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**Attention:** Strategic Planning

30 June 2021

Latrobe City Council

PO Box 264

MORWELL VIC 3840

Dear Sir/Madam,

Thank you for the opportunity to review and provide comment on proposed Latrobe City Council Planning Scheme amendments C126 (Toongabbie Structure Plan) and C127 (Bushfire and Rural Rezonings).

Wellington Shire Council has no objection to the proposed amendments.

Yours Sincerely,

Alex Duncan

Strategic Planner

Wellington Shire Council

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**From:** latrobe-vic.noreply@govcms.gov.au <latrobe-vic.noreply@govcms.gov.au>

**Sent:** Thursday, 1 July 2021 10:12 AM

**To:** Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>

**Cc:** Miriam Turner <Miriam.Turner@latrobe.vic.gov.au>

**Subject:** Have Your Say on Amendment C126 Submission

Submitted on Thu, 2021-07-01 10:11

Submitted by: Anonymous

Submitted values are:

## Your Details

### Personal Details



## Your Submission

### My submission is

I fully support the amendment.

My property is suitable for the recommendations in the amendment.

I have received numerous enquires from people in search of small acreage in the Toongabbie area. There is obviously a great shortage of properties of this nature.

**From:** Elaine J Wood (DELWP)  
**Sent:** Tue, 20 Jul 2021 13:04:32 +1000  
**To:** Latrobe Central Email  
**Subject:** OFFICIAL: Attention Strategic Planning Manager  
**Attachments:** SP476572dpr Latrobe Planning Scheme Am C126 20 July 2021.pdf

Please find attached the Department's submission in relation to the exhibition of Am C126latr to the Latrobe Planning Scheme.

Kind regards

Elaine

Elaine Wood | Acting Planning Approvals Program Manager  
Land and Built Environment | Gippsland Regional Directorate  
Forest, Fire and Regions | Department of Environment, Land, Water and Planning  
574 Main Street Bairnsdale 3875  
M: 0417 952 712 E: [elaine.wood@delwp.vic.gov.au](mailto:elaine.wood@delwp.vic.gov.au)



We acknowledge Victorian Traditional Owners and their Elders past and present as the original custodians of Victoria's land and waters and commit to genuinely partnering with them and Victoria's Aboriginal community to progress their aspirations.

If you like to provide feedback on your experience with the Land and Built Environment team, please use the QR Code or Link below to our customer satisfaction survey



<https://www.surveymonkey.com/r/LBEFeedback>

OFFICIAL



## Department of Environment, Land, Water & Planning

71 Hotham Street  
Traralgon Victoria 3844  
Telephone: +61 3 5172 2111  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

20 July 2021

Steven Piasente  
Chief Executive Officer  
Latrobe City Council  
141 Commercial Road  
MORWELL VIC 3840

By email: [latrobe@latrobe.vic.gov.au](mailto:latrobe@latrobe.vic.gov.au)

Our ref: SP476572  
Your ref: Am C126

Dear Mr Piasente

**PROPOSAL:** AMENDMENT C126 TO THE LATROBE PLANNING SCHEME  
**PROPONENT:** LATROBE CITY COUNCIL  
**ADDRESS:** TOONGABBIE STRUCTURE PLAN

Thank you for your correspondence received 24 June 2021 consistent with section 19 of the *Planning and Environment Act 1987*.

Council has given the Department of Environment, Land, Water and Planning (DELWP) notice of a proposed planning scheme amendment that seeks to implement the findings of the Toongabbie Structure Plan report, background reports and the recommendations from the West Gippsland Catchment Management Authority 2016 Flood Study for Toongabbie into the Latrobe Planning Scheme.

DELWP has considered the above application and **does not oppose** the amendment.

The attached supporting information provides further general advice in relation to proposed Amendment C126latr to the Latrobe Planning Scheme.

If you have any queries, or require clarification please contact [gippsland.planning@delwp.vic.gov.au](mailto:gippsland.planning@delwp.vic.gov.au).

Yours sincerely

**Elaine J Wood**  
Acting Planning Approvals Program Manager  
Gippsland Region

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OFFICIAL

## Supporting Information

### Context

The Amendment proposes the following changes to the Scheme:

- amend Clause 11.01-1L (Local Areas) and amend Clause 12.01-1L (Protection of Biodiversity) to include the Toongabbie Structure Plan, insert key strategies and policy documents for Toongabbie;
- amend Clause 16.01-1L (Housing supply) to include the amended Toongabbie Housing Framework Plan;
- update the title of Schedule 4 to Clause 32.08 General Residential Zone from 'District Town' to 'District and Small Town';
- insert a new Schedule 5 to Clause 32.09 Neighbourhood Residential Zone; and update the background reports listed in the schedule to Clause 72.08.

The Amendment also proposes to make a number of associated rezonings to the Toongabbie township:

1. rezone residential land from Neighbourhood Residential Zone Schedule 4 to Neighbourhood Residential Zone Schedule 5
  - a. 52 Ries Street (CA 1A Section A Toongabbie)
  - b. 49-57 Heywood Street (CA 1B Section A Toongabbie)
  - c. 23-33 Heywood Street (L 2 PS 330744)
  - d. 21 Heywood Street (L1 PS 330744)
  - e. 81 Main Street (L1 PS 711191)
  - f. 79 Main Street ((L2 PS 711191);
2. 77 Main Street (CA 2 Section 29 Toongabbie) from Neighbourhood Residential Zone – Schedule 4 to Low Density Residential Zone;
3. rezone King Street Toongabbie (CA 2 Section 3A Toongabbie and CA 4 Section 3A Toongabbie) from split zoned Farming Zone – Schedule 1 and Neighbourhood Residential Zone – Schedule 4 to Low Density Residential Zone;
4. rezone 19-29 Hower Street (CA 11 Section 9 Toongabbie) and 9-17 Hower Street (CA 5 Section 14 Toongabbie) from Farming Zone – Schedule 1 to Low Density Residential Zone;
5. correct the split zoning at 15-25 Victoria Street from Public Use Zone – Schedule 2 and Neighbourhood Residential Zone – Schedule 4 to Public Use Zone – Schedule 2;
6. rezone land at 15 Cowen Street (only L1 LP 116911), 17 Cowen Street (L2 LP 116911), 11 Victoria Street (CA 6 Section 17 Toongabbie), 12 Victoria Street (CA 6 Section 16 Toongabbie), 8 Victoria Street (CA 4 Section 16 Toongabbie), 6 Victoria Street (L 1 PS 423649), 4 Victoria Street (L 2 PS 423649) , 2 Victoria Street (CA 10 Section 16 Toongabbie) and 1-5 Goodwin Street (L3 PS 423649) from Neighbourhood Residential Zone – Schedule 4 to General Residential Zone – Schedule 4; and

7. rezone Main Street Toongabbie (CA 85A Toongabbie), Traralgon-Maffra Road (CA 9A Section A Toongabbie), Traralgon-Maffra Road (CA 32C Toongabbie), Russells Road (CA 5A Section 3A Toongabbie), Russells Road (CA 5 Section 3A Toongabbie), Humphrey Road (CA 2004 Toongabbie) and Hower Street (CA 2005, CA 2006 Toongabbie) from Farming Zone - Schedule 1 to Public Conservation and Resource Zone (PCRZ).

#### General comments and advice

- DELWP commends the strategic background work undertaken to support the introduction of the new local policy in relation to local biodiversity values, particularly in relation to native vegetation at sites such as roadsides and the Toongabbie Cemetery.
- DELWP notes that parcels of Crown land adjacent to the waterways are proposed to be rezoned to a public use zone. The strategic justification articulated in the Explanatory Report being to protect the natural environment and natural processes along the Rosedale and Toongabbie creek frontages.

It is noted that the strategic supporting studies recognise that there has been no detailed study of these waterways. The response has been recommendations for further strategic work (recommendations 4 and 7 of Table 12 *Landscape and environment actions*).

The affected Crown lands are under legitimate licence. Any future strategy must address the Crown interests.

**From:**



**Subject:**

RE: LATROBE PLANNING SCHEME AMENDMENT, C126 (TOONGABBIE STRUCTURE PLAN), & AMENDMENT C127 (BUSHFIRE AND RURAL REZONINGS) – NOTICE OF PREPARATION OF AN AMENDMENT

Attachment 4

**Date:**

Thursday, 22 July 2021 6:56:03 PM

**Attachments:**

[image002.png](#)

[image003.png](#)

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Hi Ellie –

Good day! I have reviewed the amendment and can confirm that there is no impact to Telstra Fixed Access network. Thanks!

Regards,



W [www.telstra.com](http://www.telstra.com)

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Attachment 5

**From:** [Latrobe City Council](#)  
**To:** [Latrobe Central Email](#)  
**Cc:** [Miriam Turner](#)  
**Subject:** Have Your Say on Amendment C126 Submission  
**Date:** Monday, 2 August 2021 9:39:17 AM

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Submitted on Mon, 2021-08-02 09:39

Submitted by: Anonymous

Submitted values are:

## Your Details

### Personal Details



## Your Submission

### My submission is

Good Morning,

I am writing to object to the changing of my properties zoning. Changing from Farming to a Low Density Residential affects the use of our property and affects the very reason why we purchased it at the start of the year.

We currently have a multitude of farm animals and ones that wouldn't be allowed on a low density residential property like roosters, more than 2 dogs, sheep and horses. The roosters wouldn't even be allowed on a rural living zone.

My partner and I moved here for a lifestyle change and to enjoy our animals. He is a retired war veteran on a military pension who suffers for various mental health issues and the ability to be surrounded by animals helps his mental health.

If we changed to residential then we would be constantly visited by council staff trying to get us to remove our animals and it will impact our lives and cause massive stress.

I understand the reasoning behind it as looking at future plans the council wish to change the zoning of the properties along Guyatts Rd that backs our property to residential in the future. However we can not subdivide our property due to the size, the fact that we have lease land running through it due to flooding risks and that the small parcel that could be is again a flooding risk due to the Toongabbie Creek. All of which were apparent due to the floods in June.

We ask that our zoning is left as farming, due to the fact that it was purchased only in March for that sole reason and that in changing will impact our lifestyle and lives considerably with no actual benefit to us. If we were advised at the time that it would be potentially be changed less than 6 months later then we never would have purchased it.

Kind regards





**From:** [REDACTED]  
**Sent:** Wed, 04 Aug 2021 09:30:32 +1000  
**To:** Latrobe Central Email  
**Subject:** Submission to Amendment C126 - Toongabbie Structure Plan  
**Attachments:** Amendment C126 Toongabbie Structure Plan Submission - Jillian Orr.pdf

Attachment 6

Attention: Strategic Planning

Good morning

Please find attached submission to Amendment C126 on behalf of our client, [REDACTED]

Could you please acknowledge receipt of this correspondence via email.

Regards,



[REDACTED]  
**A** Suite 8, Level 1, 81-89 Hotham Street, Traralgon, VIC 3844  
**W** [beveridgewilliams.com.au](mailto:beveridgewilliams.com.au)  
**P** 03 5176 0374



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Our Reference: 2101713

4 August 2021

ACN 006 197 235  
ABN 38 006 197 235

Traralgon Office  
Suite 8, Level 1  
81-89 Hotham Street  
Traralgon VIC 3844  
Tel: (03) 5176 0374

beveridgewilliams.com.au

The Chief Executive Officer  
Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

Via email: [latrobe@latrobe.vic.gov.au](mailto:latrobe@latrobe.vic.gov.au)

Attention: Kristy Crawford, Acting Co-ordinator Statutory Planning

Dear Kristy

**RE: AMENDMENT C126 TO THE LATROBE PLANNING SCHEME  
TOONGABBIE STRUCTURE PLAN**

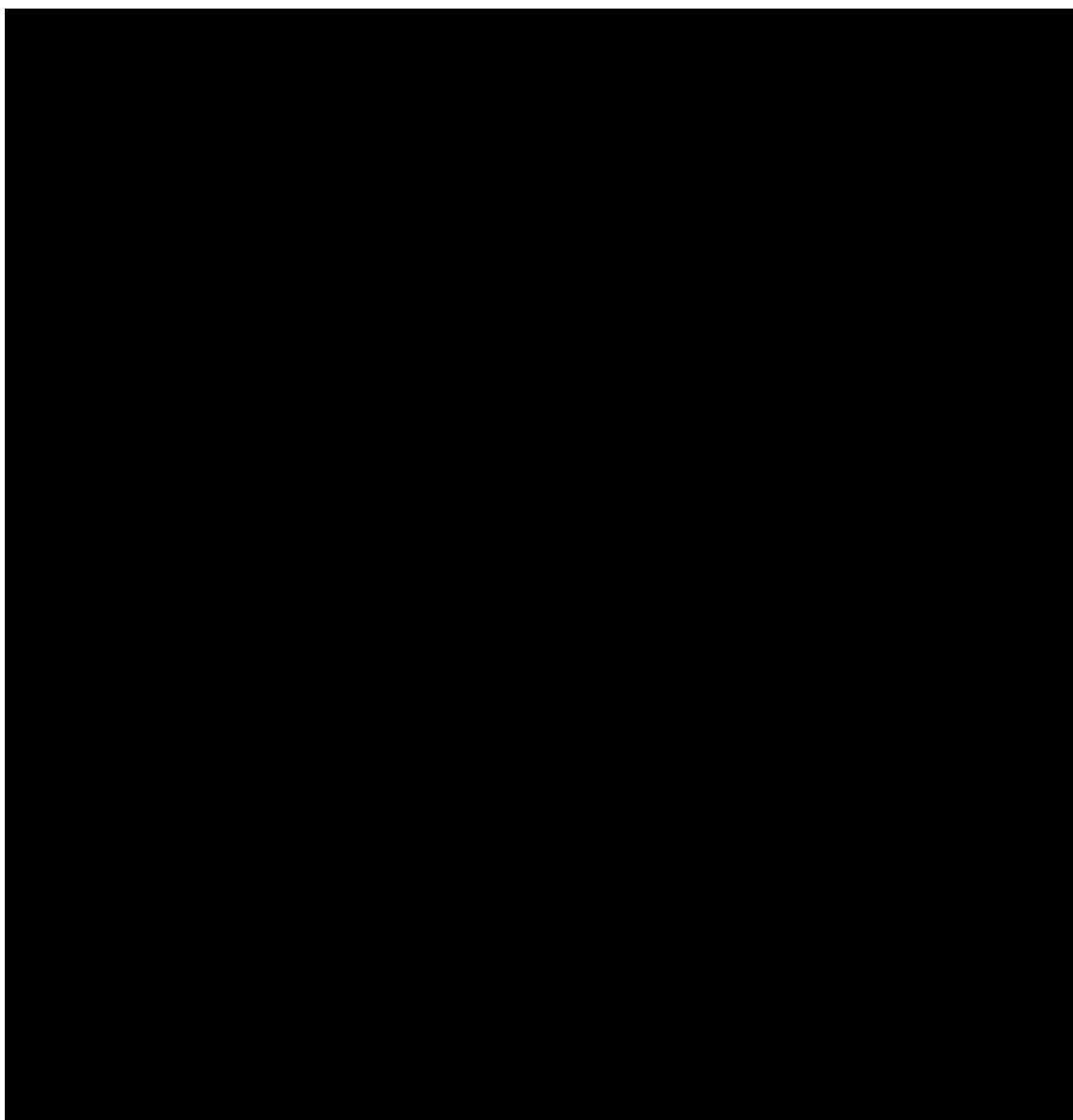
I refer to the above matter and advise that Beveridge Williams & Co. Pty. Ltd. acts on behalf of [REDACTED]

Our client is the owner and occupier of land at [REDACTED]. The land is contained in [REDACTED] and has the following characteristics:

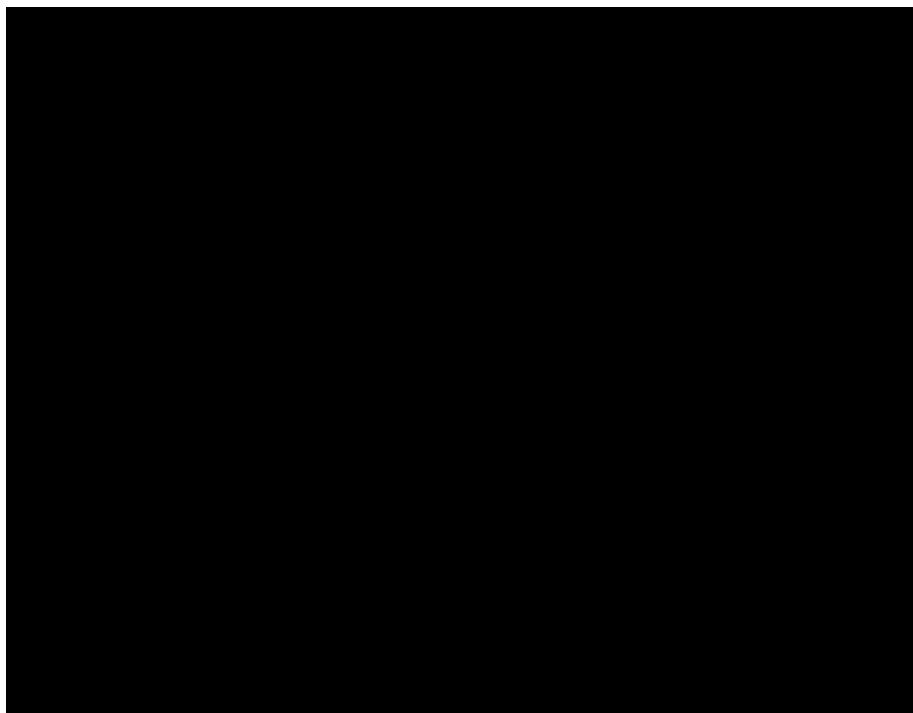
- Area of 1.91 hectares in a trapezoidal shape;
- Abuttal to three constructed roads - Sparks Lane along its west boundary, Campbell Street along its south boundary and Gilbert Street along its north boundary;
- Located directly opposite an established conventional residential area on the west side of Sparks Lane;
- Used for low density residential purposes and developed with a single storey dwelling, ancillary shed/garage, driveway and associated infrastructure generally clustered together near the southern boundary;
- Accessed from Sparks Lane via an existing gravel crossover and driveway;
- Serviced with reticulated electricity, water, sewer and telecommunications;
- Zoned Farming under the Latrobe Planning Scheme;
- Not affected by any overlays under the Latrobe Planning Scheme;
- Not within an area of Cultural Heritage Sensitivity;
- Predominantly cleared of vegetation;
- Relatively flat topography;

- Not traversed by any declared watercourses, water bodies or associated buffers;
- Located on a school bus route; and,
- A short walking distance from Toonbabbie's town centre, primary school, local activity centre and public recreational facilities.

Figure 1 displays the site in context with the surrounding properties.



Our client's land has been included in the 'Second Stage Low Density Residential' precinct on the exhibited Toongabbie Structure Plan (TSP). This precinct includes fifteen other existing allotments which have abutments to Sparks Lane, Campbell Street, Gilbert Street, Main Street (Traralgon-Maffra Road). An extract of the TSP with our client's land identified is provided in Figure 2.



A review of the TSP supporting documentation (including the Latrobe Rural Living Strategy 2021, as exhibited with the concurrent Amendment C127), indicates that our client's property is ideally positioned for low density residential development, based on the site characteristics previously outlined and the following:

- It will not be affected by a proposed Bushfire Management Overlay, Land Subject to Inundation Overlay or Floodway Overlay;
- It is classified as having low biodiversity value; and,
- Is not subject to a Native Title Claim.

The Land Supply and Demand Analysis includes Low Density Residential zoned land within the overall residential land assessment. Based on a high growth scenario to 2036, an estimated 32 LDRZ lots need to be provided within Toongabbie to address anticipated demand (equating to 12.8 hectares of land, assuming 4,000m<sup>2</sup> minimum lot size). Currently, there is no LDRZ land within Toongabbie, so Amendment C136 proposes to address this by rezoning selected parcels (totalling 13 hectares) within Ries/Haywood Streets, Hower Street, King Street and Main Street to cater for demand over the next 15 years.

The Land Supply and Demand Analysis assumes that 30% of the residential land demand over the next 15 years will be for lots within the LDRZ, which is *'representative of the average rate of development within Toongabbie'*. We question this statement and how this percentage has been extrapolated, given that there is currently no LDRZ land within the town? We submit that it is highly likely that there is a latent demand for LDRZ land in Toongabbie and the demand analysis is understated, given the current lack of supply. We question whether the rezoning of selected properties totalling 12.8 hectares as part of Amendment C126 will adequately address any latent demand, particularly since the release of land to the market is dependent on each of those existing landowners' subdivision intentions and other factors that cannot be controlled (such as the length of time to complete a subdivision through to titles issuing).

Although Amendment C126 seeks to create greater housing choice and diversity within Toongabbie, it appears that the extent of land to be rezoned to LDRZ in the short term is limited in its scope and does not provide adequate alternatives should the owners of that land choose to not develop, or the subdivided lot supply is absorbed quickly following its release to the market.

Our client's property is provided with ideal locational and physical characteristics to allow it to be subdivided into multiple low density residential lots without the need for road construction, augmentation of reticulated infrastructure or other significant works. Hence, subdivision of this property is not dependent upon the rezoning and development of other land within the surrounding precinct. Furthermore, it is arguably in a more convenient location than most of the exhibited 'First stage Low Density Residential' properties, as it will not result in the need for future residents to either cross or walk along the Toongabbie-Maffra Road (a main road) to access the activity centre and primary school.

If rezoned to LDRZ, our client is prepared to subdivide her land now and could lodge a planning permit application as soon as Amendment C126 is gazetted. To facilitate this, it is requested that:

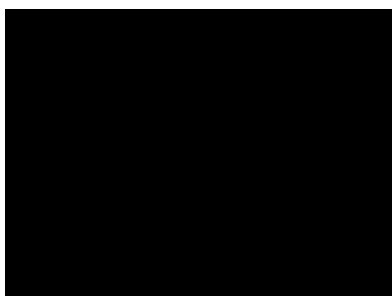
- **The Toongabbie Structure Plan be amended to include the land at [REDACTED] within a 'First Stage Low Density Residential' precinct; and,**
- **That the land at [REDACTED] be rezoned from Farming Zone to Low Density Residential Zone.**

If the rezoning is not supported by Council as part of Amendment C126, then our client requests that her land be included in the 'First Stage Low Density Residential' precinct to enable a proponent-led rezoning to occur following gazettal of the amendment.

We would be pleased to meet with Council officers to discuss this further.

Should you require any additional information, please do not hesitate to contact the undersigned on [REDACTED]

Yours sincerely,



Enc. Copy of title

**From:** Kylie M Franklin (DOT)  
**Sent:** Wed, 04 Aug 2021 10:37:46 +1000  
**To:** Latrobe Central Email  
**Subject:** Attention: Strategic Planning  
**Attachments:** Latrobe PSA C126 - Toongabbie Structure Plan - DoT submission.pdf

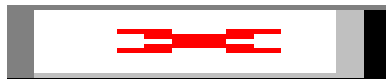
To Strategic Planning,

Please find attached a copy of the Department of Transport submission to Latrobe Planning Scheme Amendment C126 - Toongabbie Structure Plan.

If you have any questions or require any additional information please don't hesitate to contact me.

Kind Regards

Kylie Franklin  
Senior Transport Planner | Transport Services - Gippsland  
Department of Transport  
120 Kay Street  
Traralgon, VIC 3844, DX 219 286



I work Monday, Tuesdays and Wednesdays.



## Department of Transport

120 Kay Street  
Traralgon, VIC 3844 Australia  
Telephone: +61 3 5172 2319  
[www.transport.vic.gov.au](http://www.transport.vic.gov.au)  
DX 219286

Ref: DOC/21/111451

Latrobe City Council  
Attention: Strategic Planning Department  
PO Box 264  
MORWELL VIC 3840

To the Strategic Planning Department,

### **LATROBE PSA C126 – TOONGABBIE STRUCTURE PLAN**

I am writing in response to the exhibition of Latrobe Planning Scheme Amendment C126 which seeks to implement the findings of the Toongabbie Structure Plan Report, background reports and recommendations from the West Gippsland Catchment Management Authority 2016 Flood Study for Toongabbie into the Latrobe Planning Scheme.

The Department of Transport has no objections to the proposed amendment.

We stand by our submission to the Toongabbie – Infrastructure and Servicing assessment dated 16/03/2020 and offer the following:

#### **Shared Pathways**

The Toongabbie Structure Plan shows a shared pathway adjacent to Traralgon-Maffra Road and within other road reserves. The background report for the structure plan identifies that much of the towns high value habitat (EPBC Act and FFG Act listed) is located within roadside verges. VCAT decision *Holner Pty Ltd v Baw Baw SC [2020] VCAT 890* observed that significant vegetation within the road reserve was an obstacle to provision of a pathway and required the adjoining development to provide land for the path (refer paragraphs 50 & 65). Perhaps this should be considered in Toongabbie and the structure plan amended to support this possibility.

#### **Protection of Biodiversity**

Department of Transport supports efforts to protect remnant vegetation and support the amendments to Clause 12.01-1L Protection of Biodiversity, however we would like to know more about how this protection will be provided. How is it different from the other protections provided under the planning scheme and what additional controls or requirements are likely to be associated with this update?

Yours sincerely

**Harvey Dinelli**  
Manager Transport Integration Gippsland  
29 / 07 / 2021



---

**From:** West Gippsland Catchment Management Authority <planning@wgcm.vic.gov.au> **Sent:** Wednesday, 4 August 2021 4:25 PM  
**To:** Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>  
**Cc:** Miriam Turner <Miriam.Turner@latrobe.vic.gov.au>  
**Subject:** WGCMA response for Amendment C126 Toongabbie Vic 3856 Our ref: WGCMA-F-2019-00123

**OFFICIAL**

Dear Strategic,

Response issued for Amendment C126 Toongabbie Vic 3856.

Your Ref: Amendment C126

Regards

**Planning Administration**

West & East Gippsland Catchment Management Authority  
16 Hotham Street (PO Box 1374), Traralgon 3844  
For any queries, please contact;  
Office Phone: 1300 094 262

[www.wgcm.vic.gov.au](http://www.wgcm.vic.gov.au) Stay informed, [sign up to our mailing list](#).



West Gippsland Catchment Management Authority, 16 Hotham Street Traralgon and  
Corner Young  
& Bair Streets Leongatha | PO Box 1374 Traralgon 3844 | 1300 094 262 for standard  
call cost | [westgippy@wgcm.vic.gov.au](mailto:westgippy@wgcm.vic.gov.au) | [www.wgcm.vic.gov.au](http://www.wgcm.vic.gov.au)

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**WGCMA Ref:** WGCMA-F-2019-00123  
**Document No:** 03  
**Council Ref:** Amendment C126  
**Date:** 04 August 2021

**OFFICIAL**

Miriam Turner  
Strategic Planning Officer  
Latrobe City Council  
PO Box 264  
Morwell Vic 3840

Dear Miriam,

**Regarding:** Planning Scheme Amendment - Amendment C126

**Property Street:** Amendment C126 Toongabbie Vic 3856

---

Thank you for your correspondence received at the West Gippsland Catchment Management Authority ('the Authority') on 24 June 2021 in relation to Amendment C126 Toongabbie. The Authority understands that the Amendment implements the findings of the Toongabbie Structure Plan report and the Toongabbie Flood Study.

The Authority has reviewed the Amendment C126 documentation and does not object to the proposed amendments to the Latrobe Planning Scheme.

Should you have any queries, please do not hesitate to contact Ben Proctor on 1300 094 262 or email [planning@wgcma.vic.gov.au](mailto:planning@wgcma.vic.gov.au). To assist the Authority in handling any enquiries please quote **WGCMA-F-2019-00123** in your correspondence with us.

Yours sincerely,



**Adam Dunn**  
**Statutory Planning Manager**

The information contained in this correspondence is subject to the disclaimers and definitions attached.

### **Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

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**From:** [REDACTED]  
**Sent:** Friday, 6 August 2021 11:30 AM  
**To:** Kristy Crawford <Kristy.Crawford@latrobe.vic.gov.au>  
**Cc:** [REDACTED]  
**Subject:** Latrobe Planning Scheme Amendment - C126 and C127

Good Morning Kristy,

Further to your chat with [REDACTED] this morning, I write to you on behalf of [REDACTED] in relation to land she owns at [REDACTED]

It is our client's desire for the aforementioned land to be considered in the Toongabbie Structure Plan and as such, [REDACTED] does not support the proposed C126 and C127 amendments in their current form.

We ask that this email be treated as our first submission, with a subsequent proposal intended to be submitted to Council for consideration in due course.

Thanks and regards,

[REDACTED]

[REDACTED]

M: [REDACTED]

[REDACTED]



cfa.vic.gov.au

ur patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Prevention and Preparedness  
8 Lakeside Drive Burwood East Vic 3151  
Email: firesafetyreferrals@cfa.vic.gov.au

Attachment 10

CFA Ref: 27000-73438-110841  
Council Ref: Amendment C127

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6 August 2021

Strategic Planning  
Latrobe City  
PO BOX 264  
**MORWELL VIC 3840**

Dear Strategic Planning,

## **SUBMISSION TO PLANNING SCHEME AMENDMENT**

**Proposal: Planning Scheme Amendment C126 Latrobe**

Thank you for providing CFA with the opportunity to comment on the Amendment C126 to the Latrobe Planning Scheme.

CFA has reviewed the associated amendment material and provides the following information for consideration:

### **Landscape Bushfire Considerations:**

The town is located within 1km of areas where extreme fire behaviour is likely. The area to the west is dominated by rugged terrain and extensive areas of forest vegetation where long fire runs moving towards Toongabbie township from the west and south west are possible. Fire scenarios include fires running quickly from these heavily vegetated areas along road sides and through grasslands towards the township. Significant fires that have potential to cause neighbourhood scale destruction through the township are possible. High levels of ember attack are also likely during large fires.

There is no certainty that operational fire fighting will be available during a fire event. CFA is concerned that the fire scenarios and landscape risk assessment provided in the bushfire risk assessment report (Fire Risk Consultants / Town Planning Co, July 2020) underplays potential fire behaviour and relies heavily on assumptions that fire authority interventions are likely.

### **Alternative Locations for Development and Growth**

Council has not provided any assessment of policy under Clause 13.02-1S that requires alternative locations for development to be considered. CFA has formed the view that based on the proposed structure plan and other information that supports the amendment that an insufficient response to bushfire has been provided to justify further growth.

This is particularly relevant, where a significant number of larger townships are available as growth areas. CFA recommends further justification be provided that supports why Toongabbie should encourage more development.

### **Safer Areas, Access and the Road Network**

Whilst there are access and egress options, it is less clear how the township is justified for growth given the distance from larger townships.

It is unclear how the policy satisfied safer area requirements.

### **The Bushfire Interface**

Given the level of surrounding bushfire risk in the landscape and the likely fire behaviour, the future development or growth of the Toongabbie township is inextricably linked to ensuring that an appropriate design response to the main bushfire interfaces is mandated. For example, creating large areas of managed vegetation or hard surfaces, minimising road side vegetation on the highest risk aspects, creating a hardened development edge to reduce the likelihood of a fire running through the community.

Toongabbie is a very difficult location to determine suitability for growth when considering to location and risk. The decision hinges on the ability to harden the settlement edges and try and minimise the potential for a fire to penetrate the boundaries of the township.

At this stage, the proposal has not incorporated the appropriate design or policy within the structure plan or planning ordinances that would lead to a level of bushfire responsive design that could be considered appropriate.

There are some positive elements of the proposal, when read in combination with policy contained within the proposed Amendment C127 to the Latrobe Planning Scheme. CFA has considered these policy outcomes in its review of the proposal. These elements include:

- Increasing construction standards to provide a more resilient building form;
- Requiring areas of defendable space (although it is uncertain how these will be implemented);
- Requiring a water supply (although this could be improved by requiring a large amount of water to be provided to the fire authority on land over 1000sqm)
- Discouraging certain uses in some areas (although this could be improved);
- Shifting development to the eastern side of the township (however, no policy addresses the west which makes hardening the edge difficult).

CFA is also of the view that the proposed policy that addresses these items could be further developed in terms of clarity and functionality. In addition, the links between the structure plan and DPO under C127 could also be improved.

### **Vegetation Management and Bushfire Risk**

Vegetation management is a key area of concern for this amendment. It is unclear how vegetation within the township will be managed over time.

A specific concern is around how vegetation on large sites will be managed in the long term and implemented on an ongoing basis, particularly in locations where rural residential zones are considered. These sites are likely to be of a size greater than the area of required defendable space, over time vegetation can accumulate and create bushfire risks to existing and future residents and the wider community.

It is unclear how the amendment looks to address this issue.

## **Other Policy Considerations**

Before proceeding further, CFA recommends that a specific response to Clause 13.02-1S be prepared that provides an assessment of the amendment against relevant policies. For example how does the proposal respond to landscape considerations, safer area policy, radiant heat benchmarks, ensure that risk is not increased etc.

If you wish to discuss this matter in more detail, please do not hesitate to contact Jude Kennedy (Manager Community Safety) on [REDACTED] or Anne Coxon (Land Use Planning Team Manager) on [REDACTED]

Yours sincerely,



**Anne Coxon**  
**Land Use Planning Team Manager**  
CFA Fire Prevention and Preparedness

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Attachment 11

**From:** [Monika Zuscak](#)  
**To:** [Strategic Planning](#)  
**Cc:** [Latrobe Central Email](#); [Miriam Turner](#); [Kristy Crawford](#)  
**Subject:** RE: LATROBE PLANNING SCHEME AMENDMENT, C126 (TOONGABBIE STRUCTURE PLAN), & AMENDMENT C127 (BUSHFIRE AND RURAL REZONINGS) – NOTICE OF PREPARATION OF AN AMENDMENT  
**Date:** Friday, 6 August 2021 3:34:31 PM  
**Attachments:** [image002.png](#)  
[image005.png](#)  
[Final Signed Response\\_Latrobe C126 & C127\\_20210805\\_.pdf](#)

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**Attention:** Strategic Planning

Good afternoon,

Please see attached for EPA's response to abovementioned planning scheme amendments.

Please feel free to contact me should you have any questions.  
Have a great weekend.

Many thanks,

**Monika Zuscak**  
Senior Planning Officer  
Major Projects & Planning



**Environment Protection Authority Victoria**

Southern Metropolitan Office - Dandenong

☎ 1300 372 842 (1300 EPA VIC) | E [monika.zuscak@epa.vic.gov.au](mailto:monika.zuscak@epa.vic.gov.au) | [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

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5 August 2021

Miriam Turner  
Strategic Planner  
Latrobe City Council  
141 Commercial Road  
Morwell Vic 3840



Our Ref: REQ001019

Dear Miriam,

**RE: Latrobe Planning Scheme Amendments C126 (Toongabbie Structure Plan) and C127 (Bushfire and Rural Rezoning)**

Thank you for the opportunity to provide a response in relation to the exhibited Planning Scheme Amendments C126 and C127, referred to the Environment Protection Authority (EPA) on 24 June 2021.

**EPA Previous Advice**

EPA previously provided advice in relation to the amendments (EPA Ref 5011473) specific to the 'Draft Potentially Contaminated Land Report – Toongabbie Study Area'. EPA raised concerns in regard to:

- Generally, the assignment of risk rankings and the appropriate levels of further environmental assessment recommended in the report.
- The rationale for downgrading of sites in risk ranking from medium to low.
- How Council is considering the site at 43 High Street Toongabbie.
- The absence of any mention of 'medium' risk categorised sites within the Toongabbie Structure Plan.

Further, EPA provided advice on the draft Development Plan Overlay.

Importantly, it should be noted that this advice was provided on the basis of the *Environment Protection Act 1970* and did not consider the changes that would apply in accordance with the *Environment Protection Act 2017* and subsequent policy post 1 July 2021.

**Ministerial Direction No 19**

EPA's previous comments were requested after a request for authorisation from the Minister for Amendment C126 and therefore previous comments were not provided as a response to Ministerial Direction No. 19.



## Our Understanding of the Proposal

EPA understands that Council prepared the 'Draft Potentially Contaminated Land Report – Toongabbie Study Area' (the Report), which was intended to inform both proposed Planning Scheme Amendment C126 and C127 (dated 16 June 2020).

EPA highlights that the Report is not included in the exhibited documents, however it is cited on page 43 of the exhibited Toongabbie Structure Plan. It is unclear whether the report has been used to inform the draft amendment documentation and further, if EPA's previous comments on the Report have been incorporated.

The Report relates to properties to be rezoned from the Farming Zone (FZ) to the Rural Residential Zone (RRZ) and Low Density Residential Zone (LDRZ) through both planning scheme amendments. Additionally, the amendments will update the Toongabbie Structure Plan and introduce the recommendations of the Latrobe City Municipality Bushfire Risk Assessment 2020 and draft Latrobe City Rural Living Strategy 2020.

We understand the draft Structure Plan identifies land to be rezoned from Farming Zone-Schedule 1 (FZ1) to Rural Living Zone (RLZ) through the amendments. The surrounding land uses and zoning consist predominantly of farmland and rural residential development with one rural living precinct to the north of the study area.

In providing the following comments, EPA have reviewed the following documents:

- Draft Explanatory Report C126;
- Draft Explanatory Report C127;
- Toongabbie Structure Plan prepared by *Latrobe City Council* dated July 2020;
- Background Reports, Toongabbie Structure Plan prepared by *Latrobe City Council* dated June 2020; and
- Draft Development Plan Overlay – Schedule 10 (DPO10)

## EPA Current Advice

### 43 High Street Toongabbie.

Whilst we understand that this site is not proposed to be rezoned, Council have correctly identified the site as having a high potential for contamination. This is because the site has been used as a service station/fuel storage, and in accordance with *Planning Practice Note 30 – Potentially Contaminated Land* (DELWP, 2021)(PPN30), this use carries a high potential for contamination. As the site is currently zoned to allow sensitive uses, EPA recommended that an Environmental Audit Overlay (EAO) be applied to the site, given there are currently no triggers for environmental assessment of the land in a situation where a proponent may demolish the existing development and construct a single dwelling.

Whilst Council have sought to require an environmental audit for this site in the draft Structure Plan, this is not an enforceable planning control. In fact, Council would be relying on any future landowner or occupier of the site to review the structure plan before changing the use of the site, or redeveloping the site for sensitive use, and undertaking the audit on a voluntary basis.

## Sites with a 'medium' potential for contamination

EPA previously raised concerns regarding:

- The rationale for downgrading of sites in risk ranking from medium to low; and
- The absence of any mention of 'medium' risk categorised sites within the Toongabbie Structure Plan.

EPA's previous comments regarding the 'medium' risk sites remain relevant if the Report is being relied upon to inform the amendments, noting it is not included in the amendment documentation.

In addition, PPN30 2021 has updated the type of assessment required where sites are identified as having a medium potential for contamination and a sensitive use may be carried out on the land.

As such, the content included in DPO10 should be updated to reflect current approach as set out in PPN30. Additionally, the term 'medium' should not be used as a 'capture all' for sites to require further assessment. PPN30 2021 steps out the process for assessing a planning proposal for potentially contaminated land. These steps should be undertaken to identify potentially contaminated sites and to inform any further assessment needed.

### **Ministerial Direction No 1**

The draft Explanatory Report for both amendments state that they are consistent with Ministerial Direction No. 1 (MD1). EPA note that neither of the Explanatory Reports identifies MD1 is satisfied, and this should be addressed.

### **Summary and Recommendation**

In reviewing the exhibited documents, EPA wish to highlight that:

- The Report does not form part of the exhibited documents;
- Council should review and become familiar with PPN30 2021 and consider any changes in accordance with the *Environment Protection Act 2017* and subsequent policy post 1 July 2021;
- Advice previously provided in relation to 43 High Street Toongabbie is still relevant; and
- The wording in the draft DPO10 requires updating in accordance with PPN30 2021.

EPA welcomes further engagement with Council in regard to planning scheme amendments.

If our assessment is not aligned with your view of the environmental risks, or if the proposal is amended, please contact Planning Officer Monika Zuscak on 1300 EPA VIC (1300 372 842).

Yours sincerely,



Trisha Brice  
Planning Team Lead – Strategic  
Major Projects and Planning  
Environment Protection Authority Victoria

From: [REDACTED]  
Sent: Friday, 20 August 2021 9:18 AM  
To: Kristy Crawford <Kristy.Crawford@latrobe.vic.gov.au>; Miriam Turner <Miriam.Turner@latrobe.vic.gov.au>  
Cc: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>  
Subject: Submission to Amendment C126 and C127

Hi Please find my Submission to Amendments C126 and C127.

Thank you for the understanding and accepting my late submission due to reasons discussed with you.

Any Questions please contact me

Kind regards

[REDACTED]

**Submission to Amendment C126- Toongabbie Structure Plan**  
**Submission to Amendment C127- Bushfire and Rural Rezoning**



**Our view on both these amendments is OBJECTION.**

**Personal Reasons:**

We bought our property in 2006 because we wanted a rural country life with acres to have cattle and to raise our children with a country lifestyle. We do not agree with the Amendment C126 taking Toongabbie from "District Town" to "District and Small Town" and we do not want the Amendment of C127 which allows the area to be rezoned Rural Living which allows subdivisions to happen if this goes ahead and we want to live our dream of country farming land we are forced to look for properties that allow us to have the life we want for our family but there is lack of properties for us to re-home in a location suitable or price affordable.

In Amendment C126 it shows our property [REDACTED] to be rezoned in the First Stage Future Rural Living. This should not be allowed as our property was only subdivided approximately 16 yrs ago with the purpose of staying Rural Farming. The smallest properties could only be around 20 acres to keep the Rural Farming life and look of the Toongabbie country township.

We have firearm licenses for vermin control on property which enable us to pursue our hobbies of duck and rabbit hunting which we have a Victoria Game License for if rezoned to Rural living this will make the requirement to hold a gun license limited and without gun licenses we will be unable to continue our hobbies or family traditions.

The new Animal limit which goes with the rezoning is unfair as we have already over the capacity animal stock and we would have to sell or euthanise our animals or pay for an excessive permit to keep them.

The affordability of having Rural living Shire Rates is way too high for people that do not wish to subdivide and keep their current amount of land. We feel also that because of this cost we will be forced to subdivide and the costs of this e.g. Permits, building of fences and roads, access to power and water will be too high for people, especially us, to be able to complete.

**Reasons against the rezoning of Afflecks road:**

The way property houses are situated along Afflecks Road makes it very hard to have road access to subdivided land therefore lots of roads would need to be added and this will make it more a town area not rural living.

Along the north side of Afflecks road is Wellington shire which is zoned Farming it has large farms that at times can have a herd of 100 or more cows. Large Cattle trucks and Tractors

frequent up and down the road, also they Fertilise on regular bases to cut hay which can cover everyone's land and smells quite bad at times. At the moment with the south side of Afflecks Rd still being zoned farming and being able to do this kind of large farming it doesn't really affect anyone I would think if if Latrobe rezone the south side of Afflecks road and subdivision happens and more homes are around this would be a conflict with residual areas.

Maintenance of Afflecks road is completed by The Wellington Shire and quite frankly it doesn't happen enough the road is always rough with corrugations and potholes sometimes very large that fill with water and become dangerous as the speed limit is 100 km and cars fly down the road. I believe that because there are only 4 houses and large farms Wellington shire do not think Afflecks Road warrants maintenance on a regular schedule and with the rezoning of this area on the south side (Latrobe shire) will result in more properties and more traffic which will become very dangerous.

Infrastructure along Afflecks road is non existent apart from gravel/dirt roads there is large overgrown nature strips with no water drainage, footpaths, or lighting, with children walking/riding to bus stop every morning and afternoon I feel this is quite dangerous and with expected more traffic with subdivision it'll be even worse.

**Reasons concerning Toongabbie Township:**

Town Infrastructure- With the rezoning in Toongabbie there will obviously be a higher population this will change the dynamics of our small town more traffic more noise which is not what most people that move to country towns want. Where will there be more parks, the more nature walking paths, the lovely tree areas to keep the country feel of toongabbie?

We only have a general store which at times is flat out busy with the small population we have! With the rezoning and likely subdivision, higher population how will this cope is the next stage a large town supermarket.

If this rezoning does go ahead I would like Latrobe shire to at least consider changing a section of Afflecks road outlined in the amendment C126 as First Stage Rural Living and keep it as farming and I would like to be contacted to at least have a discussion about where it should be.

Kind Regards

