

# **LATROBE PLANNING SCHEME**

## **AMENDMENT C101LATR**

### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This Amendment has been prepared by the Latrobe City Council, who is the planning authority for this Amendment.

The Amendment has been made at the request of Latrobe City Council.

#### **Land affected by the Amendment**

The Amendment applies to:

- 60 Ashworth Drive, Traralgon – Lot 7 Plan of Subdivision 126409
- 75 Ashworth Drive, Traralgon – Lot 6 Plan of Subdivision 126409
- Ashworth Drive, Traralgon – Lot 5 Plan of Subdivision 126409
- 211-213 Lloyd Street, Moe – Crown Allotment 165H Parish of Moe
- Council Recreation Reserves defined as a 'regional facility' or a 'local facility' as per the *Latrobe City Public Open Space Strategy (2013)* on land located within the PPRZ or PUZ2.

A mapping reference table is included in Attachment 1 to this Explanatory Report.

#### **What the Amendment does**

The Amendment implements recommendations from the Latrobe Planning Scheme Review Report (2014), along with addressing other anomalies identified by key stakeholders.

The Amendment:

- Deletes the Development Plan Overlay Schedule 5 (DPO5) from:
  - 60 Ashworth Drive, Traralgon
  - 75 Ashworth Drive, Traralgon
  - Lot 5 PS 126409 Ashworth Drive, Traralgon
- Amends Clause 21.09 (Local Areas) to change Ashworth Drive, Traralgon from 'future residential' to 'existing residential opportunity' within the Traralgon Structure Plan.
- Amends the Schedule to the Clause 36.01 Public Use Zone (PUZ), to include specified Council recreation reserves to develop land with promotional signage by listing their advertising signs category to 2 or 3.
- Amends the Schedule to the Clause 36.01 Public Use Zone (PUZ) with minor changes to meet ministerial form and content standards.
- Amends the Schedule to the Clause 36.02 Public Park and Recreation Zone (PPRZ), to include specified Council recreation reserves to develop land with promotional signage by listing their advertising signs category to 2 or 3.
- Amends the Schedule to the Clause 36.02 Public Park and Recreation Zone (PPRZ) with minor changes to meet ministerial form and content standards.
- Amends Schedule 3 to Clause 37.01 Special Use Zone (SUZ3) to delete 'Search For Stone', 'Mineral Exploration' and 'Mining' from the Table of Uses, and list 'Earth and Energy Resources Industry' in section 1.

- Amends Schedule 3 to Clause 37.01 Special Use Zone (SUZ3) with minor changes to meet ministerial form and content standards.
- Amends the Schedule to Clause 52.02 (Easements, Restrictions and Reserves).
- Amends the Schedule to Clause 52.28 (Gaming) to update addresses and shopping complex names.
- Amends Planning Scheme Maps 44DPO, 48DPO, and 63DPO.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The *Latrobe Planning Scheme Review Report (October 2014)* came about from a comprehensive review of the Latrobe Planning Scheme. This resulted in a new Municipal Strategic Statement (MSS) to guide future Amendments and permit applications over four years and beyond (Amendment C97).

The *Latrobe Planning Scheme Review Report (October 2014)* contains recommendations for changes to zones and overlays.

Some of these recommended changes have been incorporated into other Planning Scheme Amendments where appropriate. These inclusions have been added where they've been considered to not meet the requirements of a minor technical amendment or Amendment C105 (Live Work Latrobe).

Planning Scheme Amendment C101latr contains several outstanding items, along with other anomalies identified by key stakeholders. These items have little impact on the community as they are:

- Minor in nature,
- Have strategic support in policy from the Latrobe Planning Scheme Review Report (October 2014), or,
- Have other strategic justification for their change.

### **Ashworth Drive**

Removing the Development Plan Overlay Schedule 5 (DPO5) from Lot 5, Lot 6 and Lot 7 of PS 126409 located at Ashworth Drive, Traralgon is due to the recommendations of the Amendment C93 Planning Panel Report (2016) which recommended that they were not rezoned to General Residential Zone 1 (GRZ1):

*The panel was concerned however as to the suitability of the northern portion of the subject land for urban residential development, given its susceptibility to inundation. For this reason, this area is recommended for exclusion from the Amendment...*

1. *Amendment C93 to the Latrobe Planning Scheme be adopted as exhibited with the exclusion of Lots 5, 6 and 7 in PS126409.*

The lots are inundated in the following ways:

- Lot 5 is constrained by a drainage line with an associated 60 metre buffer.
- Lot 7 (no 60) contains two waterways which merge on the site.
- Lot 6 (no 75) is within the Floodway Overlay (FO) in recognition of the Latrobe River Floodplain to the north, and is also within the Land Subject to Inundation Overlay (LSIO).

These subject sites are part of the Cross' Road Development Plan and are currently zoned Rural Living Zone Schedule 3 (RLZ3) whilst the surrounding developable lots are zoned General Residential Zone Schedule 1 (GRZ1).

The subject sites are within the Development Plan Overlay Schedule 5 (DPO5) which was applied to the Cross' Road precinct earlier through Amendment C56 (2011). Council is anticipating that it will amend the Cross' Road Development Plan to reflect the Overlay's removal from the subject sites.

The *Traralgon Structure Plan* at Clause 21.09 has been amended to update the Ashworth Drive Development Plan Area from 'Future Residential' to 'Existing Residential Opportunity'.

## **Gippsland Heritage Town**

Gippsland Heritage Town at 211 Lloyd Street, Moe shares the same title with McDonalds (no 213), on a crown land lease. The land is zoned Special Use Zone Schedule 3 (SUZ3) and is affected by Heritage Overlay (HO) 5 and 44.

The Special Use Zone 3 (SUZ3) is amended to:

- Delete 'Search for Stone', 'Mineral Exploration', 'Mining', 'Mineral, Stone or Soil Extraction' from the Table of Uses.
- Add 'Earth and Energy Resources Industry' to the Table of Uses as a section 1 use (permit not required), as mining related uses are nested under 'Earth and Energy Resources Industry' at Clause 73.04 (Nesting Diagrams).
- Earth and Energy Resources Industry have planning permit exemptions which surpass the Zone provisions, making them redundant to the requirements in the Zone.
- Any type of extractive industry occurring at the subject site is unlikely given it's vicinity to the freeway, railway line and residential land.

## **Clause 52.28 Gaming**

Installation or use of a gaming machine is prohibited in a shopping complex which is listed in the Schedule to this Clause.

The shopping complexes within the Schedule to Clause 52.28 contained out of date titles or complex names. The following have been updated:

- Mid Valley Shopping Centre has an updated land description,
- Traralgon Centre Plaza has been updated to 'Stockland Shopping Centre, Traralgon' and have an updated land description,
- Mid City Plaza Shopping Centre has been updated to 'George Street Plaza, Morwell'.

## **Clause 52.02 Easements, Restrictions and Reserves**

Clause 52.02 – Easements, Restrictions and Reserves contains a Schedule. This Schedule refers to two properties; Kernot Hall and Kernot Lake and Federation Training in Morwell.

The Schedule was identified as part of the Planning Scheme Amendment C97 'Planning Scheme Review' report, requesting this be investigated in a future Planning Scheme Amendment.

The Schedule directed Council to create and vary Covenants that:

- The owner of the land will not construct buildings that will compromise a municipal or civic centre.
- The land will be used for a municipal or civic centre that will be used for administrative, recreational, educational and cultural purposes.

These restrictions have been placed on the land through the following agreements:

- Covenant – H697493 (1979)
- Section 173 Agreement – T472794M (1994)
- Section 173 Agreement – U936443E (1997)

As the Schedule existed since at least 1996, title details had changed and subsequently the Schedule had become outdated. Additionally, the title restrictions had been created and completed, so the Schedule to Clause 52.02 was no longer required.

In addition, the zones on the properties (Public Park and Recreation Zone, Public Use Zone 2, and Public Use Zone 6) assist in achieving the restrictions on the titles.

## **Promotional Signage within Recreation Reserves**

Sporting clubs are constantly investigating new promotional and revenue raising opportunities for sponsors, with the display of signage and temporary naming of Council Recreation Reserves, facilities, buildings and infrastructure being seen as potential revenue raising opportunities.

However, the Latrobe Planning Scheme had prohibited the display of promotional signs in recreation reserves within the Public Park and Recreation Zone (PPRZ) and Public Use Zone (PUZ), as they are within 'Category 4: Sensitive Areas' within Clause 52.02 (signs).

Promotional signage is defined in Clause 73.02:

*A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.*

To assist in managing these signs, Council has endorsed the *Recreation Reserves and Facilities Signage Policy* (2019). This policy was developed to establish guidelines for the review and approval of requests from sporting clubs and public land managers to display promotional signs for sponsorship purposes.

This policy is to be utilised by clubs, along with applying for a planning permit for promotional signage.

To allow promotional signage, certain recreation reserves within the PPRZ and PUZ were listed within their Schedules as either 'Category 2' or 'Category 3' signs (Clause 52.05). A summary is provided below:

*Regional Facilities – Category 2 (Office and industrial)*

- No maximum size for promotional signage.

*Local Facility – Category 3 (High amenity areas)*

- The display area must not exceed 3 square metres.

Careful selection of recreation reserves that are considered to require promotional signage was undertaken in collaboration with the recreation department of Latrobe City Council. The hierarchy of reserves has been utilised to assist with determining larger and smaller reserves, along with those that are not appropriate for promotional signage. The hierarchy is sourced from the *Latrobe City Public Open Space Strategy* (2013), which is a reference document within the Latrobe Planning Scheme (Clause 21.10-3). The hierarchical approach recognises that not all reserves can, or should, be developed to the same standard and that it is desirable to provide a selection of higher quality parks and reserves that provide an enhanced level of amenity, appeal and infrastructure available for community use. The hierarchy is defined within page 29 of the Strategy.

The *Recreation Reserves and Facilities Signage Policy* (2018) also provides application criteria for signs in these reserves, which match and complement the decision guidelines within Clause 52.05 (Signs).

### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment implements the following objectives of planning in Victoria:

- (a) *To provide for the fair, orderly, economic and sustainable use and development of land;*

The Amendment provides clarity around inconsistencies and redundant aspects of the Planning Scheme, as outlined in the *Latrobe Planning Scheme Review Report (October 2014)*. By addressing these issues and providing improvements, this will assist in increasing understanding and facilitating development of land within Latrobe.

- (b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*

The Amendment removed the Development Plan Overlay Schedule 5 (DPO5) from land which has limited development potential due to waterways, due to the land being within a water catchment for the surrounding urban land.

- (d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

The Amendment protects the Gippsland Heritage Park by clarifying the ability of extractive industries to establish there within the Table of Uses.

## **How does the Amendment address any environmental, social and economic effects?**

### Economic

The Amendment assists in providing clarity around development opportunities within Ashworth Drive, Traralgon by removing subject lots from being impacted by the Development Plan Overlay Schedule 5 (DPO5). This will have a benefit to the current and future land owners as to the role these lots play in the adjoining Development Plan area, and their limited development opportunities.

### Environmental

The Amendment provides clarity around the limited development potential of Rural Living Zone lots within the Cross' Road Development Plan, which will result in improved identification of the waterways and inundation issues impacting those lots.

### Social

The Amendment assists with improving the way sports clubs can raise funds through sponsored (promotional) signage and assist with their continued financial viability and ongoing use as a social activity.

## **Does the Amendment address relevant bushfire risk?**

### Clause 13.02-1 'Bushfire Planning' Objective

The objective for this Clause is:

*To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

The assessment below is against relevant sections of the Latrobe Planning Scheme and provides a Landscape Assessment and will demonstrate how the Amendment meets this objective.

### Settlement Planning

Amendment C101latr does not increase bushfire risk or increase settlement planning to an area with a BAL rating above 12.5.

### CFA Referral

The amendment does not create any increase to settlements, and therefore the views of the relevant fire authority have not been sought.

## **Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?**

- The Amendment is also consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987* (the Act).
- The Amendment is consistent with Ministerial Direction No. 11 *Strategic Assessment of Amendments*.
- The Amendment is consistent with the requirements of Ministerial Direction No. 15 *The Planning Scheme Amendment Process*.
- The Amendment is consistent with *A Practitioners Guide to Victorian Planning Schemes Version 1.1 (October 2018)*.
- The Amendment is consistent with the requirements of Section 12 of the Act and is not affected by any other Minister's Direction.

## **How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The Planning Policy Framework (PPF) provides high level policy directions for planning in Victoria. The Amendment furthers the objectives of planning in Victoria, by considering the principles and policies contained within the PPF and relevant adopted State Policy as outlined below.

The Amendment responds to the following PPF policy directions:

*Clause 19 (Open Space) by:*

Ensuring that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and enjoy peace and solitude.

Accommodate community sports facilities in a way that is not detrimental to other park activities.

The ability to regulate promotional signage within recreation reserves contributes to achieving the above objectives by enhancing these community spaces and providing valuable sponsorship allowances to assist with maintaining and ensuring the ongoing success of clubs and facilities.

## **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

*Clause 21.02-7 Liveability*

Community liveability includes a number of interrelated elements, including community safety, provision of health services, education services, mobility, accessibility and a 'sense of place'.

Community liveability is a concept that relates to the unique combinations of these community assets, the provision of services and the ways in which they make a positive contribution to the community's quality of life.

*1.1 Reduce the impact of gaming on community wellbeing.*

The Amendment responds to this strategy by ensuring that the Schedule to Clause 52.28 refers to the correct list of shopping complexes to ensure that gaming is prohibited within those locations.

*Clause 21.06 - Township Identity*

A design response assessment is an important consideration in most new developments in their neighbourhood or local place. Issues need to be considered when decision making occurs.

*Clause 21.08-2 - Community infrastructure*

Council also has a role in planning, developing and providing physical and social infrastructure to build diverse, inclusive, well designed and accessible local communities.

*2.4 Develop and maintain community facilities that are multifunctional and accessible to the community in terms of cost, location, administration and design.*

*2.5 Support appropriate recreation and community facilities that are compatible with the needs, character and socio-economic profile of the local area.*

The Amendment responds to these strategies by facilitating promotional signage in recreation reserves, which provides sponsorship opportunities to assist clubs in continuing to provide these activities to the community.

## **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes use of the Victoria Planning Provisions, and is generally consistent with the relevant practise notes including;

- *Planning Practice Note 3, Applying the Special Use Zone*
- *Planning Practice Note 23, Applying the Incorporated Plan and Development Plan Overlays*
- *Planning Practice Note 46, Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments*
- *Practitioners Guide to Victorian Planning Schemes, October 2018*

By correcting the identified minor errors in the Scheme, the Amendment makes proper use of the Victoria Planning Provisions.

### **How does the Amendment address the views of any relevant agency?**

Referral Agencies and other agencies were consulted during the formal Exhibition of the Amendment.

### **Does the Amendment address relevant requirements of the *Transport Integration Act 2010*?**

The Amendment complies with the relevant requirements of the *Transport Integration Act 2010* specifically Part 2, Division 8 – Integration of transport and land use:

- Maximising access to residences, employment, markets, services and recreation;
- Transport infrastructure and services are provided in a timely manner to support changing land use and associated transport demand.

### **Resource and administrative costs**

#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The following changes are considered to be minor and are not expected to have any significant effect on the resource and administrative costs of the responsible authority as it corrects errors in the Scheme:

- Ashworth Drive
- Gippsland Heritage Town
- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.28 Gaming

The amending of the PUZ and PPRZ Schedules to allow 'promotional signage' to occur within specified Recreation Reserves will result in a small increase in Planning Permits. This is due to allowing signage which was previously prohibited, but serves as an established form of income for sporting clubs. It is not anticipated that the increase in Planning Permits will be excessive, and most applications are likely to be minor applications.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Corporate Headquarters  
141 Commercial Road  
Morwell VIC 3840

Moe Service Centre  
1 – 29 George Street  
Moe VIC 3825

Churchill Service Centre  
9-11 Phillip Parade  
Churchill VIC 3842

Traralgon Service Centre  
34-38 Kay Street  
Traralgon VIC 3844

Latrobe City Council website at  
<http://www.latrobe.vic.gov.au>

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

**ATTACHMENT 1 - Mapping reference table**

<b>Site no.</b>	<b>Address</b>	<b>Locality</b>	<b>Lot Number</b>	<b>Current Zoning</b>	<b>Proposed Change</b>	<b>Mapping Reference</b>
<b>1</b>	60 Ashworth Drive	Traralgon	Lot 7 LP 126409	DPO5	D-DPO5	Latrobe C101 001d-dpoMaps44_48_63
<b>2</b>	75 Ashworth Drive	Traralgon	Lot 6 LP 126409	DPO5	D-DPO5	Latrobe C101 001d-dpoMaps44_48_63
<b>3</b>	Ashworth Drive	Traralgon	Lot 5 LP 126409	DPO5	D-DPO5	Latrobe C101 001d-dpoMaps44_48_63