

## LATROBE PLANNING SCHEME

### AMENDMENT C124LATR

## PLANNING PERMIT APPLICATION 2020/152

### EXPLANATORY REPORT

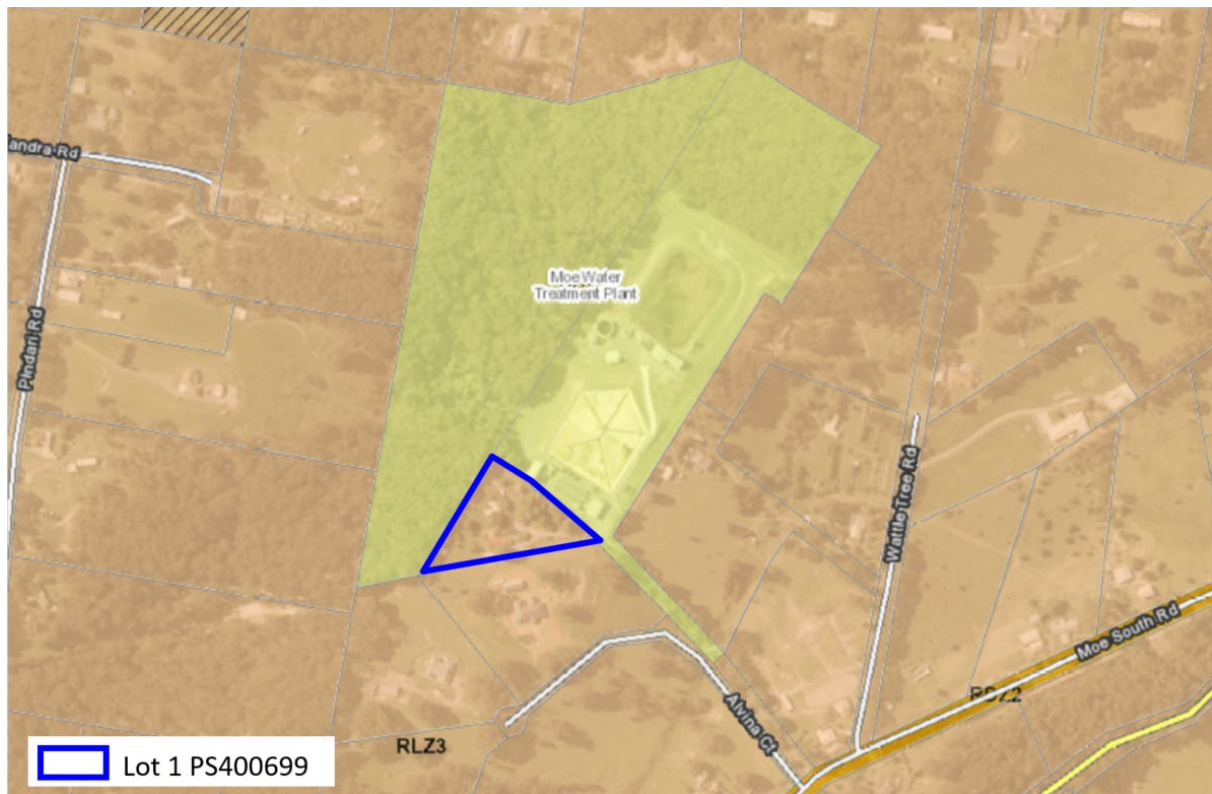
#### Who is the planning authority?

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 Gippsland Water.

#### Land affected by the amendment

The amendment applies to 58 Moe South Road, Moe South VIC 3825 (Lot 1 PS400699).



#### Map 1 - Land affected by the Amendment

The amendment is a combined planning permit application and planning scheme amendment request under section 96A of the *Planning and Environment Act 1987* (the Act).

The planning permit application applies to 56 Moe South Road, Moe South (comprising Lot 2/PS400699 and Lot 2/LP55896) and 58 Moe South Road, Moe South (Lot 1 PS400699).

#### What the amendment does

The amendment seeks to facilitate use and development of the land at 58 Moe South Road, Moe South for the purpose of service and utility by Gippsland Water and will support the expansion of the existing Moe Water Treatment Plant (WTP).

The amendment proposes the following changes to the Latrobe Planning Scheme:

- Rezone land at 58 Moe South Road, Moe South from Rural Living Zone – Schedule 1 (RLZ1) to Public Use Zone 1 – Service and Utility (PUZ1).
- Amend Planning Scheme Map No. 33 and Map No. 68 to reflect changes.

The planning permit application seeks approval for:

- Buildings and works associated with development of a second clear water storage basin at 56 and 58 Moe South Road, Moe South pursuant to the Design and Development Overlay – Schedule 1 Major Pipeline Infrastructure
- Removal of native vegetation at 56 Moe South Road, Moe South pursuant to Clause 52.17

The Strategic Assessment Report has been prepared in support of the combined amendment request and permit application as a separate document to this Explanatory Report.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

Gippsland Water own and operate the Moe WTP located on land at 56 Moe South Road, Moe South. Currently the Moe WTP operates with one Clear Water Storage (CWS) basin which will soon reach capacity under projected future growth scenarios for the region.

Construction of a second CWS basin is urgently required by December 2022 to increase water supply for the Moe/Newborough water supply system (including areas in Moe, Trafalgar and Yarragon) and to improve the resilience of Gippsland's overall water supply network in the long-term. The proposed expansion is strategically required to provide ongoing operational flexibility and capacity for the Moe WTP and to allow for redundancy should the existing CWS basin be taken offline for maintenance or upgrade.

Gippsland Water have purchased an adjoining property at 58 Moe South Road, Moe South in order to facilitate the expansion of the WTP (expanded site). This property was previously owned by Gippsland Water and used as a caretaker's residence for the WTP, prior to being sold privately for use as a rural residence.

The rezoning of the re-acquired land at 58 Moe South Road, Moe South from Rural Living Zone – Schedule 1 (RLZ1) to Public Use Zone 1 (Service and Utility) will bring the site into conformity with the zoning of the existing WTP property at 56 Moe South Road, Moe South.

The Amendment will facilitate the efficient use and development of the land as part of the expanded Moe WTP facility, being for water treatment and supply (public service and utility) purposes.

The Planning Scheme is considered the most suitable and efficient tool to ensure that land within the expanded Moe WTP property can be used and developed in a timely and strategic manner. The selection of a section 96a amendment process is considered fair and orderly.

The amendment supports an important strategic infrastructure project for the Latrobe region, which will upgrade critical water infrastructure to meet the growing water supply needs of the community and economy.

The amendment does not repeat other provisions within this scheme.

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

The proposed amendment will implement the following objectives in Section 4 of the Act:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- 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;
- To balance the present and future interests of all Victorians.

The amendment will facilitate the orderly expansion of a strategic water infrastructure asset servicing the Gippsland region, through the logical addition of an immediately adjoining property into the existing Moe Water Treatment Plant boundary. The proximity of this parcel to the existing water treatment plant site allows for the orderly, economic and sustainable use of land abutting a long established infrastructure asset for expansion purposes.

The amendment will also facilitate the ongoing treatment and supply of water to the Gippsland community in the long term, which is an essential service required to support both community and economic wellbeing as the population grows over time.

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

#### *Environmental effects:*

No environmental overlays apply to the expanded site. The combined amendment request and planning permit application sought under section 96a of the Act, seeks the removal of native vegetation located wholly within the existing Moe WTP site at 56 Moe South Road, Moe South to support the construction of the second CWS basin.

Undeveloped parts of the existing Moe WTP site at 56 Moe South Road, Moe South are covered in dense native vegetation. Through early design and investigation for the expansion, Gippsland Water has sought to avoid and minimise impacts to this native vegetation as far as practicable.

The strategic purchase of the adjoining land at 58 Moe South Road, Moe South has allowed for a significantly reduced area of impact to native vegetation in Latrobe. The amendment will support use of the expanded site (already developed with a dwelling, outbuildings and featuring only planted vegetation) to accommodate approximately half of the footprint of the second CWS basin.

The remaining half of the basin is proposed to be accommodated on land at 56 Moe South Road, Moe South and will require the removal of 1.854 hectares of native vegetation including 44 large old trees within the existing Moe WTP site. Gippsland Water will secure suitable offsets for the removal of native vegetation to ensure no net loss of biodiversity occurs in Victoria.

Five Strzelecki Gum (*Eucalyptus strzeleckii*) trees, listed under the *Environment Protection and Biodiversity Conservation Act 1999* will be retained and protected within the project area. The Powerful Owl, listed as a rare or threatened species by the Department of Environment, Land, Water and Planning advisory list was identified as potentially using the site for broader foraging habitat. Powerful Owl assessments and targeted surveys undertaken for the project in March 2020 and May 2020 have not identified presence of the species, potential nesting sites or evidence of breeding within the project area. The proposed amendment and subsequent expansion works at the Moe WTP are expected to have minimal impact on Powerful Owl habitat given the lack of species presence detected within the project area and the extent of broader foraging and roosting habitat provided within surrounding bushland areas contiguous to and nearby established native vegetation to be retained within the Moe WTP property.

The Strategic Assessment Report discusses the proposed native vegetation removal and impacts in more detail. Overall, the amendment will not result in adverse impacts on the environment or net loss of biodiversity as a result of the removal of native vegetation.

#### *Social effects:*

Given the current ownership of the land at 58 Moe South Road, Moe South and its proposed use and development as part of an expanded Moe WTP, the amendment is considered to be an appropriate and logical planning outcome which will provide clarity to the public regarding its designated land use and allow for efficient use of the land for public service and utility purposes.

The amendment and combined planning permit application will allow for the construction of a second CWS basin at the Moe WTP, increasing both water supply and water security for the local area. The expansion works are required to be complete by December 2022 to ensure the water supply demands of the growing regional population can be adequately met.

### *Economic effects:*

The rezoning of the land will have a positive economic impact on the Moe township and surrounding region. Expansion of the Moe WTP will provide increased water capacity and water system resilience to the area, supporting future urban and economic growth and development within Gippsland. Without the timely upgrade of the Moe WTP, growth and development in the region may be impacted by constraints in local water network capacity.

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

The Moe WTP and land subject to the rezoning at 58 Moe South Road, Moe South are located within the Bushfire Management Overlay (BMO) and a designated bushfire prone area.

A planning permit is not required under the BMO for the proposed expansion of the Moe WTP ('utility installation'), however the amendment and combined planning permit application has duly considered bushfire objectives at Clause 13.02 Bushfire Planning and Clause 21.04-12 in the Latrobe Planning Scheme.

The proposed rezoning and construction of second CWS basin will not result in an increase in population or sensitive uses within or immediately surrounding the site, and it will not increase community vulnerability in the event of a bushfire. Rather, the proposed expansion works will decrease bushfire risk to existing neighbouring residents located to the south of the expansion site, by increasing the setback between these dwellings and vegetated areas to the north.

A bushfire assessment prepared for the project and preliminary advice received from the Country Fire Authority (CFA) have informed the amendment and planning permit application to ensure an appropriate bushfire risk management response has been provided for the project. This includes provision of adequate access for emergency services to the expanded Moe WTP site, creation of greater setbacks between the existing bushland interface and closest existing sensitive uses surrounding the site, and ensuring access to water supply in excess of 40,000 litres for firefighting purposes.

Existing emergency planning procedures for the Moe WTP site will be updated and implemented by Gippsland Water to mitigate bushfire risk to an appropriate level for the proposed expanded facility. An updated Emergency Plan for the WTP site will be provided to the CFA for review prior to works commencing and include details of how native vegetation will be maintained on site to meet defendable space requirements, and further detail the provision of access and water supply to emergency services in the event of a fire.

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

The proposed amendment is consistent with:

- Ministerial Direction No. 11: Strategic Assessment of Amendments
- Ministerial Direction No. 15 The Planning Scheme Amendment Process
- The amendment has been prepared in accordance with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) 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 within the Latrobe Planning Scheme, including:

#### **Clause 11 Settlement**

Clause 11.01-1S and Clause 11.01.1R seek to promote the sustainable urban growth of settlements across Victoria. The regional policy supports urban growth at both regional centres and sub-regional towns within Latrobe City, which includes the Moe settlement.

Clause 11.02-3S seeks to ensure development is sequenced so that adequate services are available for communities in areas of growth. A key strategy within this clause is to ensure that planning for

water supply, sewerage and drainage works receives high priority in the early planning for areas of growth.

The amendment and proposed expansion of the Moe WTP supports Clause 11 objectives and seeks to ensure adequate water infrastructure is provided to the local community over the long-term.

### **Clause 12 Environmental and Landscape Values**

Clause 12.01-1S and Clause 12.01-2S seeks to protect and conserve Victoria's biodiversity and native vegetation. Impacts from land use and development should be avoided or minimised where possible and any removal of native vegetation should result in no net loss to the biodiversity of the State.

Whilst the proposed upgrade of the Moe WTP will required the removal of native vegetation, significant efforts have been made to avoid and minimise impacts to the environment as far as practicable; whilst still facilitating these important and strategic water infrastructure works. In addition to the purchase of the expanded site to accommodate almost half the basin footprint, Gippsland Water have ensured the construction footprint for the expansion is as small as possible for the size of infrastructure required to be installed, to ensure the risk to environment and landscape are managed.

The proposed amendment and associated expansion works will not negatively impact flora and fauna species protected under Commonwealth or State legislation. Five Strzelecki Gum (*Eucalyptus strzeleckii*) trees identified within the project area will be protected and retained as part of the expansion. Powerful Owl habitat assessment and target surveys undertaken in March 2020 and May 2020 have also concluded that the project area did not contain any evidence of Powerful Owl species presence or breeding activity.

Gippsland Water will also ensure environmental values are protected during the construction of the expansion works and will prepare a Construction and Environmental Management Plan before works begin to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The proposed expansion works will be in keeping with the existing scale and character of water infrastructure at the existing Moe WTP, which has been a long-established facility servicing the Moe area. The proposed basin has been designed to be similar in height (AHD) to the existing CWS basin, to support optimum hydraulic function between the assets. The site is well setback from Moe South Road and the balance of established bushland to remain undisturbed within the Moe WTP site and surrounds will largely minimise visual impacts particularly from the north and west.

### **Clause 13 Environmental Risks and Amenity**

Clause 13.02-1S Bushfire planning is relevant to the project as the subject site is located within a designated bushfire prone area and affected by the Bushfire Management Overlay. The objective of this Clause is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises human life.

Gippsland Water have engaged early with the CFA to discuss the management of fire-risk through design, siting and management strategies for the project. A bushfire assessment has also been prepared to duly assess and consider bushfire risk planning for the proposal.

Both CFA early advice and the bushfire assessment have informed key bushfire risk mitigation measures proposed for the project including:

- provision of a fire access track around the north-west part of the basin;
- ensuring access to water supply well in excess of 40,000 litres in the event of a fire;
- maintaining vegetation-free zones around buildings and core plant equipment;
- locating plant equipment away from heavily treed areas; and
- ensuring landscaping proposed is of a low-threat nature through appropriate selection of plant species and planting layout.

The proposed expansion will not result in an increase in population or sensitive uses within or immediately surrounding the site, and it will not increase community vulnerability in the event of a bushfire. Construction of the water storage basin proposed will instead provide a greater buffer between existing residences south of the site and areas of bushfire hazard to the north; and replace an existing dwelling (previously the caretakers residence for the WTP) with water storage infrastructure.

A full assessment of the project against Clause 13.02 is provided within Appendix G of the Strategic Assessment Report, which is provided as a separate document to the Explanatory Report.

Clause 13.05-1S Noise Abatement has also been considered in the context of the design, construction and operation of the proposed expanded Moe WTP facility.

Through site location and design, the proposed CWS basin has been strategically sited to allow for the basin to be constructed to the same relative level as the existing CWS basin serving the Moe WTP. This has significantly reduced the need for additional water transfer pumps, electrical usage and noise emissions generated during the operation of the basin.

The water storage basin itself is not expected to be a source of noise emission however an ancillary backwash pump will generate low levels of noise. Gippsland Water will incorporate a noise enclosure around the proposed backwash pump for the expanded facility as part of its final design, in accordance with the recommendations of the Operational Noise Assessment undertaken for the project (Appendix B of the Strategic Assessment Report). As a result, no adverse noise impacts are expected as part of the project.

#### **Clause 14 Natural Resource Management**

Clause 14.02-1S and Clause 14.02-2S seek to protect Victoria's water resources and ensure the effective management of water supply and quality for the State. A key strategy of Clause 14.02-1S is to *...ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.*

The Moe WTP treats raw water and provides drinking water to the surrounding region. The amendment and planning permit application will support improved water supply and quality for Gippsland as water demand in the area continues to grow.

#### **Clause 15 Built Environment**

Clause 15.01-6S relates to design for rural areas and applies given the project seeks to build infrastructure within a rural part of Moe South. Design, siting and scaling of new development in rural areas should respect the valued rural character of its surrounding context.

The proposed upgrade works at the Moe WTP focus on the development of a second CWS basin. The existing WTP site is well set-back for Moe South Road and as such will not be readily visible to passing traffic or the general public along this main road. The proposed CWS basin and its ancillary parts will be similar in form and scale to the existing water infrastructure present at the WTP site. The new basin has been designed to be of a consistent height (AHD) with the existing basin for optimum hydraulic function.

Based on the topography of the site and vegetation present in the surrounding area, the visibility of the upgrade works will largely be contained to the nearest properties immediately south of the expanded site and potentially also properties west of the existing WTP site. The owners of these adjoining properties have been consulted with and have provided their support for the proposal.

## **Clause 19 Infrastructure**

Clause 19.03-3S relates to 'Integrated water management' and directly applies to the proposed expansion of the Moe WTP. The Clause seeks to *...sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

Relevant strategies under the policy include to plan and co-ordinate *...integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use to, inter alia:*

- *Take into account the catchment context.*
- *Manage and use potable water efficiently.*
- *Reduce pressure on Victoria's drinking water supplies.*
- *Minimise drainage, water or wastewater infrastructure and operational costs.*
- *Minimise the potential impacts of water, sewerage and drainage assets on the environment.*
- *Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses.*

The inclusion of the expanded site within a zone designated for public use associated with 'service and utility' purposes is consistent with the intention of this policy to protect such significant water infrastructure.

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

The amendment is strategically supported by the following objectives and strategies of the Municipal Strategic Statement (MSS):

#### **Clause 21.01 Introduction (Municipal Strategic Statement)**

Clause 21.01-2 references the Gippsland Regional Growth Plan (Gippsland Local Government Network, 2014) (Growth Plan) which recognises the Gippsland region as a fast growing part of Victoria, with an additional 116,000 people expected to live in the region by 2041.

Significant investment in the region, particularly efforts to diversify the economic profile of the area, could further increase population growth within this period. In relation to the provision of water services, the Growth Plan states that:

*Rural and urban water corporations have prepared water supply demand strategies to manage future supplies of water for urban and industrial use with the aim of maintaining reliable water supply. These strategies include demand management and priority for water conservation, and options to augment supply infrastructure...*

In assessing the infrastructure considerations for key settlements and regional centres in Gippsland, the Growth Plan identifies that the Moe settlement area *...may require some upgrade/augmentation to support growth* in the future.

The amendment supports a key strategy of the Growth Plan to *...[s]upport ongoing investment in water infrastructure and management of water resources to enhance security and efficiency of water supply to industry and urban areas.*

Clause 21.01-5 details the Latrobe City Strategic Land Use Framework Plan which designates Moe and Newborough as 'supporting network towns' and areas where future growth should be promoted.

The amendment and planning permit application seeks to support this future growth as directed under this Clause, by ensuring adequate water infrastructure can be provided to the Moe and Newborough regions.

#### **Clause 21.03 Environmental and Landscape Values**

Clause 21.03-9 seeks to protect the habitat and biodiversity values of Latrobe. The Strategic Assessment Report attached as a separate document to the Explanatory Report is accompanied by an Ecological Assessment and two Powerful Owl assessments which have assessed flora and fauna

values at the site. Overall, the amendment will not result in adverse impacts on the environment or net loss of biodiversity as a result of the removal of native vegetation which is required to facilitate the expansion works.

Clause 21.03-11 requires that changes to land use and development in the vicinity of major pipelines is carefully considered to ensure risks to human life and the functional operation of the pipelines are not impacted. A high-pressure gas pipeline easement adjoins the expanded site to the immediate south. APA Group (who manage the pipeline easement) and Energy Safe Victoria have been consulted with and do not object to the proposed amendment.

#### **Clause 21.04 Environmental Risks**

Clause 21.04-12 seeks to minimise the risk to life, property and the environment from bushfire. The amendment and planning permit application responds to bushfire risk mitigation objectives within the broader Planning Policy Framework. A bushfire assessment prepared for the project and preliminary advice received by Gippsland Water from the CFA have informed the proposed siting and design of the expansion works. Overall the project is considered to deliver an appropriate bushfire management response in the context of the WTP site and the critical nature of the infrastructure proposed, and is not considered to increase bushfire risk in the area.

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

Clause 21.05-3 recognises water as one of Latrobe's most valuable resources, and water quality, security and management as key opportunity for the municipality. The amendment supports this Clause proposing to expand a strategic water asset in Latrobe, the Moe WTP.

#### **Clause 21.08 Transport and Infrastructure**

The amendment supports Clause 21.08-7 and Clause 21.08-11 which recognise that the efficient delivery of infrastructure (including water supply infrastructure) is critical in enabling future urban and economic growth, attracting new investment to the region, and managing the municipality in a sustainable manner. Services must meet known and anticipated demands for physical, financial and population growth.

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

The Amendment makes proper use of the Victorian Planning Provisions, by ensuring the correct and most appropriate zone (PUZ1 – Service and Utility) is applied to the subject land which is proposed to form part of the expanded Moe WTP.

The existing Moe WTP is already zoned PUZ1, and the rezoning of 58 Moe South Road, Moe South to PUZ1 is a logical inclusion in the PUZ1 footprint, which will cover the entirety of the proposed upgraded WTP site.

The rezoning will also ensure that future use and development of the land for water infrastructure purposes can occur efficiently in accordance with the requirements of the PUZ1 without placing unnecessary burden on the planning system via additional permit applications for future works.

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

The views of relevant agencies have been sought. The Department of Environment, Land, Water and Planning, Latrobe City Council, Country Fire Authority, Environment Protection Authority and Energy Safe Victoria have been consulted with by Gippsland Water.

Consultation undertaken with these agencies has informed the preparation of this amendment and combined planning permit application. This includes the preparation of a bushfire assessment and incorporation of bushfire mitigation measures in the design of the proposed expansion in response to CFA comments received. Gippsland Water also prepared an additional Powerful Owl survey in response to DELWP advice and will prepare a Construction and Environmental Management Plan for the project as a condition of planning permit in accordance with DELWP requirements.

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

The purpose of the Transport Integration Act 2010 is to create a framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The proposed combined amendment and planning permit application will have negligible impact on the transport system at a local level. No upgrades are expected to be required to the nearby parts of the road network to accommodate the proposal. The project will facilitate safe vehicular access to and from the site. Accordingly, it is considered that the proposal is appropriate in the context of the requirements of the Transport Integration Act 2010.

## **Resource and administrative costs**

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

The amendment is not expected to have unnecessary impact on the current or future resources or administrative cost of the responsible authority.

The rezoning of land from RLZ1 to PUZ1 will make the use and development of land at the expanded site for 'service and utility' purposes exempt from planning permit requirements. This is likely to reduce potential demands on planning staff resources for future utility infrastructure upgrades, consistent with the provisions of the PUZ1 which apply to the existing Moe WTP.

## **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

Moe Library

1-29 George Street

MOE VIC 3825

The amendment can be inspected free of charge at the Latrobe City Council website at [www.latrobe.vic.gov.au](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).

## **Submissions**

Any person who may be affected by the amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by 5pm 7 September 2020.

A submission must be sent to:

Latrobe City Council

Corporate Headquarters

141 Commercial Road

MORWELL VIC 3840

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in week of 2 November 2020

- panel hearing: To commence in week of 23 November 2020