



LATROBE CITY COUNCIL

MINUTES FOR THE ORDINARY COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6PM ON
10 FEBRUARY 2020

CM543

PRESENT:

Councillors:	Cr Dan Clancey, Mayor	East Ward
	Cr Alan McFarlane, Deputy Mayor	Central Ward
	Cr Graeme Middlemiss	Central Ward
	Cr Darren Howe	East Ward
	Cr Dale Harriman	East Ward
	Cr Kellie O'Callaghan	East Ward
	Cr Darrell White OAM	South Ward
	Cr Brad Law	West Ward
	Cr Sharon Gibson	West Ward
Officers:	Steven Piasente	Chief Executive Officer
	Suzanne Miller	General Manager Community Health & Wellbeing
	Gail Gatt	General Manager Regional City Growth & Investment
	Greg Drumm	General Manager Organisational Performance
	Larry Sengstock	General Manager Assets & Presentation
	Hanna Steevens	Manager Governance
	Kieran Stewart	Governance Officer

14. REGIONAL CITY GROWTH AND INVESTMENT

Agenda Item: 14.1

Agenda Item: Planning Scheme Amendment C114 (Traralgon North Strip Rezoning) and Draft Traralgon North Development Plan Update

Sponsor: General Manager, Regional City Growth and Investment

Council Plan Objective: Improve the liveability and connectedness of Latrobe City.

Status: For Decision

MOTION

Moved: Cr Howe

Seconded: Cr Law

That Council:

1. Adopts Amendment C114 in accordance with Section 29 of the *Planning and Environment Act 1987* (the Act) as identified in Attachment 3;
2. Submits Amendment C114 once adopted, to the Minister for Planning for approval, in accordance with Section 31 of the Act;
3. Adopts the updated Traralgon North Development Plan, with changes, as identified in Attachment 1; and
4. Advises those persons who made written submissions to Amendment C114 and the Traralgon North Development Plan Update of Council's decision.

CARRIED UNANIMOUSLY

Cr Dale Harriman left the meeting, the time being 06:18PM.

Cr Dale Harriman returned to the meeting, the time being 06:21PM.

Executive Summary:

- A request was received to rezone a strip of land totalling 5.23 hectares (including road reserves) across three properties at Marshalls Road, Traralgon, north of the existing Traralgon North Development Plan (TNDP) area from Farming Zone to General Residential Zone Schedule 3.

- The amendment has been submitted under Section 96A of the *Planning and Environment Act 1987* (the Act) which is a joint planning scheme amendment and planning permit application. The amendment includes two planning permits to ensure the lots are not subject to two zones.
- To support the Amendment request, it was determined for a fair and equitable outcome that the TNDP should be amended to consider the strip of land and to update the developer contributions component.
- As part of the TNDP update, reports were prepared to consider the impacts on servicing, bushfire and native vegetation. Additional work was also undertaken to review the developer contributions across the entire development plan area. This resulted in the contribution amount required to be paid by each landowner being reduced from \$181,833.91 to \$175,848.70 per Net Developable Hectare (NDA).
- In addition to the revised reports, all maps that form part of the TNDP were updated to reflect the proposed changes.
- Formal exhibition of Amendment C114 and the amended TNDP occurred from 21 November 2019 to 23 December 2019. During this time, nine submissions were received in support (some with changes), none were received that objected to the proposal.
- Amendment C114 is able to progress as follows:
 - Adopt the updated TNDP; and
 - Submit Amendment C114 to the Minister for Planning for adoption.

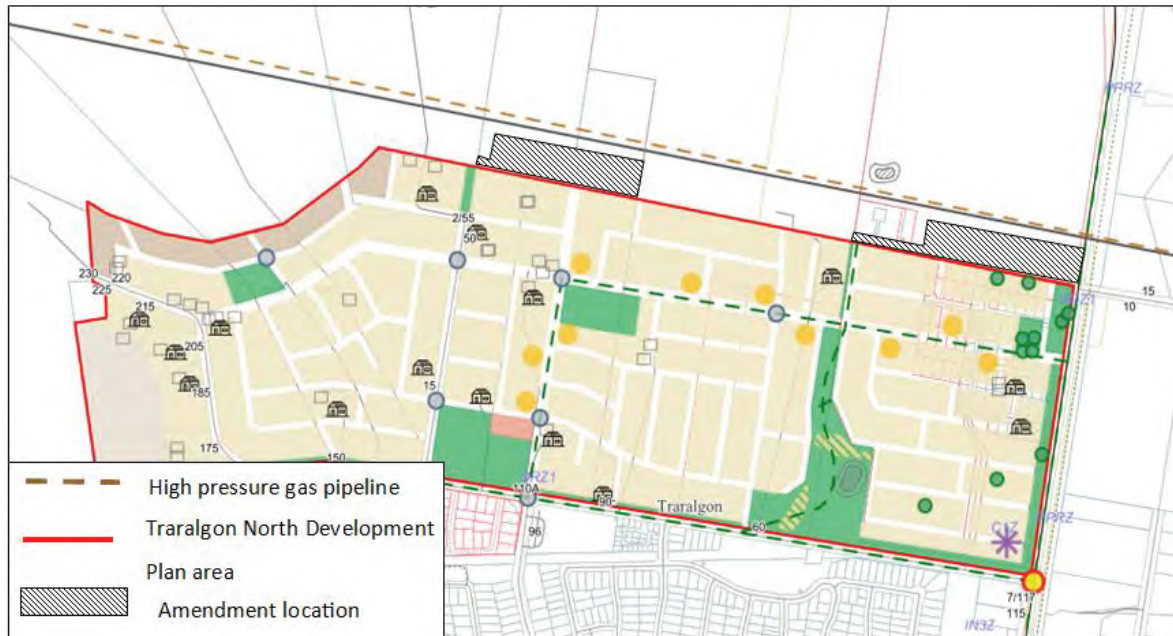
Background:

Planning Scheme Amendment C114:

The purpose of the amendment is to increase the land supply within the area to assist in offsetting infrastructure costs and facilitate the development of the TNDP area. The amendment is considered to be strategically justified as it will allow for the development of serviced land within the municipality. While the municipality is required to maintain a 15 year land supply which Council currently satisfies, the majority of our supply is locked up within Development Plan Areas as they require new infrastructure or infrastructure upgrades.

Planning Scheme Amendment C114 is a proponent led amendment and seeks to rezone land north of the existing TNDP area from FZ to GRZ, apply the DPO7 and update Clause 21.09-4 (Traralgon Town Structure Plan) of the Latrobe Planning Scheme (the Scheme) to show the land as residential. The amendment has been submitted under Section 96A of the Act. A Section 96A application is a joint planning scheme amendment and planning permit application. It is proposed that it is appropriate for the amendment to include two planning permits to ensure the rezoning does not create any split zones.

The subject area is shown below in Map 1.



Map 1 – Sites included in strip rezoning – Amendment C114

This amendment will help facilitate the release of a key growth area front for Traralgon without compromising the future orderly planning of the area. A copy of the Explanatory Report can be found in Attachment 3.

Planning Permits:

The planning permit applications seek approval to:

- Re-subdivide the land at Traralgon-Maffra Road;
- Re-subdivide the land at 50 Glendale Road; and
- Re-subdivide the land at 110A Marshalls Road.

The re subdivision of the above land will ensure that the land rezoned for residential purposes will form part of the lots already located within the TNDP area.

Traralgon North Development Plan:

On 7 October 2013 Council endorsed the TNDP which applies to 118.6 hectares of land bound by Traralgon Maffra Road to the east, Marshalls Road to the south, the Traralgon Creek floodplain to the west, and a Design and Development Overlay (DDO) associated with a high pressure pipeline to the north.

The endorsed TNDP proposed 1077 new housing lots which included 1032 standard density residential lots, 41 low density residential lots, and 4 limited development potential lots.

The development of the TNDP area has commenced with lots released for stage 1 of the development to date. The south-eastern corner of the development plan area has

been rezoned to Commercial 1 Zone to allow for the development of a neighbourhood activity centre, with a planning permit issued allowing the development of a supermarket on this land.

The land to be rezoned as part of Planning Scheme Amendment C114 will adjoin land in the TNDP. It is therefore proposed to amend the TNDP to include the land. This will ensure that the future subdivision of this land will be subject to development contributions for the infrastructure it will utilise by being part of the precinct.

An addendum to the TNDP has been prepared which updates maps and tables to include the additional rezoned land as well as an updated development contribution tables also to include the additional land. It also provides a review of the costings of infrastructure items in the tables. A general overall check of the DP has also been undertaken following on from the issuing of permits and their implementation to date within the precinct.

The updated TNDP also:

- identifies the rezoning of the corner of Traralgon Maffra Road and Marshalls Road to Commercial 1 Zone and the approval of a supermarket and specialty shops in this location.
- shows roads and lots that have already been constructed as well as approved layouts for lots that have received planning permits since the Development Plan was approved. These approvals show road layouts that differ from the layouts that were originally approved under the Development Plan.
- relocates retarding basins to where they have been or are likely to be constructed.
- relocates the sewer pump station, rising main, overland flow path and outfall sewer.
- makes additional changes to correct drafting errors and omissions.
- Provides addendums to the following reports:
 - Servicing Strategy
 - Biodiversity Assessment
 - Bushfire Risk Assessment

The updated Traralgon North Development Plan can be found at Attachment 1.

Issues:

Strategy Implications

Amendment C114 aligns with the following objectives and strategies of the *Council Plan 2017-2021*:

Objective:

- *Ensure Council operates openly, transparently and responsibly.*

Strategies:

- *Develop projects that will enable the joining up of Latrobe City and reaffirm our position as a regional city.*
- *Implement a town planning regime which facilitates appropriate urban growth, industry diversification, liveability and connectivity of Latrobe City.*

Communication

A total of nine submissions were received to Amendment C114 and the TNDP Update. The table below provides a breakdown of the submissions received.

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

This included advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment.

All statutory and servicing authorities likely to be materially affected have also been notified of the proposed amendment.

Amendment C114 and the TNDP Update was placed on public exhibition during the period 21 November 2019 to 23 December 2019.

One on one information sessions were offered to individuals where required however there were no requests for this service.

Public Submissions

Following public exhibition six written submissions were received in response to C114. Section 22 of the Act requires that a planning authority consider all submissions to an amendment. A total of three submissions were received for the TNDP Update.

A summary of key issues and comments raised in submissions that have been received by Council in response to Amendment C114 have been provided below.

Table 1 – Submission Count

Amendment C114 Submissions	
Support	6
Object	0
Total Submissions	6

Traralgon North Development Plan Update Submissions

Support	3	Table 2 - Amendment C114 Submission Summary Table
Object	0	
Total Submissions	3	

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Plan Required? Yes / No
1	West Gippsland Catchment Management Authority	Support	Subject site outside of area mapped 1% AEP flood extent.	Noted	No
2	Environment Protection Authority	Support	Meets Ministerial Direction 19	Noted	No
3	Department of Transport	Support	No objection	Noted	No
4	Energy Safe Victoria	Support	No objection	Noted	No
5	ESSO	Support	No objection subject to conditions on the permit to be amended to not require a S173 Agreement to be registered on title.	Noted, the amendment was sent prior to exhibition to all relevant parties for conditions. The conditions will be changed as requested.	Yes
6	Worksafe	Support	No objection	Noted	No

Table 3 – Traralgon North Development Plan Update Submission Summary Table

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Plan Required?
					Yes / No
1	Submitter 1	Support	No concerns on the Traralgon North Development Plan update; had questions regarding the existing development which is out of scope.	Noted. Officers have been in contact with Tanisha regarding her other questions.	No
2	West Gippsland Catchment Management Authority	Support	Subject site outside of area mapped 1% AEP flood extent.	Noted	No
3	Department of Transport	Support	Supports the development principles, however state that they do not support any further additional temporary access as shown in figure 4. DOT does not support the creation of bus stops until the service exists.	Noted, figure 4 doesn't show any further access however a note can be added to the Development Plan which explicitly states this. A note will be included in the Development Plan which states bus stops are not to be created until services have been provided.	Yes

Financial Implications

The TNDP was scheduled to be reviewed during the 2019/2020 financial year. This has been undertaken in house with the assistance of an external consultant who updated the developer contributions component. This work has been accommodated through regular Business as Usual activities.

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2012*. The costs associated with a planning scheme amendment include: considering a request to amend a planning scheme, consideration of submissions, providing assistance to a panel and adoption and approval of an amendment.

Statutory fees associated with this proposed amendment have been met by the proponent, NBA Group.

Risk Analysis

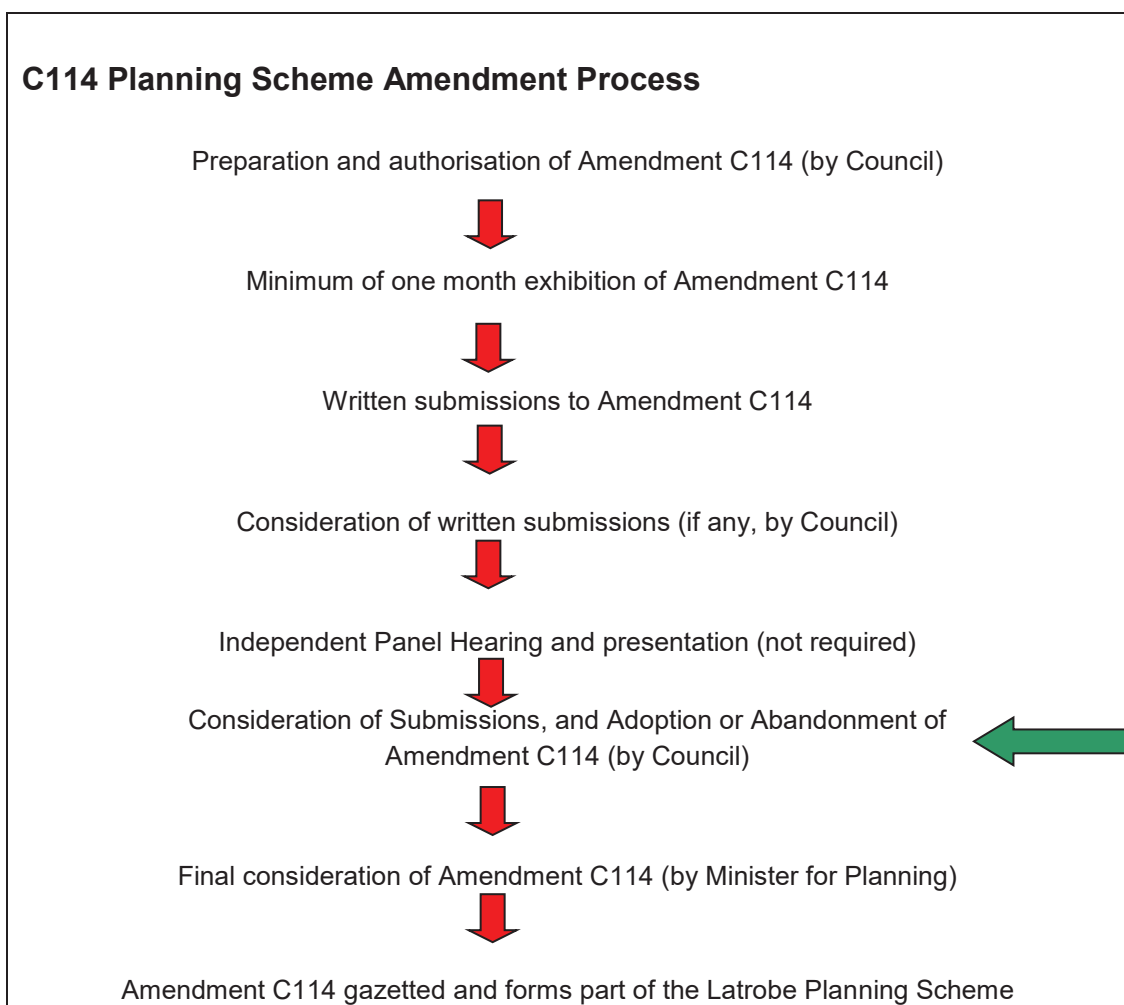
Identified risk	Risk likelihood*	Controls to manage risk
Ensure sufficient developer contributions are obtained to cover infrastructure costs across the development plan area.	2	An independent review of the Developer Contributions has resulted in a reduction of \$5,985.21 per Net Developable Hectare to landowners within the Development Plan.
The Minister for Planning could refuse the Amendment	2	The Minister for Planning must approve an Amendment prior to it forming part of the Latrobe Planning Scheme. Given the amendment has been authorised, Council complied with the authorisation conditions and no objections were received, it is anticipated the Amendment will be approved.
Impacts on other developments in the area	2	The Amendment was notified to other landowners in the area via direct letters, advertised twice within the Latrobe Valley Express, in the

		government gazette and on Council's website.
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* For example, likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

Legal and Compliance

The C114 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of C114.



In accordance with the Act, the municipal council, as a planning authority, has a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme;

- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

Amendment C114 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition, each amendment must address the *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report, (see Attachment 3).

The proposal is consistent with the Planning Policy Framework and the Local Planning Policy Framework. This is explained in the attached Explanatory Report.

Planning Scheme Amendments

At the Councillor Briefing of 23 September 2019, officers advised Councillors of their intention to seek the Minister for Planning's Authorisation under delegation to prepare and exhibit the proposed Amendment C114. Councillors were satisfied with this approach.

The Minister for Planning in accordance with Sections 8A(3) of the Act, authorised Council to prepare the proposed Amendment, C114 on 6 November 2019.

Amendment C114 was placed on public exhibition during the period 21 November 2019 to 23 December 2019.

Under Section 29 of the Act, Council may adopt the planning scheme amendment with or without changes. Council have made minor changes including amending ESSO conditions on the planning permit and minor wording changes within the Traralgon North Development Plan Update around access and bus stops.

Section 31 of the Act allows for Council to submit an adopted amendment to the Minister together with the prescribed information. This report requests adoption of the Amendment to allow for Council to submit the Amendment under this provision to the Minister for Planning. The Amendment documents for adoption can be found in Attachment 3.

Section 35A of the Act allows the Minister to approve an amendment with or without changes.

The recommendations of this Council Report are in accordance with Sections 29 and 31 of the Act.

The options available to Council are as follows:

1. That Council, after considering all written submissions received to Amendment C114, resolves to adopt, and submit for approval to the Minister for Planning, Amendment C114, and adopt the updated Traralgon North Development Plan.
2. That Council, after considering all written submissions received to Amendment C114 resolves to abandon the exhibited planning scheme amendment C114 or part of the amendment and inform the Minister for Planning, and abandon the amendments to the Traralgon North Development Plan.

3. That Council, after considering all written submissions received to Amendment C114, resolves to request the Minister for Planning to establish a planning panel to consider submissions and prepare a report, and to place on hold the consideration of the updated Traralgon North Development Plan until after the report of the panel is received.

The recommendation to Council is to support option 1.

Community Implications

Council as the planning authority has duties and powers outlined by the Act at Section 12, including:

Provide sound, strategic and co-ordinated planning of the use and development of land in its area;

Do all things necessary to encourage and promote the orderly and proper use, development and protection of land in the area for which it is a planning authority.

The Planning Scheme Amendment process requires Council to seek and consider submissions. Where submissions are unresolved, an independent planning panel must be appointed to consider all matters and provide recommendations to Council prior to proceeding. The views of the community have been sought and nine submissions have been received. All were in support of the changes.

Environmental Implications

All environmental implications have been taken into consideration through both the amendment and development plan review process. A bushfire risk assessment and a biodiversity report were prepared for the addendum to the TNDP. These reports have confirmed that the subdivision of the additional land would not have any environmental impacts.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Supporting Documents:

Background Reports – Traralgon North Development Plan Update

Attachments

- 1 [↓](#). Addendum to the Traralgon North Development Plan
2 [↓](#). Submissions for Amendment C114 and Traralgon North Development Plan update
3 [↓](#). Amendment Documentation for Amendment C114

14.1

Planning Scheme Amendment C114 (Traralgon North Strip Rezoning) and Draft Traralgon North Development Plan Update

1	Addendum to the Traralgon North Development Plan	34
2	Submissions for Amendment C114 and Traralgon North Development Plan update	144
3	Amendment Documentation for Amendment C114	160