZ2 the proposed **Rural Dwelling and Subdivision in the Farming Zone Policy (Clause 22.02)** will guide the exercise of discretion under the Farming Zone subject to the same minimum lot sizes and dwelling permit triggers that currently apply (i.e. 40 hectares). Where a permit is required the Farming Zone will still require in relation to a dwelling a written statement that addresses the decision guidelines of the zone, which include (among other things):
- Land capability and management
  - Compatibility with adjoining land uses
  - Whether the use or development will support or enhance agricultural production
  - The agricultural qualities of the land
  - Land fragmentation
  - Amenity impacts from surrounding land uses
  - The proliferation of dwellings in the locality
  - Environmental issues

- Design and siting issues.
97. Other overlays, most importantly the Bushfire Management Overlay, will also continue to apply.
  98. The policy supports the diversification of F2Z areas and provides for land uses such as dwellings, tourism activities and farm sales. It encourages these types of activities at a 'small scale' and where this will not likely result in land use conflict or loss of amenity. Specifically, in relation to Dwellings, it addresses impacts on adjoining agricultural activities, requires demonstration of improved land management and retention of wastewater on site.
  99. The proposed local policy will not override the provisions of the Farming Zone, but its interpretation may lead to a lowering of the bar in relation to some of the requirements and decision guidelines of the zone, such as the nexus between a dwelling and the agricultural use of the land. Provided that critical issues such as land use conflict and natural hazards are appropriately dealt with this does not concern me given that the explicit strategic direction in these areas is to diversify them by creating new opportunities for economic activity.
  100. I note, however, that the references to tourism and farm gate activities are beyond the stated scope of the policy which is intended to apply *'to an application for a dwelling or the subdivision of land'* in the FZ1 and FZ2. This latter point also creates overlap between this policy and the proposed Rural Tourism in the Farming Zone Policy. I would therefore recommend revising the wording of this policy to delete reference to tourism.
  101. The proposed **Rural Tourism in the Farming Zone Policy (Clause 22.03)** gives preference to the F2Z for 'small scale rural tourism opportunities, including agriculture related or nature based activities, bed and breakfasts, cabins, farm stays, cellar doors and restaurants'. It discourages dwellings and accommodation in close proximity to infrastructure or activities likely to result in adverse amenity impacts. It also discourages tourism uses that 'would likely introduce conflict with adjoining agricultural uses, land conservation outcomes or rural amenity values.' It therefore supports the intent of the RLUS to provide for diversification of discreet, high amenity areas, while seeking to minimise the potential for conflict with productive agricultural activities. The policy therefore provides clear direction as to how Council will exercise its discretion, signalling an openness to economic diversification in the identified precincts, while seeking to avoid land use conflicts and adverse amenity impacts.
  102. For properties within the F2Z areas that are currently within the Farming Zone Amendment C105 represents 'business as usual' in terms of the zone provisions, minimum subdivision area and as-of-right dwelling opportunities. Analysis provided to me by the Latrobe City Council indicates the number of potential 'as of right' dwellings capable of being constructed in each precinct:
    - Callignee – 2 lots
    - Moe South / Hernes Oak – 3 lots
    - Lake Narracan North Shore – 2 lots
    - (Yinnar South – 2 lots).
  103. Due to the fragmented nature of land in these precincts the number of lots in excess of 80 hectares is similarly limited.
  104. The primary effect of Amendment C105 in these areas will therefore be the introduction of new local policies that effectively 'lower the bar' for the use of land for a dwelling; and which encourage a range of rural tourism related activities. In both cases, however, the zone provisions and policies will still require consideration of matters such as agricultural productivity, natural hazards, land use conflicts, landscape values and rural amenity.



105. Although I have not reviewed the boundaries of these precincts in detail, I understand that they have been identified due to their existing fragmented subdivision patterns, proximity to settlements, and proportion of lots developed with dwellings. Accordingly, they are likely to be areas where productive agriculture is already impacted by factors such as increased land values, land use conflicts and land management challenges.
106. It is worth remembering that the types of land uses referred to within the proposed local policies are already permissible within the Farming Zone. The amendment does not change this situation, rather it seeks to direct a variety of tourism related uses to the FZ2 precincts in support of a broader objective of economic diversification.
107. The characteristics of the precincts suggest that they are capable of accommodating small scale tourism activity and there would appear to be merit in concentrating this type of activity rather than dispersing it throughout the rural area. My experience working in peri urban areas, including the Yarra Valley, is that the agglomeration of tourism activities enhances the success of individual businesses. Further, through careful planning and management tourism and agricultural activity can successfully co-exist.
108. In my opinion:
- The proposed Farming Zone, Schedule 2 is of itself a 'policy neutral' translation of the current zone provisions in those locations where the current Farming Zone Schedule applies a minimum subdivision area and dwelling permit threshold of 40 hectares.
  - The proposed Intensive Agriculture Policy (Clause 22.01) should be modified to discourage Intensive Agriculture in the FZ2 precincts and address any ambiguities related to the FZ2 or other policies that apply in relation to it.
  - The proposed Rural Dwelling and Subdivision in the Farming Zone Policy (Clause 22.02) should be modified to remove references to land uses and development other than dwellings and subdivision; and its language refined to avoid any implied overriding of the provisions of the Farming Zone.
  - The proposed Rural Tourism in the Farming Zone Policy (Clause 22.03) represents a reasonable and appropriate mechanism for implementing the economic diversification objectives of the RLUS without undermining the purpose of the Farming Zone.

### Yinnar South

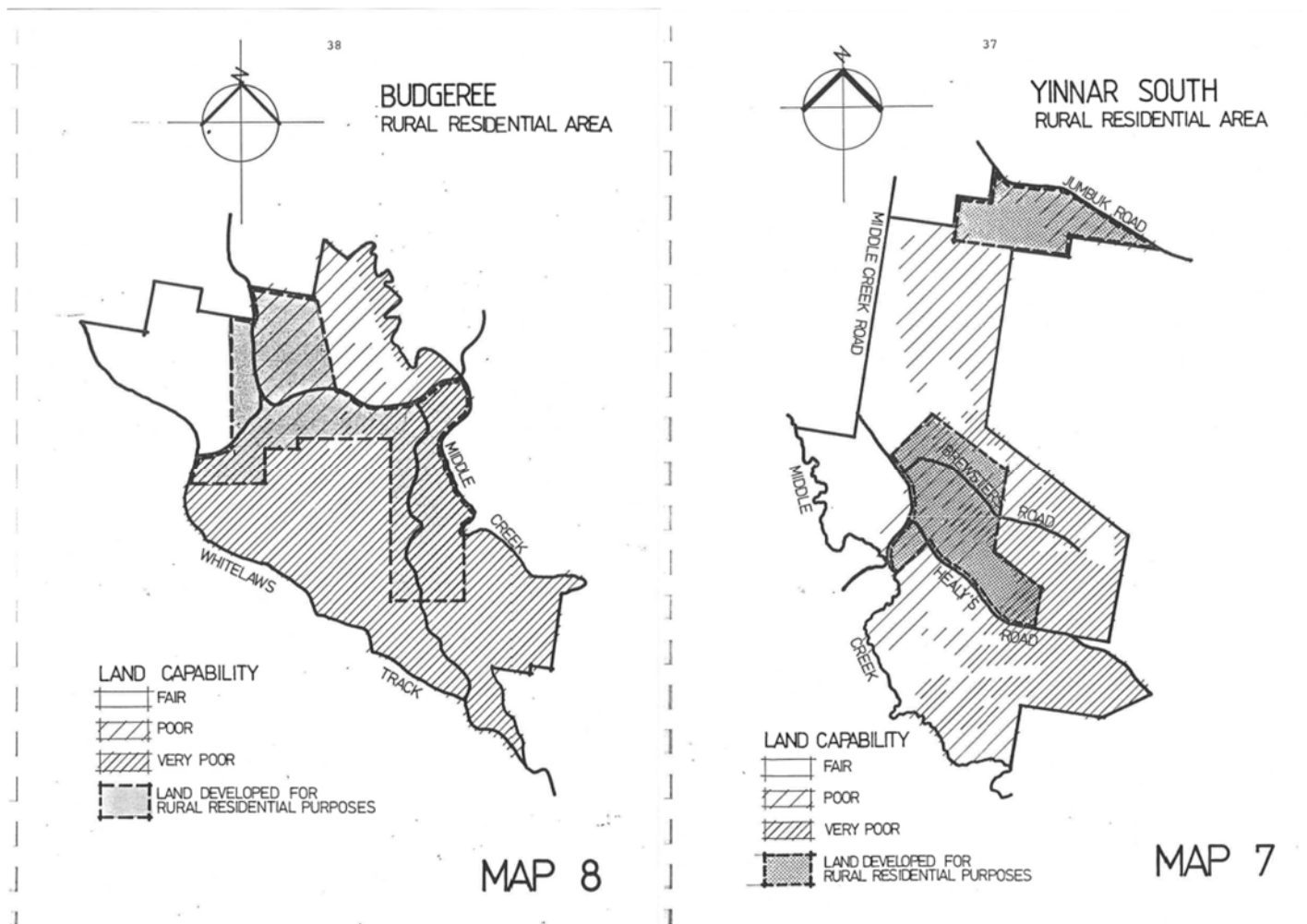
109. Yinnar South is one of the four precincts identified as an appropriate location for 'mixed farming' and therefore proposed for inclusion in the FZ2. Unlike the other three precincts, which are the subject of discussion in the preceding section, Yinnar South is not currently zoned Farming. The precinct is currently included in the Rural Living Zones, Schedules 4 and 6.
110. The exhibition documents for Amendment C105 propose the rezoning of land in Yinnar South From RLZ4 and RLZ6 to FZ2. This aspect of the amendment attracted the largest number of submissions of any of the issues or locations affected by the amendment. Notably, submissions were made both in objection to and in support of the rezoning. In response, Council at its meeting on 3 September 2018 resolved to modify the amendment to retain the Rural Living Zone on lots where there is '*limited or no further subdivision opportunity*' under that zone. I am advised by Council officers that this has since resolved a number of objections to the amendment.
111. The map below shows the properties within the locality of Yinnar South that are proposed to be either retained in the Rural Living Zone or rezoned to Farming Zone, Schedule 2. Given the small lot sizes, high proportion of existing dwellings and limited opportunities for further

subdivision and development, I believe the retention of the Rural Living Zone on the identified properties affected by the Council resolution is a reasonable outcome.

112. Should land in Yinnar South be backzoned from Rural Living to Farming Zone?
113. The RLUS includes an entire chapter that examines Rural Living land. It identifies a shortage of Rural Living zoned land within the municipality and investigates a number of precincts it recommends for rezoning to increase supply. These precincts were to be exhibited for rezoning as part of Amendment C105, however this component of the amendment was not progressed as Council is currently undertaking further analysis of bushfire risk with CFA in response to changes to the SPPF introduced as part of State-wide Amendment VC140.
114. Despite the above, the RLUS also identifies one precinct recommended for backzoning from Rural Living Zone to the proposed 'Mixed Farming' Zone – FZ2. The precinct is referred to as Jeeralang in the RLUS (p. 68) but is generally known as Yinnar South. Rezoning is recommended on the basis of its proximity to State forest and timber plantations, bushfire risk, steep terrain, limited access and isolation (p. 68).
115. RLUS Figure 25 '*Rural Living Investigation Areas*' (p. 69) shows the Yinnar South precinct with a hatching annotated '*Backzone to Farming Zone 2*'. The Implementation Chapter specifically recommends backzoning land in and adjacent Jeeralang from RZ6 to FZ2 (p. 82).
116. In order to better understand the context for this rezoning proposal I reviewed two previous reports that have examined rural living subdivision and development in Yinnar South.
117. The Shire of Morwell *Rural Residential Strategy 1986* examined the land capability of a number of precincts, primarily from a land capability and natural resources perspective and without significant reference to environmental values or risks. The maps prepared at the time show that Yinnar South (including Budgereee) was well established and covering a similar land area to its current footprint (refer to Figure 7).
118. The report described the combined Yinnar South / Budgereee area has having between 17 and 38 years of rural residential land supply (p. 4). The analysis of rural residential land capability for the two areas is limited to soil classification and takes into account slope and water table characteristics. Given the low development rate and extensive supply noted at the time the report does not recommend further expansion of these areas (page 55) and notes that the areas have a '*high fire rating*' (page 51).
119. The Strategy also comments in passing that an undeveloped portion of Yinnar South could be backzoned to Rural or Conservation as a trade off for creating more supply closer to Churchill (page 56). However, the area in question is not defined and the comment does not find its way into any of the report recommendations.

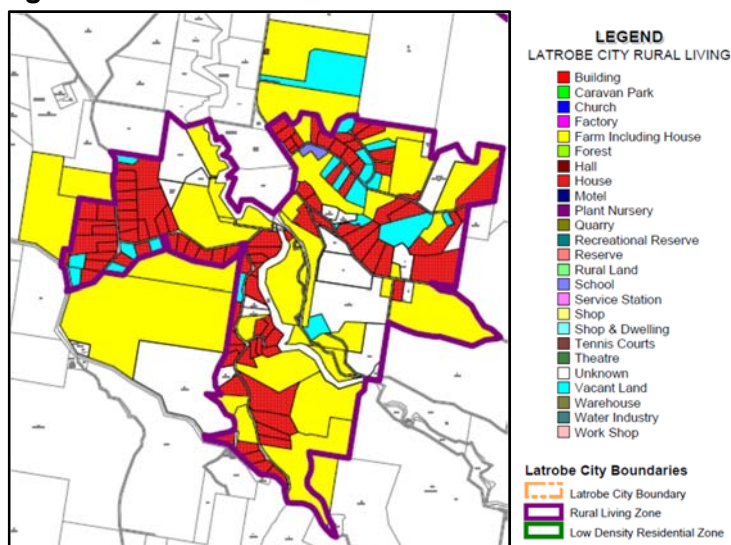


**Figure 7 Yinnar South in 1986**



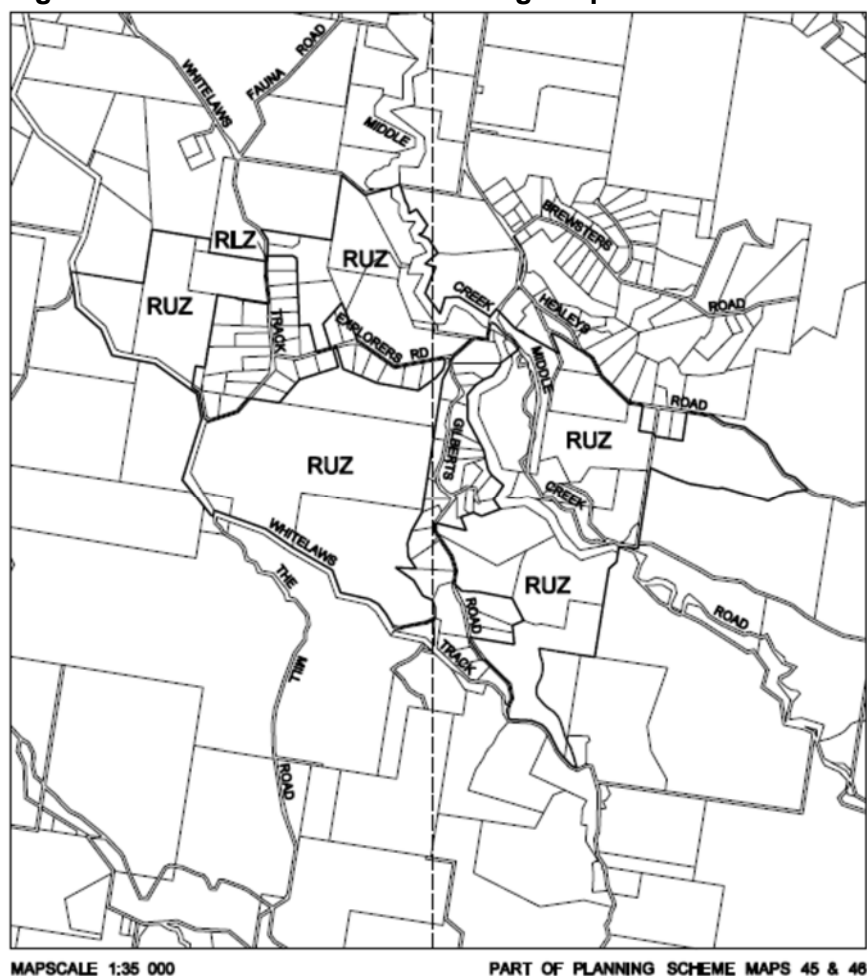
120. The *Latrobe Rural Residential Strategy 2002* examined existing and potential rural living areas across the municipality. In relation to Yinnar South (referred to 'Region 33' in 'Precinct 10, Churchill' on page 64), it states:
121. 'This region is difficult to access, remote from social infrastructure and heavily treed. It does however demonstrate some potential for development in the low-lying areas.'
122. Recommendation – Partially backzone to Rural Zone. Discourage further development in this region. The large tracts of farmland to the north, south and west of this region should be backzoned.'

**Figure 8 Yinnar South 'Precinct 33' 2002**



123. *Latrobe Planning Scheme Amendment C7 'Rural Residential Living'* sought to implement the 2002 study, which was supplemented by subsequent work completed by Council's Land Use Planning Committee. The exhibited amended proposed backzoning portions of Yinnar South (Precinct 33) from Rural Living to the then Rural Zone (Figure 9).

**Figure 9 Amendment C7 Backzoning Proposal**

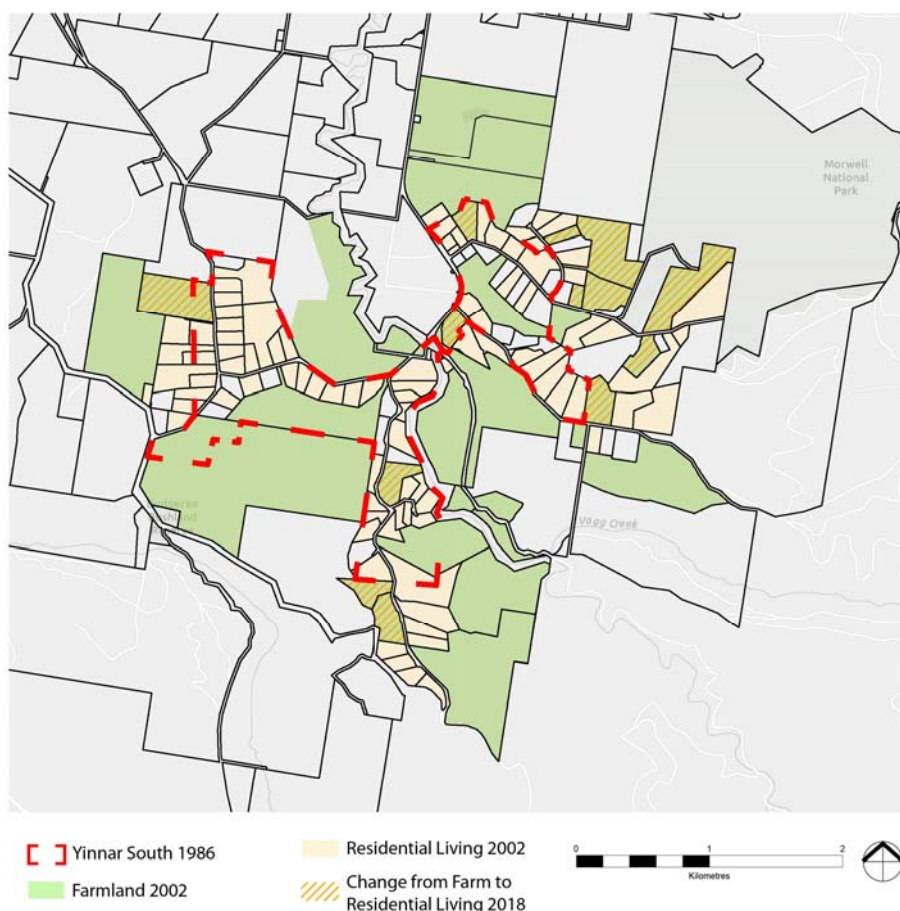


124. The Panel Report regarding Amendment C7, although expressing concerns about the level of details provided in the 2002 report and the process leading to the amendment, ultimately supported the backzoning of land in Yinnar South, principally in response to the overall supply of rural residential land within the municipality, the lack of demand in outlying areas and the poor servicing of these areas. At page 32 it concludes:

*'The Panel, if it is to support the proposed backzoning, must be satisfied that there are sound and strong strategic reasons to support the change. In this case, the supply and demand situation indicates that the requirement for rural residential living is much stronger close to the major centres, and it is in these major centres that the provision of services is concentrated. It is in the dispersed outlying areas that there is a low level of demand, and in general, a lack of services that are expected in now densely settled areas. The Panel believes that the strategic reasons proposed for the backzoning are sound.'*

125. Despite the Amendment C7 Panel recommendation the backzoning of land in Yinnar South did not proceed. I have not investigated the background to this.
126. More than 14 years have passed since the Amendment C7 Panel Report was released. Accordingly, the rationale for backzoning the land at Yinnar South warrants re-examination.
127. Figure 10 illustrates subdivision and development that has occurred since 1986.

**Figure 10 Development in Yinnar South since 1986**



128. I offer the following observations regarding Yinnar South utilising the criteria outlined in *Planning Practice Note 37: Rural Residential Development*:

- Strategy:
  - The current MSS provides general support for ‘rural living’ *‘in appropriate locations’* (Clause 21.02-4). The *Strategic Land Use Framework Plan* (Clause 21.01-3) includes identifies (but does not name) Yinnar South as a *‘Significant Rural Living Area’*.
  - The exhibited MSS removes reference to Yinnar South in its description of Rural Living Areas and does not include the locality in the updated *Strategic Land Use Framework Plan* (Clause 21.01-5) or *Rural Framework Plan* (Clause 21.05-2).
  - The exhibited MSS continues to support rural living in *‘appropriate locations’* and includes strategies that (among other things) *‘discourage rural living where there is a substantial risk to life and property.’* (Clause 21.02-19).
- Housing need:
  - The Latrobe *Housing Strategy 2017* (part of *Live Work Latrobe*) acknowledges rural living as contributing to housing choice (p. 8) but does not take this form of housing into account when considering future supply to accommodation population projections. Rather, it defers to the *Rural Land Use Strategy* to provide strategic direction.
  - The *Rural Land Use Strategy 2017* found that there was approximately 2.8 years’ supply of Rural Living Land within municipality (p. 67) and identified a number precincts for rezoning to improve supply (pp. 70-74). Notwithstanding this constrained supply it proposed backzoning of existing Rural Living zoned land in Yinnar South (p. 68-69).
- Integration with existing urban areas:
  - Yinnar South is located on the northern edge of the Strezlecki Range and is remote from Latrobe’s key settlements. The use and development of the land for rural living purposes will not impede the future development of those settlements.
- Protection of natural resources:
  - Yinnar South sits within a landscape that is used for both productive agricultural purposes and forestry. Signage located within the precincts indicates that the roads are used by logging vehicles.
- Protection of environmental areas and biodiversity
  - Yinnar South is located adjacent to Morwell National Park to the east and a State Forest to the west. A number of the unsubdivided allotments are heavily vegetated. The extent of vegetation coverage on these lots would likely make further subdivision and development challenging. Refer to Figure 12.
- Natural hazards
  - The majority of the Yinnar South Rural Living Zone, with the exception of a small section to the north of the precinct, is subject to the Bushfire Management Overlay. The entire area is designated as a Bushfire Prone Area.
  - Any development within the Bushfire Management Overlay will require a Bushfire Hazard Assessment, including referral to the CFA.

129. Figure 11 illustrates the theoretical subdivision potential in Yinnar South subject to current Rural Living Zone minimum lot sizes.

130. Figure 12 highlights the vegetation cover existing on several of the unsubdivided lots in Yinnar South.

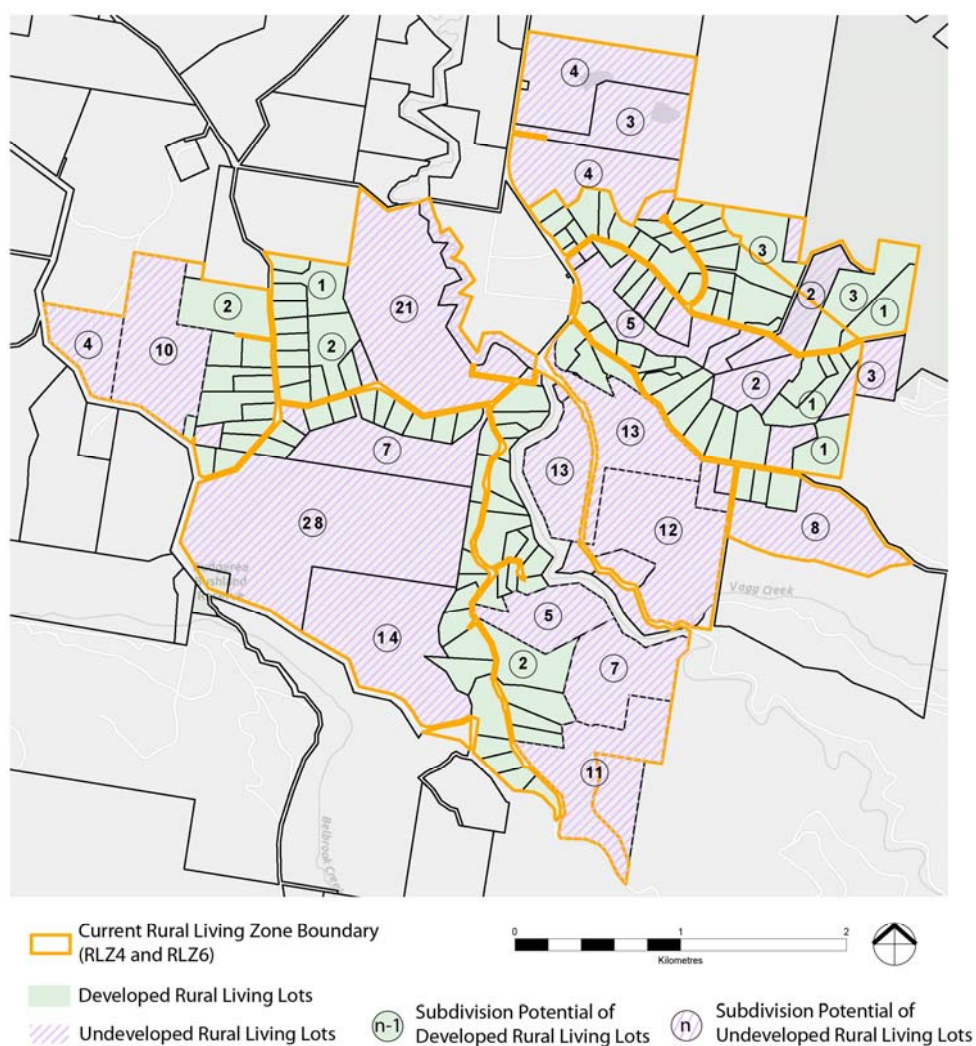
131. My conclusion is that the strategic justification for backzoning land in Yinnar South has strengthened since the Amendment C7 Panel Report in 2002. The fundamental change that has occurred in the intervening period has been the change in approach to dealing with

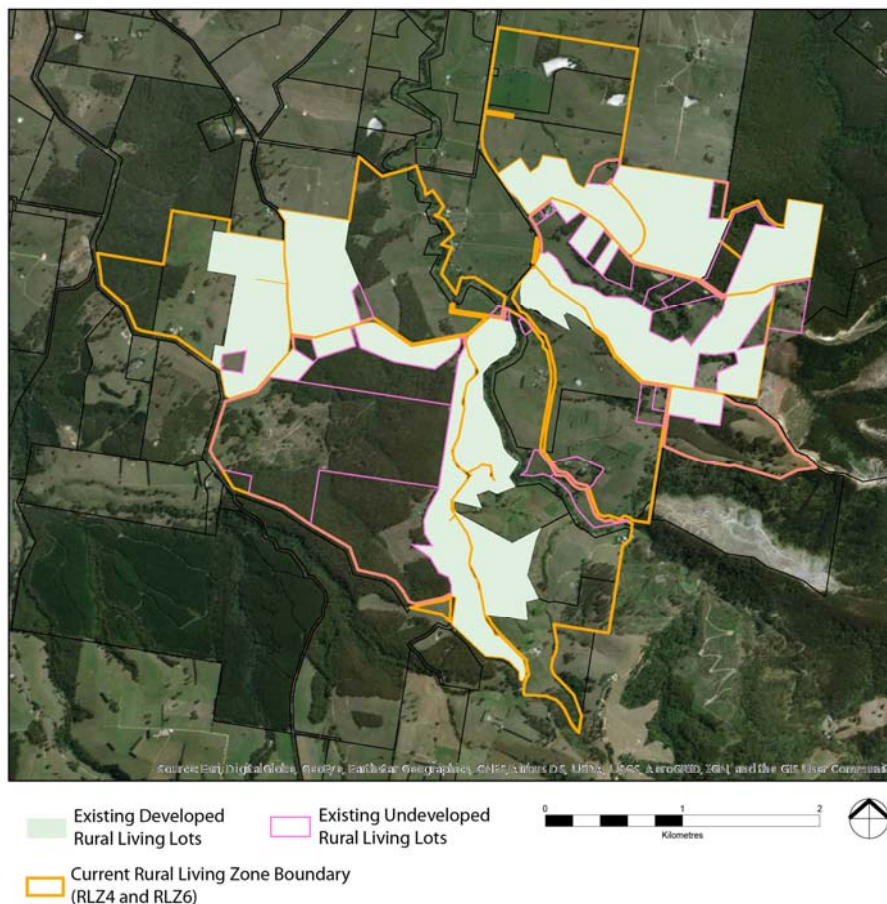


natural hazards, which in response to the 2009 Black Saturday bushfires now requires *'prioritising the protection of human life over all other policy considerations'* (Clause 13.02-1S). The majority of Yinnar South is covered by a Bushfire Management Overlay, includes a number of heavily vegetated lots, and is surrounded by State Forest, National Park and forestry land.

132. Vegetation protection provisions have also been strengthened since 2002. The current Native Vegetation provisions (Clause 52.17) implement the *Guidelines for the removal, destruction or lopping of native vegetation* (2017). The three-step approach – avoid, minimise and offset – would have the effect of substantially reducing the subdivision potential of the remaining unsubdivided lots. The issue of vegetation removal would be further complicated by the requirement to clear land for asset protection in accordance with the bushfire provisions.

**Figure 11 Theoretical subdivision potential in Yinnar South**



**Figure 12 Yinnar South Aerial Photograph**

133. In my opinion:

- The retention of the Rural Living Zone on the properties identified in the Latrobe City Council resolution of 9 September 2018 is appropriate given that the zoning reflects existing land use and development, offers only limited opportunity for further subdivision and development, and will ensure that incompatible land uses cannot be established within the zoned area.
- The backzoning of the balance of Rural Living land in Yinnar South is an appropriate outcome given the proposed strategic framework for Latrobe City, the isolation of the locality, poor levels of servicing, environmental sensitivity and bushfire risk.
- The application of the Farming 2 Zone to the balance of Yinnar South will, for the reasons discussed above, support opportunities for non-farming economic activity, including tourism (subject to a Bushfire Hazard Assessment).

## 9.0 Conclusion

134. The *Live Work Latrobe* project represents a comprehensive re-examination of Latrobe City's strategic land use framework that has been prompted by a range of concurrent drivers:

- the structural economic transformation of the region that has occurred over the past two decades;
- population growth and diversification;

- technological advances; and
- climate change.

135. The three constituent strategies that comprise *Live Work Latrobe* seek to provide an integrated strategic response that will build on the city's strengths and reinforce its status as Gippsland's regional city. My review of these strategies has been confined to the housing and rural land use components of the project.
136. My view is that the housing and rural land use elements of *Live Work Latrobe* represent a logical, sound and strategic response to the opportunities and challenges confronting Latrobe City. From a land use planning perspective, the strategies build upon the pre-existing framework and are generally consistent with State and regional planning directions.
137. The elements of Amendment C105 that I have focussed on represent a sound implementation of *Live Work Latrobe*. I have made a number of detailed observations and recommendations within the body of this statement (refer to Executive Summary).
138. I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.



James Reid

BPD, BTRP, FPIA, MVPELA