

LATROBE PLANNING SCHEME

AMENDMENT C092LATR

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Latrobe City Council which is the planning authority for this amendment.

The amendment has been made at the request of the Latrobe Regional Airport Board and Latrobe City Council.

Land affected by the Amendment

The amendment applies to:

- the Latrobe Regional Airport (LRA) located at 75 Airfield Road, Morwell. The LRA is generally bound by Old Melbourne Road to the north, Airfield Road to the east and Valley Drive/Village Avenue to the south;
- land around the airport which lies under the approach and take off paths of the airport's runways, the inner horizontal surface and the conical surface around the airport, and within the areas affected by the LRA's updated Australian Noise Exposure Forecast (ANEF). See figure 1 for the Obstacle Limitation Surface (OLS) protecting the airport and surrounding land; and
- Unit 5, 48-50 Gwalia Street, Traralgon and associated common property.

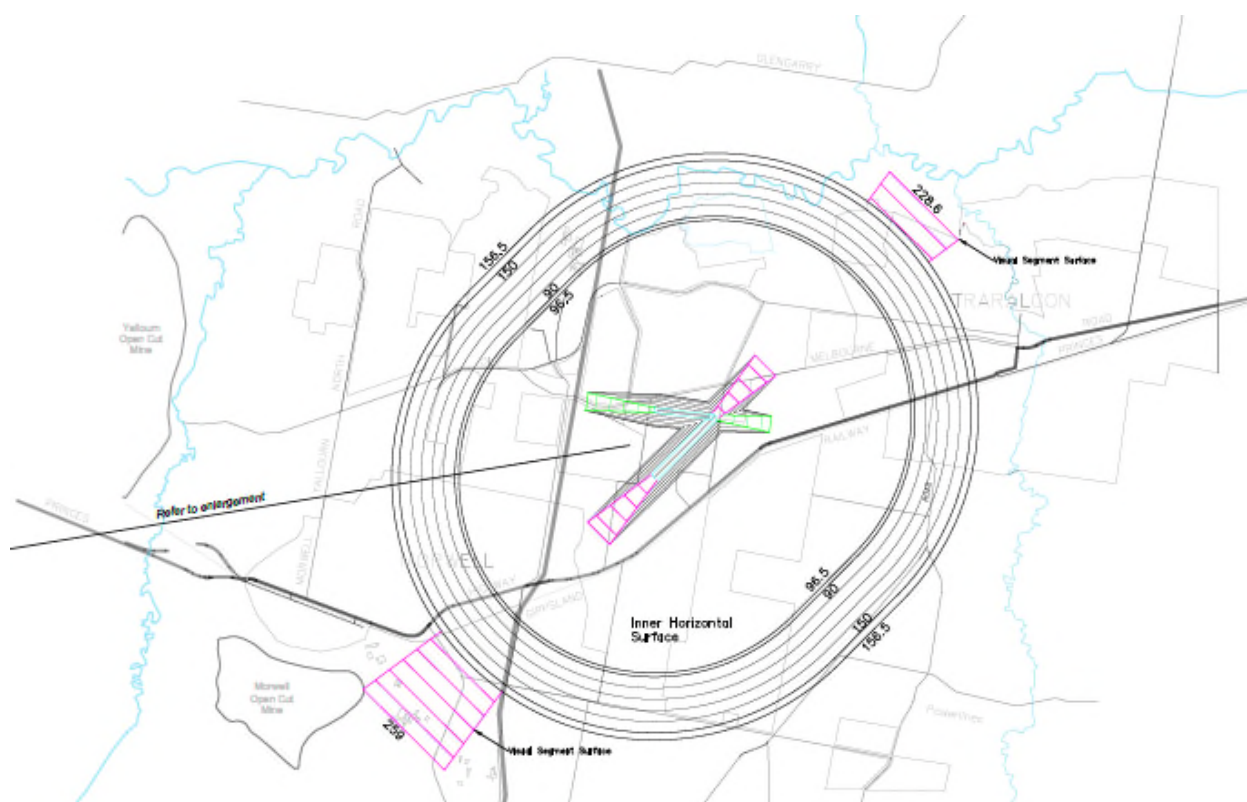


Figure 1: OLS over the LRA covered by the Amendment C092latr
Source: To70 Aviation Consultants (OLS, 2019)

What the amendment does

The amendment implements the recommendations of the adopted *Latrobe Regional Airport Master Plan (2019)* (Master Plan).

The Master Plan is a document that articulates the future vision, growth and development of the airport site. The Master Plan seeks to *'promote the development and expansion of the Latrobe Regional Airport as a regionally significant airport providing a hub for aviation services and employment thereby adding economic and social benefit to the region, whilst maintaining options for future passenger airport services.'*

The amendment also makes a minor correction to Unit 5, 48-50 Gwalia Street, Traralgon and associated common property to rezone land from the Residential Growth Zone Schedule 1 to the Commercial 2 Zone.

Specifically the amendment makes the following changes to the Latrobe Planning Scheme:

Overlays

- Inserts Schedule 1 to the Airport Environs Overlay (AEO1) to apply to land inside the 25 ANEF contours as identified in the Latrobe Airport ANEF Map in the Master Plan.
- Amends Airport Environs Overlay Schedule 2 (AEO2) to apply to land between the 20 and 25 ANEF contours as updated on the Latrobe Airport ANEF Map in the Master Plan.
- Amends Schedule 7 and Schedule 8 to the Design and Development Overlay (DDO7 and DDO8) to reflect the Master Plan development guidelines, referral requirements and decision guidelines.
- Inserts Schedule 10 to the Design and Development Overlay (DDO10) to apply to land within the inner horizontal surface 96.5m Australian Height Datum (AHD) as identified in the Airspace Protection plan in the Master Plan to ensure buildings and works do not adversely affect the future operations of the LRA.
- Inserts Schedule 11 to the Design and Development Overlay (DDO11) to apply to land within the conical surface (from 90m AHD and above) as identified in the Airspace Protection plan in the Master Plan to ensure buildings and works do not adversely affect the future operations of the LRA.

Planning Scheme Ordinance

- Amends Clause 21.02 (Housing and Settlement) to include consideration of the Master Plan in the planning for the use and development of land within the Traralgon West Structure Plan area, correct minor wording errors and amend referencing.
- Amends Clause 21.07 (Economic Development) to include an additional objective that acknowledges LRA's role as an economic and employment asset to Latrobe City.
- Amends Clause 21.09 (Local Areas) with the Morwell and Traralgon West Structure Plans showing the extent of Airport Environs Overlay.
- Amends Clause 21.10-1 (Implementation) to include reference to AEO1, AEO2 and DDO7, 8, 10 and 11 and to update the reference to the Master Plan.
- Amends Schedule 7 to Clause 37.01 (Special Use Zone) to:
 - Exempt the need for a permit for use and buildings and works for an airport or heliport if it is in accordance with the Master Plan.
 - Remove the cap on leasable floor space for an office.
 - Edit a drafting error and zoning reference.
- Amends Schedule 7 to Clause 43.02 DDO to reference the Master Plan in the decision guidelines.
- Amends Schedule 8 to Clause 43.02 DDO to reference the Master Plan in the decision guidelines.

- Inserts Schedule 10 to Clause 43.02 DDO to require a planning permit for buildings and works which exceed 96.5 metres AHD and do not exceed 10 metres above natural ground level in accordance with the Airspace Protection Plan in the Master Plan.
- Inserts Schedule 11 to Clause 43.02 DDO to require a planning permit for buildings and works which exceed 10 metres above natural ground level in accordance with the Airspace Protection plan in the Master Plan.
- Inserts Schedule 1 to Clause 45.02 Airport Environs Overlay (AEO) to the Latrobe Planning Scheme which requires referral of an application to the Latrobe Regional Airport Board.
- Amends Schedule 2 to Clause 45.02 AEO to require referral of an application to the Latrobe Regional Airport Board.
- Amends the schedule to Clause 66.04 to include a new referral requirement to the Latrobe Regional Airport Board triggered by Schedule 1 to Clause 45.02 AEO, and by applications triggered by Clause 2 of Schedules 7, 8, 10 and 11 of Clause 43.02 DDO, and change the referral requirement of Schedule 2 to Clause 45.02 AEO to the Latrobe Regional Airport Board and as a 'recommending referral authority'.
- Amends the schedule to Clause 72.03 to reflect the DDO and AEO mapping.
- Amends the schedule to Clause 72.04 Incorporated documents by replacing the *Latrobe Regional Airport Obstacle Limitation Surfaces Plan, Latrobe Airport Management Council, 3 November 1999* with the *Latrobe Regional Airport Airspace Protection Plan, Latrobe Regional Airport Master Plan (2019)*.
- Amends the schedule to Clause 72.08 Background documents by replacing the *Latrobe Regional Airport Development Guidelines (2009)* with the *Latrobe Regional Airport Master Plan (2019)*.

Planning Scheme Maps

- Delete Planning Scheme Map No. 44AEO
- Amend Planning Scheme Map No. 85AEO
- Amend Planning Scheme Map Nos. 43DDO, 44DDO, 47DDO, 53DDO, 59DDO, 60DDO, 70DDO, 76DDO, 78DDO, 79DDO, 82DDO, 83DDO, 84DDO, 85DDO, 86DDO
- Amends Planning Scheme Map No. 56Zn
- Insert new Planning Scheme Map Nos 48DDO, 54DDO, 55DDO, 72DDO, 73DDO, 77DDO, 81DDO, 100DDO

Why is the Amendment required?

LRA is owned by Latrobe City Council on behalf of the Latrobe City community. It operates under the management of the Latrobe Regional Airport Board which comprises representatives from local government, the aviation sector, related firms and the community.

In February 2014 Council appointed Rehbein Airport Consultants to review and update the 2009 Latrobe Regional Airport Master Plan. Consultation was held with key internal and external stakeholders, existing airport tenants and users, landowners in the surrounding area, and other interested organisations who provided input to the development of the updated Master Plan. The Latrobe Regional Airport Master 2015 was adopted by Council at the Ordinary Council Meeting of 23 May 2016.

The goal of the Master Plan is to facilitate the appropriate development of the LRA and surrounds over the next 20 years, which will in turn, increase levels of employment, output and investment at the LRA.

The Master Plan was updated in 2019 in response to further work undertaken to strengthen the amendment and to address submitters concerns as part of the exhibition of the amendment. This further work resulted in the following changes:

- Updates to the seven principals and nine guidelines of the *National Airports Safeguarding Framework*, including the addition of two new guidelines.
- Updates to the information detailing the biodiversity assets and management requirements within offset areas at the Airport.

- New Australian Noise Exposure Forecast (ANEF) based on new modelling with data sourced from updated aircraft movement counts.
- New Airspace Protection Plan (OLS) to determine the area required to be protected from tall obstacles in the vicinity of the Airport.

The amendment introduces the adopted Master Plan into the Latrobe Planning Scheme. The Master Plan seeks to adequately protect the basic capability of the LRA to undertake aircraft operations in accordance with prescribed standards and regulatory requirements in an efficient and economic manner, as well as implement the future realisation of aeronautical opportunities available to it.

The amendment applies planning controls to safeguard the airport operations from encroachment from incompatible urban expansion and ensure continued operations whilst protecting the amenity of surrounding properties.

The Master Plan reflects the aims of the nine guidelines within the *National Airports Safeguarding Framework* to:

- Improve community amenity by minimising aircraft noise-sensitive developments near airports; and
- Improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.

The Amendment is also required to correct a zoning error on land at 48-50 Gwalia Street, Traralgon, which occurred a part of Amendment C105latr (Live Work Latrobe).

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

To provide for the fair, orderly, economic and sustainable use and development of land.

The amendment provides for the orderly, economic and sustainable use and development of land by safeguarding the future operations of the LRA by applying appropriate provisions to manage land use and amenity impacts on the airport site and surrounding area.

These include changes to the Special Use Zone to manage the use and development of the LRA land, the DDO to manage buildings and works that exceed the inner horizontal and conical surfaces as identified in the Airspace Protection Plan, and the AEO to manage noise impacts.

The amendment seeks to protect an important public asset by strengthening the policies and other statutory provisions that protect the LRA whilst continuing to provide a net benefit to the community over the long-term.

The amendment is consistent with the Victoria Planning Provisions surrounding planning for airports and their associated land uses.

The minor technical correction at Gwalia Street, Traralgon, reinstates the zoning that was applied to this land prior to approval of Amendment C105latr.

To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

The amendment provides a pleasant, efficient, safe working, living and recreational environment for all Victorians and visitors to Victoria by providing appropriate planning tools to safeguard the LRA's operations into the future, as well as protecting the surrounding area from aircraft noise and intrusion into the airspace.

The adopted Master Plan establishes a direction for the LRA to provide for the expansion of aviation related businesses on the airport land which will improve employment opportunities in the broader region. It also identifies the potential opportunity for the expansion of current emergency services activities at the LRA which would reinforce the airport as a regional emergency services hub for Gippsland. In doing so it would improve the public safety of the region.

The amendment ensures 'noise sensitive uses' within proximity to the airport will be protected from aircraft noise. It provides for a safer working and living environment around the airport as it ensures the airspace near the LRA is free from obstacles that may endanger aircraft operations, entering and departing the runway areas. The amendment provides recreational tourism facilities ensuring activities such as flying lessons, skydiving and joy flights are able to continue and expand into the future.

To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

The LRA includes a precinct for emergency services providers including Air Ambulance, Victoria's regional base for helicopter aeromedical operations and the Department of Environment, Land, Water and Planning (DELWP) aerial firefighting base. The amendment recognises the importance of the airport and its support to the emergency services in the region and aims to protect and enhance the emergency precinct at the site. This will be for the benefit of the regional community.

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

Environmental Effects

Noise impacts

The amendment will include an update to the ANEF which has taken the following into consideration:

- revised expectations regarding the likely number, frequency and type of aircraft movements that may occur in future;
- incremental changes in the sophistication of the noise modelling software since the time the current ANEF was prepared; and
- recent advances in the modelling of helicopter noise which could result in changes to the contours. Helicopter movements could form a substantial element of future activity, and are generally noisier than fixed wing general aviation movements.

The updated ANEF reflects the forecast airport development scenario as outlined in the Master Plan, ensuring that the noise contours provide accurate information which is then translated into two AEOs.

Existing dwellings under the new overlays are not required to implement any changes to minimise noise effects from aircraft. The AEO1 will prohibit some noise-sensitive uses. Any new dwelling on a property covered by the AEOs must implement noise attenuation measures consistent with *AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*.

Economic

The Master Plan seeks to invest in and facilitate the development of the LRA over the next 20 years which, in turn, will increase levels of employment, output and investment at the LRA.

The LRA is formally recognised within the *Latrobe City Economic Sustainability Strategy 2016-2020* which has an emphasis on job creation, industry diversification and ability to offer opportunities to prospective investors. Latrobe City has two areas of significant commercial importance which are as follows:

- Gippsland Logistics Precinct in Morwell; and
- LRA in the Morwell-Traralgon Corridor.

With specific reference to the LRA, a key activity is:

9.1.3 Implement the Latrobe Regional Airport Masterplan to effectively develop the airport and facilitate new investment, manufacturing and jobs growth.

The aeronautical operations at LRA provide the essence of the airport's activity and hence the catalyst for all employment and business activity envisaged by the Master Plan. The amendment appropriately safeguard these operations so the vision in the Master Plan can be realised.

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 demonstrates how the amendment meets this objective.

Settlement Planning

The amendment 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. The views of the CFA were sought as part of the exhibition process.

Other

The amendment strengthens community resilience to bushfire by providing planning tools to safeguard the operations of CFA and DELWP emergency management services at the LRA.

The DELWP fire base at the LRA sets the benchmark for DELWP aerial firefighting bases across Victoria. DELWP operates a minimum of two and up to six fixed wing fire-bombing aircraft from the LRA during each bushfire season. A dedicated fire base facility has been established to accommodate this in addition to temporary operations. DELWP has recently expanded its lease area to accommodate a mixture of fixed and rotary-wing operations.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment is consistent with Ministerial Direction 11 – Strategic Assessment of Amendments under section 12(2) of the Act.

The amendment is consistent with Ministerial Direction 15 – the planning scheme amendment process under section 12(2) of the Act.

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

The amendment is consistent with the Planning Policy Framework (PPF) and supports its objectives.

The amendment supports the objective in Clause 11.0.-1S (Settlement) of the PPF to *promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlement* by promoting the sustainable growth and development of Latrobe as a Regional City through improvements to transport and economic linkages.

The amendment addresses Clause 13.05-1S (Noise abatement) which is *“to assist the control of noise effects on sensitive land uses”*. The AEO will be applied to areas that will be subject to aircraft noise which will ensure that some sensitive uses will be prohibited close to the airport and buildings are constructed to comply with noise attenuation measures.

Clause 17.01-1S (Diversified economy) has the objective *“to strengthen and diversify the economy”*. Strategies include facilitating the growth of a range of employment sectors and in particular facilitate opportunities within aviation-related industries.

The vision for future growth and business development opportunities for the LRA is articulated in the Master Plan and includes the development of a regional aerospace manufacturing hub. It is anticipated that the hub could incorporate a number of aviation related activities including component manufacture, aircraft parts storage and supply, advanced materials and manufacturing, and research and development. The amendment will facilitate this vision by permitting only aviation ventures that are consistent with the Master Plan to occur on the airport land.

The amendment supports Clause 17.03-1S (Industrial land supply) which is *“To ensure availability of land for industry”* by ensuring that land is available for industry within an identified industrial precinct with opportunities for strategic investment. The Master Plan identifies current and future employment zones on the airport site. The changes to the Special Use Zone Schedule 7 will facilitate the implementation of those zones by ensuring the use and development of the LRA is in accordance with the Master Plan.

The amendment implements the objective of Clause 17.04-1s (Facilitating tourism) which is *“to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination”*. The Master Plan identifies future growth and business development opportunities with a

designated education and training precinct, business and employment zones as well as recreational and events areas.

The amendment addresses Clause 18.04-1-s (Planning for airports and airfields) which is “to strengthen the role of Victoria’s airports within the State’s economic and transport infrastructure and protect their ongoing operation” by improving the application of statutory provisions to protect aircraft movement and flightpaths, and manage sensitive uses in areas where noise impacts will be greatest.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement (MSS)?

The amendment strengthens the Local Planning Policy Framework by identifying LRA as a key economic generator and employer in the municipality.

It introduces a new subclause within Clause 21.07 Economic Sustainability (21.07-8 Latrobe Regional Airport Overview) to provide context for the LRA which sets out objectives and strategies for the promotion and protection of the airport to reflect the recommendations of the Master Plan. The amendment also introduces several other minor updates to the MSS in order to implement the Master Plan, and lists the Master Plan as a reference document in the MSS.

The amendment introduces objectives and strategies in the MSS which will better support implementation of the overall vision and long term directions of the LRA.

How does the amendment support or implement the Municipal Planning Strategy?

N/A

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

The amendment makes proper use of the Victoria Planning Provisions by:

- Maintaining the SUZ7 which is an appropriate zone to apply to the airport site in order to manage the complexities associated with the future planning and development of LRA.
- Applying the AEO1 to areas that will be subject to high levels of aircraft noise, and maintaining AEO2 to areas that will be subject to moderate levels of aircraft noise.
- Maintaining and amending the DDO7 and DDO8 and applying the DDO10 and DDO11 to areas where height limits for new structures are required to protect aircraft flight patterns.

Applying the Commercial 2 Zone to land at 48-50 Gwalia Street, Traralgon, which is deemed to be the most appropriate zone as this was the zone prior to the gazettal of Amendment C105. How does the Amendment address the views of any relevant agency?

Some consultation was held with relevant agencies including CFA, Ambulance Victoria, DELWP and Gippsland Water during the preparation of the Master Plan.

The views of relevant agencies were through the planning scheme amendment process and their views taken into account.

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

The amendment addresses the relevant requirements of the Transport Integration Act 2010. It facilitates economic prosperity, transport and land use integration, efficiency, coordination and reliability, and safety, health and wellbeing as specified in Sections 9, 11, 12 and 13 of the Transport Integration Act 2010, by:

- Facilitating investment in regional Victoria.
- Supporting financial sustainability.
- Providing for the effective integration of transport and land use, and facilitating access to economic opportunities.
- Making transport decisions with regard to current and future impact on land use.

- Making land use decisions with regard to the current and future development and operation of the airport.
- Assisting in improving the amenity of communities and minimising impacts of the airport on adjacent land uses.
- Maximising the efficient use of resources including infrastructure, land, services and energy.
- Avoiding and minimising the risk of harm to persons arising from the airport.

The amendment integrates transport and land use planning through the future development of the LRA. It also moderates or prevents future surrounding land uses that will be incompatible with airport operations which in turn will safeguard the future of the LRA, and improve the safety of the surrounding community.

Resource and administrative costs

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

The amendment will not have any significant financial implications for the responsible authority. The number of additional planning permits to be processed due to the controls introduced by the amendment is expected to be minimal and designed to capture proposals that might impact upon the safe and efficient functioning of the airport.

Where you may inspect this Amendment

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

- Latrobe City Council website at www.latrobe.vic.gov.au
- Latrobe City Council, Corporate Headquarters, 141 Commercial Road, Morwell VIC 3840
- Latrobe City Council, Traralgon Service Centre, 34-38 Kay Street, Traralgon VIC 3844
- Latrobe City Council, Moe Service Centre, 1-29 George Street, Moe VIC 3825
- Latrobe City Council, Churchill Service Hub, 9-11 Philip Parade, Churchill VIC 3842

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.