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From: latrobe-vic.noreply@govcms.gov.au <latrobe-vic.noreply@govcms.gov.au>
Sent: Wednesday, 30 June 2021 9:13 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 Wed, 2021-06-30 09:12

Submitted by: Anonymous

Submitted values are:

Your Details



Confidentiality

Please withhold my name from public documents such as Council reports

Your Submission

My submission is

No!! Keep these towns country towns!! Stop being greedy and changing rural / farming land to residential and ruining these towns and why we love them when all the city slickers with no idea move in!!! I'm not allowed to subdivide a measly house block for my parents in my hundred acres so they can help us with wkids and to farm " because you want to keep farmland .. farmland" yet you propose this!!



Latrobe City ABN 92 472 314 133

Telephone 1300 367 700

Facsimile (03) 5128 5672

TTY (03) 5135 8322

Post to PO Box 264 Morwell 3840

Email Address latrobe@latrobe.vic.gov.au

Internet www.latrobe.vic.gov.au

AUSDOC DX217733

Submission to Amendment C127 – Bushfire and Rural Rezonings

Name.....

Address.....

Phone Number.....

Email Address.....

Your views on the amendment (support or object):

Objection because land [redacted] is zoned Farming Zone 1 & only 9.8 hectares which is used for grazing the land is not going to be rezoned but it should be to R.L.Z. due to its size & being adjacent to residential land & corresponding land use conflicts including spraying of weeds. Increase traffic makes it difficult to move cattle to other property.

Advantages are land is close to town & within a yellow bushfire risk.

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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 Rezoning).

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.

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From: [redacted]
Sent: Tuesday, 20 July 2021 4:08 PM
To: Kristy Crawford <Kristy.Crawford@latrobe.vic.gov.au>
Cc: [redacted]
Subject: Submission to amendment C127 (Bushfire and rural rezonings)

Hi Kristy,

Thank you for our conversation and the information you have provided today regarding the proposed amendment.

As discussed regarding our property on the [redacted]
[redacted] it is noted that we fall
partially in the red and yellow zones as per the bushfire ratings.

Could these zonings please be reconsidered as we believe that we should be regarded as being either green or at the least green and partially yellow.

Also, could this property be included for rezoning when any future strategic planning around Glengarry is considered.

Once again thankyou, and please don't hesitate to call if you require any further information.

Good luck with home schooling!

Kind regards,

[redacted]

[redacted]



Your ref: Amendment C127

21 July 2021

Kristy Crawford
Senior Strategic Planner
Latrobe City Council

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Dear Kristy,,

Re: Amendment C127 – Bushfire and Rural Rezoning

Cardinia Shire Council officers have reviewed Amendment C127 to the Latrobe Planning Scheme. The amendment is a significant undertaking and a large amount of work has been put into forming the amendment. We would like to commend Council for seeking to actively address bushfire risk.

We do not have any specific comments in relation to the amendment, however, we would like to follow the progression of the amendment. Most of Cardinia Shire is subject to some level of bushfire risk, and with the introduction of Clause 13.02-1S Bushfire Planning we have been considering what the best approach is for addressing bushfire risk. Undertaking a Shire-wide bushfire assessment has been one of our considerations. If a Panel Hearing is to occur we would be interested in observing, but do not wish to be heard.

Please do not hesitate to contact me on 5943 4440 or at a.ransom@cardinia.vic.gov.au if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to be "AR" or similar initials, written over a horizontal line.

Anita Ransom
Coordinator Planning Strategy and Urban Design.

From:



Subject:

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

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

This email may contain confidential information.
If I've sent it to you by accident, please delete it immediately

Submission 8

From: [REDACTED]
Sent: Mon, 26 Jul 2021 10:40:40 +1000
To: Latrobe Central Email
Subject: Submission to Amendment C127 – Bushfire and Rural Rezonings
Attachments: We strongly disagree with the amendment of my area in Moe.docx

Please confirm receipt of message and attachment.

[REDACTED]

Sent from [Mail](#) for Windows 10

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Submission to Amendment C127 – Bushfire and Rural Rezoning

Attention: Strategic Planning, Latrobe City Council, Latrobe@latrobe.vic.gov.au

Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

Email Address: [REDACTED]

View on the amendment:

We strongly disagree with the amendment of our area in Moe, on Watsons Road being rezoned from Farm Zone to FZ2.

FZ2 relates to properties of a minimum subdivision area of 100 acres.

The proposed FZ2 total combined area, which we are part of, is less than 80 acres.

It is already sub-divided into 7 established lots; 3 lots being 5 acres each.

The area could not be operated as a Farm.

Clearly the combined area does not fit the Farm Zone classification.

The Rural Land Use Strategy identified a number of locations that are currently included in the Farm Zone but have been developed as Rural / Residential settlements. To quote the strategy it states:

“The Re-zoning of these areas to Rural Living Zone is considered to comply with the relevant Practice Notes and Principles outlined in the strategy.” We agree.

Our area is developed and well-established as a Rural Living area.

Rural Living Zone 1 appropriately reflects the characteristics of the land use and development of the area.

As regards the fire risk, **Re-zoning the area does not increase the fire risk.** On the contrary development of the land would provide a better interface to any potential fire hazard.

In conclusion:

considering the North boundary is Zoned Residential,

the East boundary is Zoned Rural Living

and the South boundary, above Tambo Road, is Zoned Rural Living

and we are already developed as a Rural Living settlement

and Re-Zoning the area appropriately does not increase the fire risk

- it is clear that we should be Re-zoned Rural Living Zone Schedule 1.

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Submission to Amendment C127 – Bushfire & Rural Rezoning

Attention: Strategic Planning, Latrobe City Council, latrobe@latrobe.vic.gov.au

Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

View on the amendment C127:

I strongly disagree with the amendment of my property on the corner of Watsons and Tambo Roads being rezoned from Farm Zone to FZ2 and do so for the following reasons viz:

- (i) the area could not be operated as a Farm;
- (ii) FZ2 relates to properties of a minimum subdivision area of 100 acres. The proposed FZ2 total combined area, of which I am part, is less than 80 acres and is already sub- divided into 7 established lots, of which 3 are 5 acres each. As such, the combined area does not fit the Farm Zone classification;
- (iii) the most recent Rural Land Use Strategy identified a number of locations that are currently included in the Farm Zone but have been developed as Rural / Residential settlements. I agree that the rezoning of these areas to Rural Living Zone is considered to comply with the relevant Practice Notes and Principles as outlined in the strategy. However, the area is developed and well established as a Rural Living area and Rural Living Zone 1 would appropriately reflect the characteristics of the land use and development of the area;
- (iv) Rural Living Zone 1 rezoning would allow provision for smaller landholdings for the area and would allow for better land management of the fire risk of the area and any design and construction of new dwellings would be need to be consistent with the bushfire overlay of the area;
- (v) with the areas to the south and east adjoining my property being proposed for reclassification to Rural Living Zone 1, it would also be a natural progression for my property to be similarly rezoned. From the perspective of bushfire, the development of my property from FZ2 to Rural Living Zone 1 would provide a better interface to the fire hazard in the south west. For example: dwellings built to respond to the hazard, perimeter road and reduction in the vegetation corridor that spreads through the subject lots from the hazard into the established, nearby urban area;

- (vi) my property, which from the air, shows some parts with a tree canopy, has absolutely no undergrowth apart from a small patch in one corner of it.

With reference to items (iv) and (v) and (vi) overleaf, I speak from a place of knowledge. I have been a member of the CFA for 40 years, and a foundation member of the Moe South fire brigade where I have held a variety of leadership positions over the years and of which I am still a member. I have also been a member on the Narracan Group of fire brigades, a member of the CFA Region 9 Council, involved on a number of Municipal fire prevention committees, and have participated in, at a leadership level, a number of campaign fires both local, within Victoria and interstate. As such, I am acutely aware of the bushfire menace and would not be submitting my objection to this amendment if I did not think it was feasible to consider a change to my property from Farm Zone 2 to Rural Living Zone 1.

oOo

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29/07/2021

Attention: Strategic Planning Latrobe Shire

We the Property owners of [REDACTED] object to the decision made by the Strategic Planning Department under the C127 amendment.

As per our previous objection and submission given at the Churchill Football club to the Victorian Planning representatives, we strongly believe that the above-mentioned property be Rezoned as per the surrounding properties along 3 title boundaries i.e., Rural Living.

The property consists of 2/3 cleared pasture that is of low Fire Risk adjacent to Wirraway Street and within 500 metres of the Moe Residential Zoning area.

We acknowledge that the CFA has placed Fire overlays over the Moe South area but do not agree with this position.

We have received notice recently about the Delburn Windfarm development in which Turbine 3 is proposed to be constructed within 6 kilometres of our Title boundary at the South/East corner at Lynne Avenue Moe South.

Should this Development be approved by the State Planning minister and Latrobe Shire Strategic Planning Group it will completely contradict the position taken by the Latrobe Shire Strategic Planning Group in regard to the matter we have raised and the impact of the CFA Overlays in the Moe South area.

The Delburn Windfarm will be constructed in the CFA overlay area in Plantation and adjacent to native vegetation. CFA arial firefighting has been a major part of defending Life and Property from the risks of Fire in the Latrobe Shire and surrounding Shires in recent years including the Black Saturday Fires.

CFA arial firefighting will not be possible in the vicinity of the Proposed Windfarm and increase the Risk to Life and Property.

We would expect that if the Delburn Windfarm is approved that our request for our property to be Rezoned Rural Living as per surrounding properties be accepted by the Strategic Planning Department of the Latrobe Shire.

[REDACTED]

From: [REDACTED]
To: [Latrobe Central Email](#)
Subject: Strategic Planning Department
Date: Sunday, 1 August 2021 11:31:25 AM

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Latrobe City Council
Attention: Strategic Planning Department
PO Box 264
Morwell Vic 3840

Re: Amendment C127 Bushfire and Rural Rezoning

Whilst generally supportive of the initiative as presented, **we object to the above amendment in its current form** and believe the land identified as *Hazelwood North – Precinct C* should be included in the rural rezoning amendment.

As identified by Council, there is overwhelming commercial demand for rural living allotments within Latrobe City, the majority of this in in the Hazelwood North area. Vacant land in the area is minimal and there is increasing demand for these lots when they become available for purchase. Hazelwood North’s location is a key factor to this demand being centrally located to the townships of Traralgon, Morwell and Churchill which all provide various facilities and services to support living in Hazelwood North. This is in contrast to areas like Toongabbie which is significantly more remote.

Out of all the areas for rezoning put forward by Council, we believe the *Hazelwood North – Precinct C* is the best from an overall perspective. As mentioned above the access to amenity is important with 10 mins to each of the townships of Traralgon, Morwell and Churchill. We acknowledge the importance of bushfire in communities where the risk to people and property is high, however in a rural context it can’t be the only driver for development to not be considered as there will always be some risk due to the typical landscape of rural areas. Therefore, the assessment of such sites should be balanced and take into account the various opportunists and constraints rather than just bushfire.

We would like to make a comparative with the land that is proposed for rezoning to rural living in Tyers and the *Hazelwood North – Precinct C*. The Tyers site is identified in the Latrobe City Municipal Bushfire Risk Assessment that the land was a quarry that has been rehabilitated and that a submission was received through Live Work Latrobe requesting this parcel be zoned to Rural Living Zone. We have applied for a Section 96a rezoning and subdivision application which included a detailed assessment of the site, surrounds and future development potential and consisted of:

- Site and Context Plan
- Proposed Plan of Subdivision
- Landscape Concept Plan
- Vegetation Removal Plan
- Bushfire Management Plan

- Planning Report
- Biodiversity Assessment Report
- Stormwater Management Plan
- Traffic Report
- Bushfire Management Statement
- Economic Analysis
- Infrastructure Servicing Report

While the response from the CFA on this proposal wasn't overwhelmingly positive, we have since discussed various options to try to address the CFA concerns with an alternate lot layout and improvement from the existing interface to farmland. We would also like to draw attention to the fragmented land in the Hazelwood North – Precinct C location. There are various small farming zone parcels that front Clarkes Road and abut the mentioned site. The existing zone boundary doesn't match the current land use and the current risk to these properties should be considered in any assessment.

We have read the Latrobe City Municipal Bushfire Risk Assessment and our opinion is that the document and assessment process is flawed. **We believe the assessment should consider the risk of the existing/current conditions versus the risk of the proposed conditions (if a rezoning was to occur) rather than each parcel in isolation. This would allow identification of improvements to settlement interfaces with adjoining farmland.** As identified in the risk level scoring, sites with a score of 29 or less identify that development can reduce the risk to adjoining land and on the site. We believe the score of 30 attributed to *Hazelwood North – Precinct C* is close to this and with a suitable subdivision design the proposal could assist in reducing risk. The proposal does not adequately address the gap in zoning between existing settlement and Precinct D.

The precinct score assigned to each of the Tyers and Hazelwood North precincts is extreme. In fact, the overall score for the Tyers site is 39 which is higher than the 30 allocated to Hazelwood North. We would also like to note that the score of 30 for the Hazelwood North site sits just above a score 29 which would place the site in a lower risk level where development would likely reduce the risk to adjoining land and on the site.

Thank you for the opportunity to provide a submission on this proposed amendment, we look forward to the next part of this process.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Submission 12

From: [REDACTED]
Sent: Monday, 2 August 2021 3:33 PM
To: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>
Subject: [REDACTED]

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Attention: Strategic Planning Department
Re: Amendment C127 Bushfire & Rural Rezoning

Dear Sir/Madam,

I am a Hazelwood North resident who is interested in purchasing vacant residential land in our area. Hazelwood North is a highly sought-after area for potential purchasers (like myself) and there is minimal vacant land currently available. I support the development and subdivision of the above property in order to allow our area to grow and also to protect neighbouring property in the event of natural disaster.

I do however, object to the above amendment in the current form and believe the land identified as "Hazelwood North - precinct C" should be included in the rural rezoning amendment. I believe "Hazelwood North - precinct C" is the best area for rezoning as our area is in prime position between each township of Morwell, Traralgon and Churchill being that all towns are only 10 minutes away. I understand the importance of bushfire awareness in communities where the risk to people and property is high, however in a rural context it can't be the only driver for development as there will always be some risk due to the typical rural landscape. The assessment of such sites should take into account the various opportunities and constraints, rather than just the constraint of bushfire.

I believe the Bal rating applied to the above property is excessive as the above property is westerly facing with the ridge on the eastern side of the proposed subdivision. Being local to the area, I advise the weather predominantly comes from the west. In my opinion, development of the above property would likely reduce the risk of the land adjoining the above property in the event of a bushfire. As well as expand our community and allow more people to enjoy our great area.

Thank you for the opportunity to provide my opinion on the proposed amendment.

Regards

[REDACTED]
[REDACTED]
[REDACTED]



Department of Environment, Land, Water & Planning

71 Hotham Street
Traralgon Victoria 3844
Telephone: +61 3 5172 2111
www.delwp.vic.gov.au

30 July 2021

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

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By email: latrobe@latrobe.vic.gov.au

Our ref: SP476573
Your ref: Am C127

Dear Mr Piasente

PROPOSAL: AMENDMENT C127 TO THE LATROBE PLANNING SCHEME
PROPONENT: LATROBE CITY COUNCIL

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 recommendations of the draft *Latrobe City Municipal Bushfire Risk Assessment 2020* and draft *Latrobe City Rural Living Strategy 2020* into the Latrobe Planning Scheme.

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

If you have any queries, or require clarification please contact gippsland.planning@delwp.vic.gov.au.

Yours sincerely

Elaine J Wood
Planning Approvals Program Officer
Gippsland Region

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OFFICIAL

Supporting Information

Context

The Amendment proposes the following changes to the Scheme:

- *Changes to the Planning Policy Framework to introduce the Municipal Landscape Bushfire Risk Map and associated strategies*
 - amend Clause 02.03 (Strategic Directions) to include strategies relevant to bushfire risk;
 - amend Clause 02.04 (Strategic Framework Plans) to incorporate the recommendations of the draft Latrobe City Municipal Bushfire Risk Assessment 2020 which includes the introduction of the Municipal Landscape Bushfire Risk Map;
 - amend Clause 11.01-1L (Tyers) to update the Tyers Town Structure Plan to remove an area from 'Future rural living';
 - amend Clause 12.03-1L (Rivers and Waterways) to include strategy relevant to bushfire risk;
 - insert Clause 13.02-1L (Municipal Landscape Bushfire Risk Areas) to include policy relevant to bushfire risk;
 - amend Clause 14.01-1L (Subdivision in Farming Zone Schedule 1) to include additional strategies around bushfire risk and subdivision design;
 - amend Clause 14.01-3L (Forestry and Timber Production) to include strategies that address bushfire risk in relation to timber production;
 - amend Clause 15.01-3L (Subdivision Design) to include additional strategies around bushfire risk and subdivision design;
 - amend Clause 16.01-3L (Rural Residential Development) to support further analysis of areas identified for future rural living in the Rural Framework Plan;
 - amend Clause 17.04-1L (Major Attractions and Commercial Tourism in Latrobe) to include strategies that address bushfire risk in relation to rural tourism; and
 - amend Clause 17.04-1L (Facilitating Rural Tourism) to include strategies that address bushfire risk in relation to rural tourism;
 - amend the Schedule to Clause 72.03

The Amendment proposes to rezone land in accordance with the Rural Living Strategy as follows:

- rezone land in Boolarra, Koornalla, Moe South, Traralgon South, Tyers and Yinnar from Farming Zone, Schedule 1 to Farming Zone, Schedule 2;
- rezone of pockets of land in Flynn, Hazelwood North and Toongabbie from Farming Zone, Schedule 1 to Rural Living Zone, Schedule 1 and Schedule 2;
- rezone 106 Tyers-Walhalla Road, Tyers from Special Use Zone, Schedule 6 to Rural Living Zone Schedule 1; and
- other rezonings to fix anomalies.

The Amendment proposes to apply and amend overlays for increased bushfire protection by:

- introducing a new Schedule 12 to the Design and Development Overlay to be applied to land in Boolarra and Toongabbie;
- introducing a new Schedule 10 to the Development Plan Overlay to be applied to new greenfield rural living precincts in Toongabbie; and
- updating of the mandatory conditions in Schedule 1 to the Bushfire Management Overlay

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, 3 August 2021 10:16 AM
To: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>
Subject: [REDACTED]

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“Attention: Strategic Planning Department
Re: Amendment C127 Bushfire & Rural Rezoning

Dear Sir/Madam,

I am a South Gippland resident who is interested in purchasing vacant residential land in our area. Hazelwood North is a highly sought-after area for potential purchasers (like myself) and there is minimal vacant land currently available. I support the development and subdivision of the above property in order to allow our area to grow and also to protect neighbouring property in the event of natural disaster.

I do however, object to the above amendment in the current form and believe the land identified as "Hazelwood North - precinct C" should be included in the rural rezoning amendment. I believe "Hazelwood North - precinct C" is the best area for rezoning as our area is in prime position between each township of Morwell, Traralgon and Churchill being that all towns are only 10 minutes away. I understand the importance of bushfire awareness in communities where the risk to people and property is high, however in a rural context it can't be the only driver for development as there will always be some risk due to the typical rural landscape. The assessment of such sites should take into account the various opportunities and constraints, rather than just the constraint of bushfire.

I believe the Bal rating applied to the above property is excessive as the above property is westerly facing with the ridge on the eastern side of the proposed subdivision. Being local to the area, I advise the weather predominantly comes from the west. In my opinion, development of the above property would likely reduce the risk of the land adjoining the above property in the event of a bushfire. As well as expand our community and allow more people to enjoy our great area.

Thank you for the opportunity to provide my opinion on the proposed amendment.

Regards

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 3 August 2021 11:40 AM
To: Kristy Crawford <Kristy.Crawford@latrobe.vic.gov.au>
Subject: Comments regarding C126/7

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Dear Kristy,

Thankyou for the opportunity to discuss the proposed planning amendment as part of your presentation of the amendment to those in the community who are interested in planning for the future.

Users of the Latrobe Planning scheme comprise a range of skills from unskilled residents to lawyers. The planning scheme should be readily understood by all these users without the need for planners, lawyers or councillors to 'creatively interpret' the scheme.

The State Government has moved along the simplification path by creating the 'New Format' schemes. But the Latrobe Planning Scheme seems to be introducing far greater need for 'interpretation'. This will cause **even** more applications to be referred to VCAT. This is undesirable.

Latrobe City also appears to be out of step with the general preservation of life safety. An example is the suggestion that it **even** considered making Koornalla a rural living zone. Greater consideration should be given to, perhaps, restructuring the district to reduce the population exposed to natural disasters. If that means the population of Latrobe City is constrained geographically then perhaps the overarching land use strategy is flawed by not intensifying population in safe townships.

However, it does appear most of the problems occur with Councillors choosing to go against the planning scheme, either with planners assistance or without.

It is suggested the ability of Planners or Council to exercise their discretion is removed in favour of explicit direction within the Planning Scheme.

The following are some specific comments

1. FZ2 area of Koornalla is an area of fire, flood and landslip risk. It is unclear what changing the zoning from FZ1 to FZ2 is intended to achieve. The minimum area of lot size (Preferred parcel size) was 40Ha prior to FZ1 being introduced. The properties in the proposed FZ2 zone appear to all be much less than 40ha. The majority comply with both use and land size requirements for a Rural Living zone. However, it is noted that the CFA and Fire Risk Engineers, understandably, do not support an RLZ. Some properties in the proposed FZ2 zone of Koornalla were purchased by State Government as part of the voluntary 'buy back' of properties that were destroyed in the 2009 bushfires and were deemed unsuitable to be rebuilt. This suggests some parts of the proposed FZ2 are unsuitable for either development or continued occupation as residential land. It is suggested that this entire area should be considered for restructure to enable uses which do not require permanent habitation during the scheduled fire season.

2. There is a significant risk some of the larger parcels can be subdivided. Subdivision below 40Ha is not prohibited nor is a dwelling below 40Ha. Both these undesirable possibilities are likely to be achieved by Council exercising its discretion. This is because in extreme natural hazard areas Latrobe City has demonstrated it will do this at the peril of residents and ratepayers. As I was advised by Planning, during their presentation of the proposed rezoning, there is no control over Council decisions to ignore guidance of the planning scheme. Therefore subdivision and dwellings on lots below 40Ha should be a prohibited use throughout the Koornalla, Collingee and Traralgon South districts.

It is suggested that dwellings and sub-divisions are prohibited on any undersized lots within a bushfire overlay.

3. The area of proposed FZ2 identified closer to Traralgon South Township does not appear to achieve anything constructive; unless it is intended for Council to exercise its discretion in the future to allow subdivision and dwellings in this area. The land is presently largely occupied by a functioning Dairy farm which has operated for many generations of the same family. It must be successful or it would no longer be in operation. It is presently for sale as an entire, working dairy farm, not individual lots. The land is not Class 4 or 5 it is, in fact, Class 2 and 3. This is a significant issue with respect to preserving agricultural land and it should not be sacrificed for residential use. Similarly, land further to the north is classified as Class 4 but is outside the proposed FZ2 area and is currently used as a successful farm and provides an essential buffer against bushfire to Traralgon South township.

It is suggested the area along Trafalgon Creek and Traralgon creek Road is retained as broad acre farming {FZ1}

4. The area discussed in item 3 also provides a bushfire safety buffer to Traralgon South Township and is also adjacent to the main egress route from Koornalla. As such there should be no consideration of reducing the size of lots or the type of usage as they will attract more vegetation hazard to the township.

It is suggested the area along Trafalgon Creek and Traralgon creek Road is retained as broad acre farming {FZ1}

5. The areas of RLZ around Collingee and Loy Yang Park are either RLZ3 or 4. Most of the lots are less than the scheduled size for as of right subdivision or dwellings. If there is a concern about security to use the land for residential purposes it would make sense for this strategy to reclassify these areas to reflect the actual use and lot size. However, it is understood this may not be endorsed by the CFA or any fire consultant.

It is suggested that consideration be given to restructuring areas of high natural hazard to create a safer environment for remaining residents.

6. The Rural Strategy has included a proposed amendment to Clause 13.02 that will consider a large shed. It is unclear why this particular structure has been singled out. The strategy should detail why this type of structure is particularly concerning to the management of a BPA/BMO. The description of 'large shed' makes no reference to anything. How big is large? To an urban lot a large shed could be in excess of 2 square metres, to a rural lot 150 square metres is only starting to get large. Therefore determination of what constitutes a large shed will eventually just rest with an individual planners 'interpretation' which could easily then send an application off to VCAT to determine what constitutes a 'large shed'. The Ordinance makes little reference to a shed and it is not a defined structure. The proposal to consider the fire impact of the shed should also cover any building or works. For example a roof over a haystack is not a shed! It is hay storage, especially if it doesn't have any sides to it. Then, if it does have sides it is a lesser fire hazard than an open haystack. Similarly, a hayshed is less risk than a shed containing cars, caravans and etc due to the temperature and volatility of those sorts of items within the shed. It is the content of the shed that represents a hazard as well as its location. It is unclear how Council can control what is contained within a shed. In comparison the impact of a dwelling (Accommodation) is readily estimated. Alternatively you may like to consider just deleting this specific reference to a shed as it is just introducing another provision for no apparent reason. It is suggested that generic but undefined terminology should not be introduced by Latrobe City unless it applies across all planning schemes. It is preferable that terms already defined in the Latrobe Planning Scheme are used. Similarly a requirement for interpretation by statutory planners should be eliminated.

These comments are not exhaustive and no doubt more issues will be identified as discussion continues.

Kind Regards

[Redacted]

[Redacted]
[Redacted]
[Redacted] [Redacted] [Redacted]



Department of Transport

120 Kay Street
Traralgon, VIC 3844 Australia
Telephone: +61 3 5172 2319
www.transport.vic.gov.au
DX 219286

Ref: DOC/21/111662

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

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To the Strategic Planning Department,

LATROBE PSA C127 – BUSHFIRE RISK ASSESSMENT & RURAL LIVING STRATEGY

I am writing in response to the exhibition of Planning Scheme Amendment C127 which seeks to introduce the recommendations of the draft Latrobe City Municipal Bushfire Risk Assessment 2020 and draft Latrobe City Rural Living Strategy 2020 into the Latrobe Planning Scheme.

The Department of Transport has no objection to the proposed amendment, however we do request the following items be included under schedule 10 to Clause 43.04 Development Plan Overlay:

The Development Plan should include:

- The whole development area (eg DPO10)
- Bus capable routes (if applicable)
- Path network

The Traffic Impact Assessment to be provided as part of the Development Plan Overlay should address the impact of the development on the intersections of:

- Traralgon-Maffra Road & Afflecks Road;
- Traralgon-Maffra Road & Nippe Lane; and
- Traralgon-Maffra Road & Sparks Lane.

Thank you for the opportunity to comment on this amendment. The draft Latrobe City Municipal Bushfire Risk Assessment 2020 and draft Latrobe City Rural Living Strategy 2020 are both significant pieces of work which will be great reference documents for future planning in Latrobe.

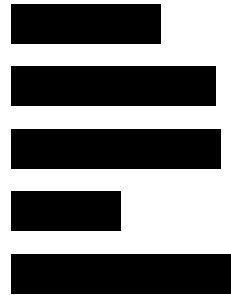
Yours sincerely

[Redacted signature]

29 / 07 / 2021

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26th July 2021

Latrobe City Council

Attention: Strategic Planning Department

Re: Amendment C127 Bushfire and Rural Rezoning

I would like to state that I am very supportive of the proposed subdivision as there is a high demand for rural living allotments in the area of Hazelwood North in particular. I have recently sold a block in this area and had a number of potential buyers waiting to make an offer if the sale had fallen thru. Hazelwood North is a highly sort after area because of the rural setting and the central location to the 3 major townships and the amenities they provide being Morwell, Traralgon and Churchill. A large area of Hazelwood north has already been subdivided into 5 acre lots and a smaller cluster of allotments in the area also.

I agree with the importance of bushfire awareness but I believe that the Bal rating that has been applied to [REDACTED] proposal is over the top, unrealistic and unnecessary. My residence is merely 1kilometer away and having done recent renovations my rating is Bal 19. I have also been made aware that the residence on [REDACTED] are under a bal 12 rating. The proposed site at [REDACTED] is westerly facing with the ridge on the eastern edge of the subdivision. I would hope that you consider that 99% of the weather comes from the west and if for some reason a fire was to come from the east, it is my understanding that a fire would be a slow burn up to that eastern ridge.

With the consideration of the surrounding Bal Ratings, the lay of the land and the weather direction, I would hope that you would consider the gap with the existing and the proposed subdivision of a Bal 30 is extreme and not in perspective with what is required in this area.

Thank you for the opportunity to provide my local Knowledge on this proposed amendment and I look forward to seeing community growth and development.

Regards

[REDACTED]



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OFFICIAL



WGCMA Ref: WGCMA-F-2021-00520
Document No: 1
Council Ref: Amendment C127
Date: 04 August 2021

Kristy Crawford
Strategic Planning Department
Latrobe City Council
PO Box 264
Morwell Vic 3840

Dear Kristy,

Regarding: Planning Scheme Amendment - Amendment C127

Thank you for your correspondence received at the West Gippsland Catchment Management Authority ('the Authority') on 28 June 2021 in relation to Amendment C127 - Bushfire & Rural Rezoning. The Authority understands that the Amendment implements and facilitates the directions set out within the Rural Living Strategy 2020 and the Latrobe City Municipal Bushfire Risk Assessment 2020.

The Authority has reviewed the Amendment C127 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. To assist the Authority in handling any enquiries please quote **WGCMA-F-2021-00520** in your correspondence with us.

Yours sincerely,



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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Amendment Number: C127

Your views on the amendment (support or object): Support Amendment

What you would like to planning authority (usually Council) to do:

Rectify land zoning anomaly regarding [REDACTED]

Overall Amendment C127 objective - Rezoning land to fix anomalies

Contention: To Re-establish [REDACTED] to its original, as purchased, Rural Living zone, so planning and building options available within this zoning are honoured, albeit, that these would understandably have to comply with contemporary Bushfire overlay conditions. Despite our ongoing efforts to have this situation examined over a number of years, the minimal rectification has caused financial hardship and much uncertainty. A catch 22 now exists, due to financial uncertainty about its “farming zone” classification, this property is deemed high risk by financial institutions, and can not be used as a source of equity to proceed with any future building plans on the property.

Focus Point 1 – Anomaly in present, unjust, Farming Zone classification of [REDACTED]

-In regards to its Original Zoning – Rural Living Zone

***Amendment C105 Planning Comment-** Land was Zoned Rural B Zone for Rural residential in 1977. In the New Format Planning Scheme of 2000, the Land is Zoned Rural Zone which was translated to the current Farming Zone. No further zone Changes have occurred since 2000. (Document 1)*

Contention – A breach of the Planning and Environment Act 1987 has occurred against the owners of Lot 21 Pincini court being Tristan Stewart and Peta Macgregor and that the current zoning of Farming Zone 1 is both unjust and inappropriate to the property. The Section 32 of the sale of land, purchased in 2003(document 2), plainly states that [REDACTED] was part of [REDACTED] with its property zoning and/or reservation as Rural Living with the responsible authority being La Trobe shire Council (document 2 and 3a-c). No known correspondence was ever given to the owners of the *translation* to Farming zone in the 12 years between the 2003 purchase and 2015. (The rezoning was found by default in inquires made to a financial institution in January 2018).

The Planning and Environment Act of 1987 states,

[Planning and Environment Act 1987 \(legislation.vic.gov.au\)](http://legislation.vic.gov.au)

Planning and Environment Act 1987 No. 45 of 1987

19 What notice of an amendment must a planning authority give?

(1) A planning authority must give notice of its preparation of an amendment to a planning scheme—

(a) to every Minister, public authority and municipal council that it believes may be materially affected by the amendment; and

S. 19(1)(b)
amended by
No. 86/1989
s. 4(2)(a).

(b) to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of land that it believes may be materially affected by the amendment; and

(c) to any Minister, public authority, municipal council or person prescribed; and

S. 19(1)(ca)
inserted by
No. 100/2000
s. 5(1).

(ca) to owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of land benefited by a registered restrictive covenant, if the amendment provides for the removal or variation of the covenant; and

(d) to the Minister administering the **Land Act 1958** if the amendment provides for the closure of a road wholly or partly on Crown land.

S. 19(1A)
inserted by
No. 128/1993
s. 5.

(1A) Subject to subsection (1C), the planning authority is not required to give notice of an amendment under subsection (1)(b) if it considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment.

Cont.- The owners (*occupiers of land that it believes may be materially affected by the amendment*) as the highlighted segment of the act states, believe that they **were not** given any notice of the change from Rural Living zone to Farming zone 1. Again, we believe this translation to Farming Zone 1 has occurred in the years between purchase in 2003 and 2015. “*If no further land zone changes have occurred since 2000*” (Document 1), then by right, the Rural Living Zone stated on the 2003 Section 32 would still hold true, rather than its Farming Zone 1 classification.

Overall Amendment C127 objective - Rezoning land to fix anomalies

Focus Point 2 – Anomaly in present, unjust, Farming Zone 1 classification of [REDACTED]

[REDACTED] -In regards to being inappropriately classified within its current Farming Zone 1 and Farming Zone 2 Framework

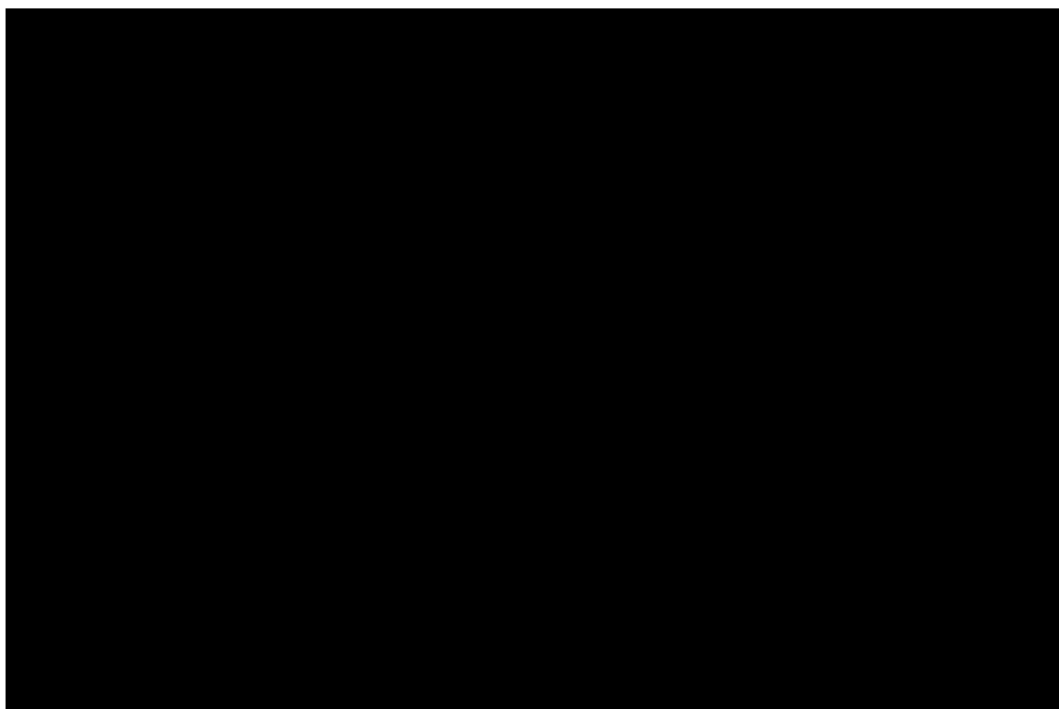
Amendment C105 Planning Comment-

While the amendment did not exhibit the site as Rural Living rather as Farming Zone 1, the rezoning to a Rural Living zone is considered appropriate because the lot is 2 Hectares, it cannot be further subdivided and cannot be consolidated with other farming land due to it being surrounded by small lots developed with dwellings

Contention- As stated before, [REDACTED] was part of [REDACTED] with its property zoning and/or reservation as Rural Living. Subdivision 505025U is adjoined by Bunderra Drive to the south and East, which has retained its original Rural Living Zone and Darlimula/Todds/McIntosh's/Hirst's Roads to the far North, again who have retained their Rural Living Zone. [REDACTED], , as well as the whole of [REDACTED] has been identified as an area of investigation for Rural Residential Living on page 67 of the Rural Land Use Strategy prepared by Latrobe City, May 2019. [REDACTED] was the final stage of the Bunderra Drive subdivision and was completed in 2003 offering Rural Living zones to purchasers.

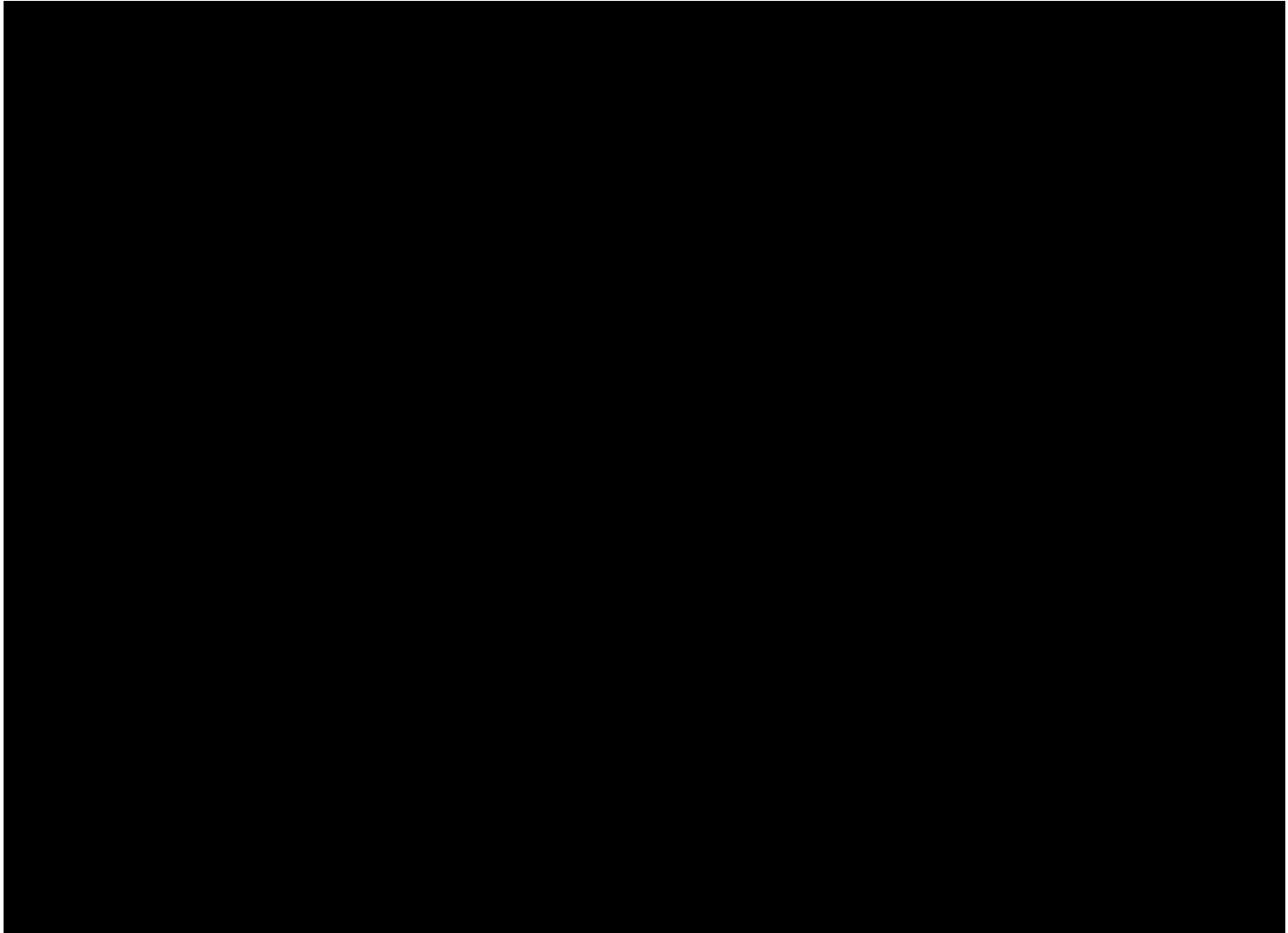
Figure 29 from the Rural Land Use Strategy prepared by Latrobe City, May 2019 – Page 67

[REDACTED]



Like the majority of Rural living zone properties shaded in pink (figure 29) [REDACTED] is roughly 2 hectares (2.29Ha), and cannot be deemed as farming Zone 1 or Farming Zone 2.

[REDACTED] would be deemed , Rural Living Zone Schedule 3 by definition, in the Rural Land Use Strategy prepared by Latrobe City, May 2019. The size and location (within other Rural Living Zone properties) of this property make in unsuitable for any farming practices, and it does not impede the “Agricultural capability” or further development capability of the surrounding properties due to their Rural living Zone classification.



Focus Point 3 – Bushfire Overlay and Latrobe City Bushfire Risk Assessment –

In regards to [REDACTED]

***Personal Note** Unfortunately what the Bushfire overlay and the Bushfire Risk assessment may not encapsulate is personal experience. I spent 24 hours on a private property on the north border (McIntosh's Road) of Boolarra precinct A (extreme) in the 2009 Delburn Fire. We, a collective of many individuals, with fire resources withdrawn from us (save air support), were able to defend and save properties in our immediate area. This in large part was due to the Fire readiness and prior fire planning of these properties. I would not claim lot [REDACTED] to be "fire prepared" if I was not 100% certain that every risk had been considered in any planning to build a dwelling on the property that would ultimately endanger my family in the face of Bushfire.

Contention: Although [REDACTED] resides in Boolarra precinct H, identified as extreme(red), it is a meticulously maintained and defensible property that *exceeds* Bushfire Overlay/CFA requirements. It also exists in an area that houses have continued to be built in since the 2009 Delburn bushfire and application of the Bushfire Overlay, despite these themselves being in extreme (red) risk category (Boolarra Precinct A). The Owners have taken considerable actions to reduce the risk factors on this property, and would challenge any notion that it does not exceed BMO or Latrobe Risk Assessment recommendations. It is worthy to note, that in the 2009 Delburn fire there was no significant damage to grass/pasture areas (where building would occur) on the property. This property is defensible from all the likely directions identified in the Bushfire Risk Assessment Plan.

Illustrated defensible space in relation to likely directions of fire as shown in above projections Figure 27 from Municipal Bushfire Risk Assessment



Above , from North, over 150 metres of defensible space (*only 10 metres required by BMO) between boundary and proposed house site (where cars are in picture)



Above , from West , over 65 metres of defensible space (*only 10 metres required by BMO) between boundary and proposed house site (where cars are in picture). [REDACTED] (foreground) would be considered an additional firebreak to this 65metres.



***Bushfire Management Overlay definition of defendable space (in brief)**

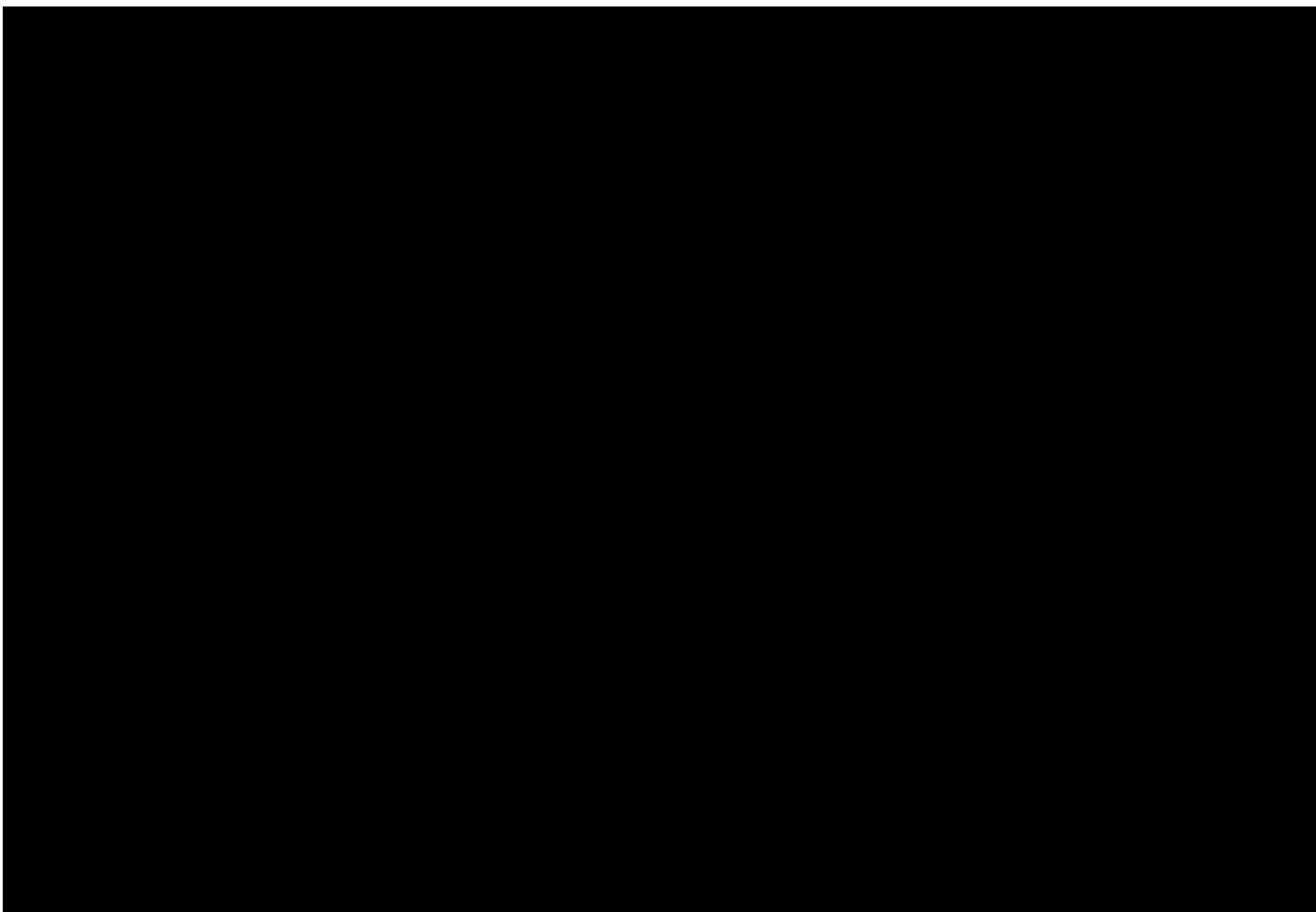
The BMO requires the creation of defendable space at the local level through the allocation of requirements in the Planning Permit. These requirements can also be used to guide the creation of defendable space for other purposes including existing dwellings and community infrastructure. The BMO requirements are:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

<https://www.cfa.vic.gov.au/documents/20143/69511/CFA-BMO-Defendable-space-Aug-14.pdf/3b306f02-ac41-7110-ec40-68f0acd6a64a> 34https://www.planning.vic.gov.au/data/assets/pdf_file/0015/80016/Technical-Guide_Planning-Permit-Applications-Bushfire-ManagementOverlay_Sept-2017.pdf Latrobe City Council - Municipal Bushfire

Final Consideration

The following map is from the Latrobe LGA/Delburn windfarm (OSMI website), it is of particular note that there is a nominated future dwelling (bright green) in the top central region of the Map, on McIntosh's Road. McIntosh's Road adjoins HVP plantations. It is inconceivable that [REDACTED] could be anymore at risk than this area, the fact that McIntosh's Road was the "frontline" in Boolarra in part of the 2009 Delburn fire complex is proof of this. This map also indicates the Housed Rural Living Zone properties that surround 21 Pincini Crt (orange). This again highlights the anomaly of the current inappropriate Farming Zone 1 classification that is applied to [REDACTED], and our reason to have it restored to Rural Living Zone.

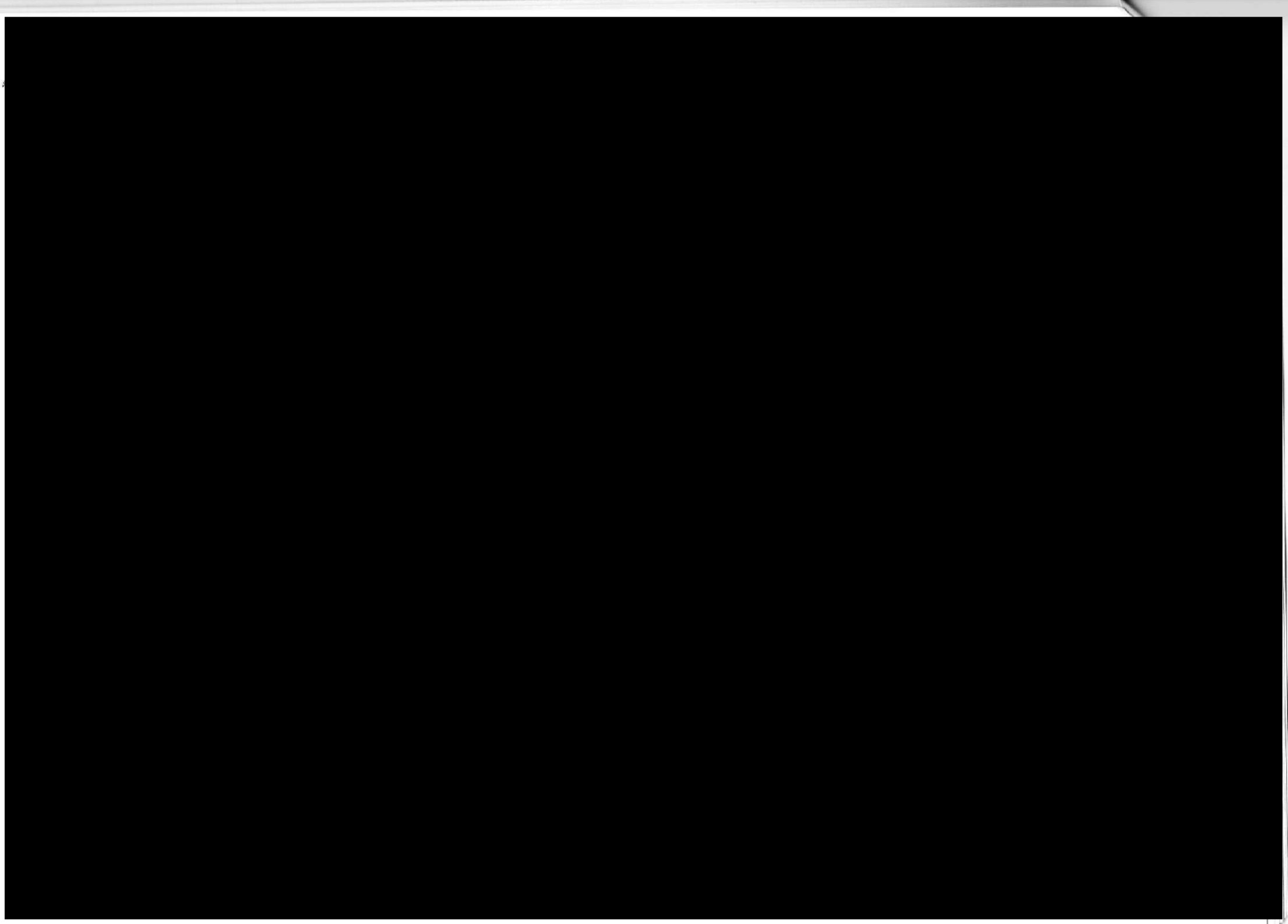


Thank you for your consideration,

[REDACTED]

Submission Reference Number	Name	Support/ Object	Submission summary (Note: Not all matters raised by submissions have been included, rather provided below is summary only).	Planning comment: (Note: The below comments are preliminary in nature and are subject to variation. Therefore the below comments do not represent the adopted position of Council).
123	[REDACTED] [REDACTED]	Support with changes	<p>Submission summary:</p> <p>Submission requests that the property be rezoned to a Rural Living Zone and believes that the property was previously Rural Living Zone before its current zoning of Farming Zone.</p> <p>Submitter believes that the Farming Zone is unjust as the property is surrounded by similar sized properties and adjoins a rural living precinct.</p> <p>Property was affected by the 2009 Delburn bushfires and believes the area having been cleared of vegetation and is at a lower bushfire risk.</p> <p>Rates have been affected by the zoning of the land which has devalued the property.</p> <p>Supports the Bio-link. Believes it is worthwhile protecting and conserving the Strzelecki koalas and that it is inspired and long overdue.</p>	<p>Planning comment:</p> <p>Land was zoned Rural B Zone for Rural Residential in 1977. In the New Format Planning Scheme of 2000, the Land is zoned Rural Zone which was translated to the current Farming Zone. No further zone changes have occurred since 2000.</p> <p>While the Amendment did not exhibit the site as Rural Living rather as Farming Zone 1, the rezoning to a Rural Living Zone is considered appropriate because the lot is 2 Hectares, it cannot be further subdivided and cannot be consolidated with other farming land due to it being surrounded by small lots developed with dwellings.</p> <p>It is considered appropriate to amend the exhibited Rural Framework Plan to identify the subject property and surrounds for future investigation and possible inclusion within a Rural Living Zone or Farming Zone – Schedule 2.</p> <p>Comments of support for the establishment of a potential Bio-link are noted.</p>

[The following text is a dense, handwritten manuscript, likely a letter or a journal entry. It is written in a cursive script and covers the majority of the page. Due to the image quality and the nature of the handwriting, the specific words and sentences are largely illegible. The text appears to be organized into several paragraphs, with some lines indented. There are also some markings that could be initials or small diagrams interspersed within the text.]



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From: [REDACTED]
Sent: Thursday, 5 August 2021 7:31 PM
To: Latrobe Central Email <LatrobeCity@latrobe.vic.gov.au>
Subject: Re: Amendment C127 Bushfire and Rural Rezoning.

Re: Amendment C127 Bushfire and Rural Rezoning.

I, myself, [REDACTED] would like to say that I'm very supportive of the proposed subdivision as there is a high demand for rural allotments particularly in the Hazelwood North area. When we heard about the sub division we were very interested in purchasing a property and have since spoken to the owners and have made our intentions clear that we are very interested in one of the properties. It has much going for it as while living in the rural setting we would have easy access to amenities and also our jobs as we will be only 10 minutes from Traralgon, Morwell and Churchill. We acknowledge the importance of bushfire in our communities where the risk to people and property is high, however in a rural context it can't be the only driver for development. Therefore, the assessment of such sites should be balanced and also should take into account the various opportunities and constraints rather than just bushfire. I believe that Bal rating that has been given for this area is unrealistic and should be reconsidered, especially as the Tyers site had scored 39 which is a lot higher than the 30 Hazelwood North has been given and the Tyers site has been approved and is being developed as we speak. I appreciate the chance to put my thoughts to you and hope that a favourable outcome can be achieved.

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-----Original Message-----

From: [REDACTED]
Sent: Friday, 6 August 2021 2:25 AM
To: Kristy Crawford <Kristy.Crawford@latrobe.vic.gov.au>
Subject: Submission from [REDACTED]

My submission for consideration regarding the C126 and C127 Latrobe planning scheme amendments involves a 20 acre parcel of vacant land, [REDACTED].

The land was part of a 40 acre farmlet to which lot A containing a residence, out buildings and 20 acres has since been sold by the former owners.

My submission is to have lot B currently zoned farming to be re zoned rural living for residential development. The land which has been vacant for the past several years is of poor quality and unfit for agriculture but ideal for rural living. It fronts Traralgon Maffra Rd with access to power and services.

There are two residences along the east boundary of Traralgon Maffra road and twelve adjacent forming a rural zone corridor. Ultimately I would like to divide the 20 acres into four five acre lots as the land has already been earmarked as rural zone living. Establishing the Latrobe Valley as a safe and vibrant alternative for those wishing to relocate to the country should be an important desire for all Latrobe Valley residents and I can only applaud the foresight and professionalism with those I have conversed with during this planning period.

We all need to recognise that to compete with other regional centres we must promote the benefits of this area by offering a diverse range of community living. I believe my development has no negative consequences and can only contribute toward achieving that goal. I thank you for your consideration and look forward to your response.

[REDACTED]

Sent from my iPad

From: [redacted]
Sent: Friday, 6 August 2021 11:08 AM
To: Kristy Crawford <Kristy.Crawford@latrobe.vic.gov.au>
Cc: [redacted]
Subject: [redacted] - Haunted Hills - Newborough - Submission to C127

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Morning Kristy,

As per our chat this morning please be advised that we will submitting a detailed proposal on behalf of [redacted] for land he owns as below

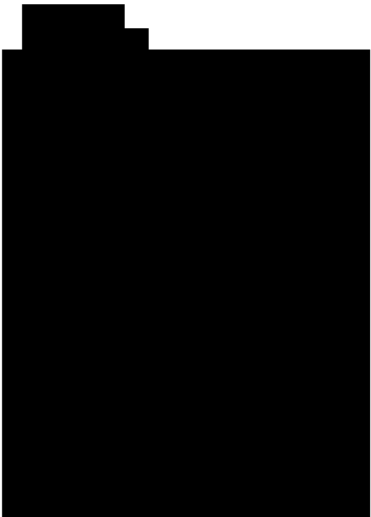


We have previously provided a detailed submission to Council to seek views on the best use of the subject site based on its current status, its status within the Moe-Newborough Structure Plan as Future Residential and the current land use and development climate insofar as new, existing and latent residential supply and the state and local government policies surrounding land use and development in 2021 as compared to when the Moe-Newborough Structure Plan first identified the subject site as having development potential. Our work to date to determine the highest, best and most appropriate use of the subject land has been extensive and has involved a site-drive with Jody Riordan and Gail Gatt from Council to discuss and view options.

We are now of the strong view that the RLZ is the best option for the subject site and as such we wish for it to be considered in the C127 Amendment to facilitate that process. I was hoping to have our formal submission lodged by now but the various lockdown periods have made it challenging to get the relevant experts onsite to finalise the RLZ layout we think can be supported in line with current 2021 rules and regulations as they exist with Council, DELWP and the various servicing and referral authorities – in particular the CFA given their increasingly strong powers in the strategic planning process now. I am of the view that the site has the potential to provide for various lot sizes within the various RLZ schedules available to Council, with lots ranging from 6000sqm through to 5 acres or more based on the opportunities and constraints (mainly topography) presented by the site. Our submission and plan will touch on this but won't be specific as the variation in RLZ schedules will obviously be a matter for further discussions should Council support our submission and consider the site appropriate for RLZ.

I anticipate having the formal submission lodged with you next week but ask that this email be treated as our first submission, with more detail to follow and assist Council.

Kind regards,



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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]



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6 August 2021

Ms Kristy Crawford
Strategic Planning
Latrobe City Council
Emailed: latrobe@latrobe.vic.gov.au

Our reference: DBC 0033 Amendment C127 Submission (Final)

Dear Ms Crawford,

SUBMISSION TO THE EXHIBITED AMENDMENT C127latr (BUSHFIRE ASSESSMENT AND RURAL REZONINGS) TO THE LATROBE PLANNING SCHEME

DB Consulting acts on behalf of Delburn Wind Farm Pty Ltd, in relation to the proposed development of a wind farm within the HVP Plantations' land centred at Delburn. As you are aware, our client has lodged planning permit applications to use and develop a wind energy facility at the site, which are currently on public exhibition.

We have reviewed the material exhibited as part of Amendment C127 to the Latrobe Planning Scheme in the context of the wind farm proposal and wish to make a submission. Our particular area of concern centres around the policy changes that are proposed to implement the findings of the *Latrobe City Municipal Bushfire Risk Assessment* (the Bushfire Risk Assessment).

We would like to highlight at the outset that we welcome the opportunity for improved controls that will better assist management of bushfire risk. Minimisation of fire risk is something that has been carefully considered and addressed as part of our permit applications for the Delburn Wind Farm and is an issue that our client takes extremely seriously.

However, we consider that some of the policy changes that are proposed as part of this amendment may have some unintended consequences that potentially overreach the recommendations of the Bushfire Risk Assessment that provides the support for the amendment, and that could result in the imposition of inappropriate controls on some forms of future developments in Latrobe City.

As an example of this, at Clause 13.02-1L it is proposed to include (amongst a range of matters) the requirement to '*ensure buildings achieve a construction standard not less than BAL-29*'. The term building is not further clarified in the clause and so it is assumed that the definition of building in the *Planning and Environment Act 1987* is applicable – which is: (a) a structure and part of a building or a structure; and (b) fences, walls, out-buildings, service installations and other appurtenances of a building; and (c) a boat or a pontoon which is permanently moored or fixed to land'.

A similar policy direction is proposed at Clause 17.04-1L in relation to tourism although it is noted that in the case of the tourism clauses reference is also made to the siting of buildings, not just construction standards.

On the basis of the above definition of a building, and the wording of the policy at Clause 13.02-1L, it would seem the policy is intended to apply to all buildings (whether or not they can actually

accommodate people) to achieve a BAL-29. This is of concern to my client noting that the Delburn Wind Farm will comprises wind turbines, associated electrical infrastructure, as well as other buildings including an Operations and Maintenance Facility and that the policy change would seem to suggest a construction standard of BAL-29 for all these components of the wind farm – even where in the case of the turbines, they do not ‘accommodate’ people and so there is limited risk to human life.

In comparison, existing Clause 13.02-1L recommends a BAL-29 apply to development, subdivision and uses identified in Clause 13.02-1S (Use and Development control in a Bushfire Prone Area) which comprise: *‘subdivisions of more than 10 lots; accommodation; child care centre; education centre; emergency services facility; hospital; indoor recreation facility; major sports and recreation facility; place of assembly; and any application for development that will result in people congregating in large numbers’*. This requirement logically applies to buildings where people may congregate or gather.

Having reviewed the Bushfire Risk Assessment it is our view that the intent of the findings and recommendations of the Assessment is to apply to development where people congregate, not provide a blanket control to all buildings.

In addition to the above, we also note that there are various ways to achieve a BAL-29 exposure levels, not just via construction. One example is closing buildings/facilities on high fire risk days, which we understand is what happens on Total Fire Ban days for the Loy Yang Coal Mine lookout. The policy doesn’t seem to take this sort of approach into account, instead relying on construction methods.

Accordingly, it is our submission that further consideration should be given to the proposed policy changes, particularly Clause 13.02-1L, in the context of our comments above.

We have also undertaken a review of the various rezonings that are proposed in the context of the Delburn Wind Farm site and its neighbouring land. Whilst we consider that the rezonings as proposed are unlikely to impact the wind farm, we note that any subsequent changes to the rezonings that might be advocated at a Panel Hearing, could have some impact. For example, if the Yinnar Precinct B, which directly abuts the wind farm site and is proposed to be rezoned to the Farming Zone Schedule 2, was to instead be rezoned to the Rural Living Zone, this may require further assessment by us to determine any impacts. Accordingly, we would appreciate being kept informed of rezoning proposals and submissions seeking changes to the exhibited material as we may then need to make further submissions in relation to the rezonings.

We would be pleased to discuss these matters with Council further and reserve the right to respond to any further issues, including any made in submissions, if we consider they might affect the progress of the wind farm project. We ask that Council keep us abreast of the Amendment process post this exhibition period.

Should you have any queries regarding this submission, please do not hesitate to contact the undersigned.

Yours sincerely,



Debra Butcher
Director

From: [REDACTED]
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](#)

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,

[REDACTED]
Senior Planning Officer
Major Projects & Planning



Environment Protection Authority Victoria
Southern Metropolitan Office - Dandenong

☎ 1300 372 842 (1300 EPA VIC) | E [REDACTED] | 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

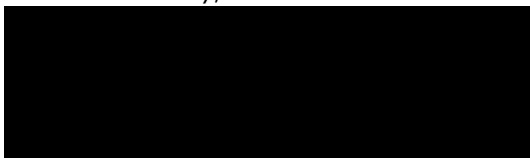
In reviewing the exhibited documents, EPA wish to highlight that:

- 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,



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



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06/08/21

Kristy Crawford
PO Box 264,
Morwell, VIC, 3840

Via email: kristy.crawford@latrobe.vic.gov.au

Re: Amendment C127 Bushfire and Rural Rezoning

Dear Kristy,

Hancock Victorian Plantations Pty Limited (HVP) manages over 240,000ha of land in Victoria, including approximately 40,000ha in the Latrobe City LGA. HVP is a major supplier of logs to Australian Paper at Maryvale.

Bushfires are a major risk to our community, customers, staff and business. HVP has a Gippsland Forestry Brigade operating under the CFA framework. HVP actively participates in the Joint Fuel Management Program and the Gippsland Arson Prevention Program. HVP's Gippsland Forestry Brigade includes a fleet of 10 tankers, 35 slip-on's, over 100 trained fire fighters, one firebombing helicopter during the fire season and numerous pieces of civil equipment to protect our estate and support CFA operations.

HVP supports planning amendments designed to protect life and property. HVP's concerns with C127 centre around 14.04-3L - **Forestry and Timber production**, 'Ensure timber production does not increase the level of bushfire risk on surrounding sensitive land uses'. This could be used to limit the establishment of new plantations in Gippsland, which is inconsistent with current Government policy. The Victorian Government has committed to support the expansion of Plantation Forestry in Gippsland:

In 2019 the Victorian Government announced the Victorian Forestry Plan to cease large-scale native forest harvesting in State Forests by 2030. As part of the plan, Victorian industries relying on native forest sourced wood are being supported to move to a plantation-sourced wood supply where possible.

The program will use government's \$110 million commitment to new plantation development to leverage and accelerate private investment and boost new plantation development in Gippsland.

www.djpr.vic.gov.au/forestry/plantations#gpip, Accessed 06 Aug 2021

HVP is also concerned about changing land uses on the interface with our plantations, which increases the risk of fire to our Estate. This is acknowledged on page 31 of the Municipal Bushfire Risk Assessment: 'indicates that the larger the town, the more ignitions that occur which would be a direct correlation to the increased population in those areas.' Our concern is that the document implies that the risk is from the plantations to the changing land use, whereas HVP considers that the risk to our plantations is increased as a consequence of changing land use. This is supported by the fact that, historically, very few significant fires start in plantations.

In summary, the proposed amendments could significantly impact HVP's ability to expand our Plantation Forestry program and the implementation of Victorian Government's Gippsland Plantations Investment Program.

Yours sincerely,

[Redacted signature]



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

CFA Ref: 27000-73439-110841
Council Ref: Amendment C127

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6 August 2021

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Strategic Planning
Latrobe City
PO BOX 264
MORWELL VIC 3840

Dear Strategic Planning,

SUBMISSION TO PLANNING SCHEME AMENDMENT

Proposal: Planning Scheme Amendment C127 Latrobe

Thank you for providing CFA with the opportunity to comment on Amendment C127 to the Latrobe Planning Scheme.

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

General

CFA recognises that many aspects of this amendment have been developed to address bushfire risk and, in an effort to improve the integration of bushfire considerations into the wider planning policy within the Latrobe Planning Scheme.

There are many positive aspects of this amendment which CFA supports, including its underlying intent and much of its justification.

However, CFA has some concerns regarding the key underpinning bushfire assessment and some areas of proposed policy that are unclear, overly complex, encourage development in higher risk locations, resolve one issue whilst creating another and at times contradict or conflict with existing bushfire policies or fail to add significant value to decision making.

The assessment of the amendment against relevant bushfire policy is also lacking in some areas, including the rezoning of various sites that have been captured as a 'fix it' or 'anomaly' component of the application.

CFA supports the development of a bushfire policy driven amendment in principle, however, believes it is too premature for it to proceed at this stage.

Early Engagement

Council has engaged heavily with CFA throughout the drafting process. CFA recognises that Council has made a number of changes to the final amendment subsequent to CFA feedback. Unfortunately, there are some key elements of the proposed policy that remain a concern or somewhat outstanding.

Municipal Bushfire Risk Assessment

CFA appreciates Council's commitment to recognising bushfire risks in their municipality. However in developing a bushfire risk assessment at the municipal scale there have been a number of challenges and points of difference between CFA and Council. It is considered useful in the context of this amendment to be aware that CFA has concerns with the report, yet has continued to engage with Council.

Any discussion around this report is complex, as is any discussion around nominating bushfire risks at a landscape scale or drawing a line on a map with such dynamic hazard involved where modelling has significant limitations. Thus why there are currently no land use planning based landscape bushfire mapping available and why there is such a strong emphasis on undertaking assessments of bushfire in the landscape over such significant distances within existing bushfire planning policy. It is an area of research that continues.

This conversation is further complicated when such an assessment is developed to respond to both land use planning and fire prevention activities. Each have different approaches to identifying, assessing and responding to hazard and risk.

It is CFA's view that this type of assessment report would be a more useful tool to assist the responsible authority in their decision making rather than as a formal incorporated or referred planning policy document. CFA accepts that Council does not share this view and that there are some aspects of the report where it can assist in directing policy outcomes.

It is important to highlight that CFA and Council's opinions on the report differ and that CFA has a number of issues with the report. Key areas of concern with the assessment report include:

- The purpose and function of the report;
- The coverage and location/settlement considerations within the report;
- The factors that have been used to underpin the assessment;
- The risk framework/matrix;
- The reliance on unplanned / high cost fire prevention works;
- The either over simplification or complication in various parts of the reports;
- The shifting between different concepts of risks etc.

However, it is also evident that Council seeks to proceed with moving the proposal forward based on the information in the report. CFA has therefore considered whether we are in a position to provide comments, despite these issues.

Ultimately, CFA found that whilst there are various aspects of the report that we are still uncomfortable with and we may not necessarily agree with how the ultimate mapping exercise was undertaken, that the bushfire risk map that underpins much of the proposed policy response is still generally reflective of areas of risk at a wider scale. For example the areas shown red and green mostly respond to higher and lower risk areas and the area shown orange is the transitional space where fire behaviour is likely to vary in severity. This plan is probably satisfactory for broadly applying general planning policies regarding bushfire.

However, CFA is less convinced using this information to justify settlement growth or site based development is warranted.

Planning Policy and Controls

Settlement Planning and Growth

Bushfire planning policy at Clause 13.02-1s seeks to direct population growth and development to low risk areas and consider alternative locations for development opportunities. There are substantial bushfire hazards across large parts of the council area where landscape scale fires as well as localised events have significant potential to adversely affect local communities. Many of these landscape risks are difficult to reduce.

CFA is concerned that policy seems to support directing development to townships such as Glengary, Boolarra and Toongabbie, where nearby landscape risks are high to extreme.

There are a number of larger and more suitable locations to encourage growth that are at a lower risk of bushfire. Rural residential areas or the implementation of older planning policies should not be developed/undertaken at the expense of community or life safety.

CFA also questions whether it is appropriate to support development in areas identified as red on the bushfire map. It is noted that Clause 13.02-1S makes no distinction between existing zoned or future zoned land.

Council appears comfortable to nominate areas at higher risk from bushfire, yet have not taken all the available opportunities to provide strong clear policy outcomes to ensure development, particularly residential development in these high risk areas are avoided.

CFA notes that Council has actively sought to try and minimise sensitive uses in higher risk areas. However, we encourage policy that goes further to minimise risks if Council believes them

Localised bushfire policy

Whilst CFA defers to Council to determine the appropriate local policy that reflects their risk appetite and policy outcomes to help mitigate against bushfire risks, there does appear to be some duplication in the proposed policy and Clause 13.02-1S and areas that may lead to unintended consequences or conflicts with other planning policies including state bushfire policy and Clause 53.02.

CFA supports the inclusion of a local bushfire planning policy at Latrobe that is clear, functional and adds purpose and weight to decision making. Some areas that could be further reviewed include:

- Whether local bushfire policy is consistent with the objectives of other proposed policy that forms part of the amendment i.e. policy around rural residential development in Clause 16.01-5.
- Whether changes could be made to minimise any policy conflicts around radiant heat benchmarks, defensible space requirements and construction standards?
- Further consideration be provided to how construction standards are used to improve community resilience to bushfire and whether there are any unintended consequences of the proposal to require BAL 29 construction standard. Whilst there may be significant justification to require higher construction in some areas, there are associated policy considerations that also need to be addressed when this protection measure is adopted. This does not appear to have occurred as part of this amendment.
- What additional policies could be included to ensure the intent of building community and structural resilience through enhanced construction measures can be met without reducing other protection requirements?
- Reconsidering whether development should be supported in areas identified as 'red'.

- Whether other uses and developments should be encouraged or discouraged in certain areas?
- Whether any other particular bushfire protection measures should be encouraged in certain areas?
- Whether there are any particular circumstances unique to Latrobe that need special bushfire consideration?

Using the term sensitive use in a bushfire context

CFA supports policy that deals directly with minimising use and development proposals associated with vulnerable people in areas at high or moderate risks from bushfire. Council has used the 'term' sensitive uses to capture these proposals.

CFA notes that recent Environmental Protection policy has been released that has helped define the concept of 'sensitive use' and that there is some bushfire guidance that refers to the term. Also that the term is widely used in planning more broadly.

CFA only seeks to highlight the term to identify the distinction between the use of the term around land uses versus people who use the land. For example CFA would consider a group accommodation facility a vulnerable / sensitive use in a bushfire sense as the people using the land are not permanent occupants of the land and may be less aware of their surrounding or risk. Other examples of vulnerable uses include aged care facility, hospital or education facility.

Rural Residential Development

Any future facilitation of rural residential development should ensure that it is, both, directed to lower risk areas and that it does not create bushfire risks. Rural residential development tends to create lot sizes where over time vegetation can increase bushfire risks if not managed appropriately.

CFA also notes that the policy considers rural residential development in yellow and red areas. It is unclear what this policy is referring to and how it adds any additional considerations to those already required under Clause 13.02-1S i.e. rezoning land? new development in existing rural residential zoned land?

CFA recommends to ensure consistency that the reference to in the low in the third to last policy be changed to green.

CFA continues to maintain that areas shown red should not be encouraged for consideration.

It is also not clear how the introduction of this policy has been considered against Clause 13.02-1S.

Tourism

CFA supports the consideration of bushfire risks under the tourism policy. There are opportunities to better capture bushfire policy and ensure ancillary uses associated with tourism facilities are discouraged in certain higher risk environments.

Emergency management planning is a key measure to ensure bushfire risks are reduced and the likelihood of the use of these facilities is minimised during days of highest fire danger. This sentiment could be further captured/clarified in policy outcomes.

Design and Development Overlay

Whilst CFA leaves it to the discretion of Council to determine the appropriate bushfire response in areas shown as yellow on the bushfire map and we offer no particular objections

per se to the bushfire protection measures sought under the control. There are however opportunities to improve the operation and practical implementation of the policy. For example, simplifying references to radiant heat, setbacks and defensible space and ensuring consistency with other policies sought under this amendment.

Other opportunities include improving requirements for bushfire protection measures to reduce risks.

Subdivision

Certain elements of this policy require additional consideration in terms of practicality, implementation and consequence. For example, how is defensible space to be addressed and implemented? Will onsite defensible space be required and how? If not, can offsite defensible space be implemented if the land is in outside ownership?

Defensible space can become difficult to implement on an ongoing basis when located outside of the subject property. CFA recommends that defensible space be provided on-site or that there is reasonable assurance that areas that will be relied upon for defensible space is likely to be in place in perpetuity. This may require a restriction on title i.e. Section 173 agreement.

Other items that could be further investigated include, the management of interim bushfire risks, fencing requirements and consideration of buildings associated with vulnerable/sensitive uses.

Subdivisions on the bushfire interface are encouraged to consider the settlement interface guideline.

How will subdivisions be required to address radiant heat policy alongside construction standard policy? Is policy clear enough to establish that a setback that is akin to a BAL 12.5 construction or 12.5kw/m² is required but the building must be constructed to BAL 29 standard?

Application Requirements

The application requirements could be simplified and clarified to avoid confusion or misunderstanding. CFA has assumed that the application requirements for the Bushfire Management Overlay (BMO) have been used as a starting point for these requirements. Whilst CFA does not fault this approach, there are some potential pitfalls that need some further consideration.

For example, there is reference to 'alternative measure' under the Bushfire Management Plan. This concept of 'measures' works under the BMO as each type of measure is defined. In this case, the concept is not defined and doesn't work here and may result in a higher likelihood of being misinterpreted. Therefore, it is recommended that this be changed.

CFA also discourages the reference to Bushfire Management Statement as again this is a defined term under the BMO. Other references that could be removed include Clause 53.02-3 under the landscape hazard assessment as this reference applies to applications assessed under Pathway 1 (Cause 53.02-1) of the BMO, where landscape is turned off under the clause – it remains a consideration under Clause 13.02-1s.

Decision Guidelines

Given that applications are required to submit a landscape hazard bushfire assessment, CFA recommends that this be a relevant consideration in the decision guidelines.

CFA notes the bushfire protection exemptions for vegetation removal are unlikely to apply to new applications that trigger a permit under the new DDO. It is therefore recommended that this also form some form of decision guideline to ensure bushfire risks are managed into the future and any ecological and bushfire management conflicts are resolved as part of decision making.

Development Plan Overlay

CFA has provided a submission to Amendment C126 which addresses changes to the planning scheme that focus on the Toongabbie township. CFA has raised concerns with this amendment.

The proposed DPO under Amendment C127 has inextricable links to the Toongabbie structure plan and proposed policy under Amendment C126.

CFA recommends that substantial changes to the DPO would be required to better justify any future development growth of the Toongabbie township. The DPO should be designed to ensure the existing township strengthens its response to bushfire.

Putting CFA's concerns aside, there are still additional opportunities to improve the bushfire response and create a safer community, including better incorporation of the suggestions in the associated structure plan and the Toongabbie section of the Bushfire Risk Assessment.

Bushfire Management Overlay

The amendment makes changes to the mandatory condition requirements and alters the format of the decision guidelines under the schedule. These schedules were developed and implemented across the state and CFA discourages any unnecessary changes to these provisions in order to maintain their consistency.

It is also noted that the addition of the mandatory condition appears to duplicate the existing mandatory requirement under the BMO which relies on a very similar rationale for entering into an agreement.

Anomaly Amendment Sites

The amendment fails to provide any supporting bushfire information to justify the rezoning of the sites that have been grouped under the 'anomalies' banner.

Whilst these sites very well may be anomalies, the change to their zoning still requires bushfire considerations. For example, changing the zone from Farming Zone Schedule 1 to Schedule 2 reduces the size for subdivision? What does this mean from a bushfire perspective? How would this be perceived under the bushfire policies that are being sought to be introduced? What are the impacts of changing the zone to a PPRZ, will this change the risk profile or management of requirements?

CFA requests that more information be provided in respect to how each of the sites that are being rezoned meets the requirements of Clause 13.02-1s. Without this information, CFA does not support the rezoning of the sites.

Conclusion

Whilst CFA agrees in principle with the intent of the bushfire sections of the amendment and supports a number of the proposed policy changes, there are still significant areas of policy that CFA believes warrants further consideration or additional information to be provided.

Therefore CFA believes it would be premature to move forward with the amendment at this stage. CFA also recommends that Council seek that a Panel be convened to consider the merits of the proposal.

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,

A handwritten signature in black ink, appearing to read 'Anne', written in a cursive style.

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

13th August 2021

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Latrobe City Council
Attention: Strategic Planning Department
PO Box 264
Morwell Vic 3840

Re: Amendment C127 Bushfire and Rural Rezoning

Whilst generally supportive of the initiative, **we object to the above amendment in its current form** and believe the land identified as [REDACTED] should be included in the rural rezoning amendment.

As identified by Council, there is overwhelming commercial demand for rural living allotments within Latrobe City. Vacant land in the area is minimal and there is increasing demand for these lots when they become available for purchase. Churchill's location is a key factor to this demand being in close proximity to the townships of Traralgon and Morwell, which all provide various facilities and services to support living in Churchill. Churchill also has its own facilities and services including sport and recreation, education, and retail. This is in contrast to areas like Toongabbie which is significantly more remote and included in this amendment.

We have engaged the services of Millar Merrigan to prepare a concept plan that shows how our site could be developed along with the overall surrounding area. The concept provides a road network, all lots of a minimum 2ha and how the area could integrate and connect with residential land to the north. However, we are open to the availability of smaller lots if a range of schedules to the rural living zone are proposed. We suggest that the best option for the subject site is Rural Living Zone and as such we wish for it to be considered in the C127 Amendment to facilitate that process. We are of the view that the site has the potential to provide for various lot sizes within the various Rural Living Zone schedules available to Council, with lots ranging from 6000sqm through to 5 acres or more based on the opportunities and constraints presented by the site and surrounding area.

While our site is not directly included the Latrobe City Municipal Bushfire Risk Assessment, we submit that our site is a better option for rezoning than Precincts B, C and D in Churchill. The site is not impacted by the Bushfire Management Overlay and is further removed from the existing plantations to the east. We have reviewed the Latrobe City Municipal Bushfire Risk Assessment and our opinion is that the document and assessment process contain a fundamental flaw. **The assessment should consider the risk of the existing/current conditions versus the risk of the proposed conditions (if a rezoning was to occur) rather than each parcel in isolation. This would allow identification of improvements to settlement interfaces with adjoining farmland which is an opportunity that should not be missed.** This is, in fact, essential to address the appropriate Ministerial Directions; *How does the potential rezoning address any relevant bushfire risk?; To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.* It seems that this is currently being applied to ensure no risk for future development when it should be read as how can we improve existing risk profiles through considered development of land use interfaces.

Thank you for the opportunity to provide a submission on this proposed amendment, we look forward to the next part of this process.

Regards,







From: [REDACTED]
Sent: Wed, 18 Aug 2021 18:47:03 +1000
To: Latrobe Central Email
Subject: Latrobe Planning Scheme Amendment C126 Toongabbie Structure Plan and Amendment C127 Bushfire and Rural Rezoning

Dear Sir or Madam

I write as the executor of the estate of Carmelo Pizzi.

My submission is that at minimum, the following parcels should be included in the rezoning area:

[REDACTED]

I believe the following parcel should also be considered for inclusion in the rezoning area:

[REDACTED]

Kind regards

[REDACTED]

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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]

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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 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

A solid black rectangular box used to redact the signature of the sender.

Date

Latrobe City Council
Attention: Strategic Planning Department
PO Box 264
Morwell Vic 3840

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We would like to make a comparative with the land that is proposed for rezoning to rural living in Tyers and the *Hazelwood North – Precinct C*. The Tyers site is identified in the Latrobe City Municipal Bushfire Risk Assessment that the land was a quarry that has been rehabilitated and that a submission was received through Live Work Latrobe

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We have read the Latrobe City Municipal Bushfire Risk Assessment and our opinion is that the document and assessment process is flawed. We believe the assessment should consider the risk of the existing/current conditions versus the risk of the proposed conditions (if a rezoning was to occur) rather than each parcel in isolation. This would allow identification of improvements to settlement interfaces with adjoining farmland. As identified in the risk level scoring, sites with a score of 29 or less identify that development can reduce the risk to adjoining land and on the site. We believe the score of 30 attributed to *Hazelwood North – Precinct C* is close to this and with a suitable subdivision design the proposal could assist in reducing risk. The proposal does not adequately address the gap in zoning between existing settlement and Precinct D.

The precinct score assigned to each of the Tyers and Hazelwood North precincts is extreme. In fact, the overall score for the Tyers site is 39 which is higher than the 30 allocated to Hazelwood North. We would also like to note that the score of 30 for the Hazelwood North site sits just above a score 29 which would place the site in a lower risk level where development would likely reduce the risk to adjoining land and on the site.

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[Redacted signature]

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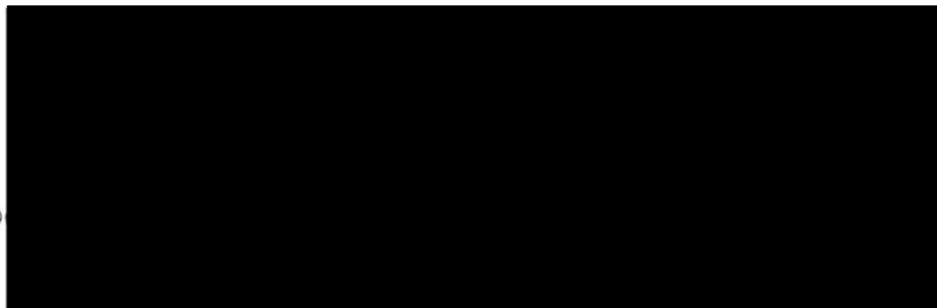
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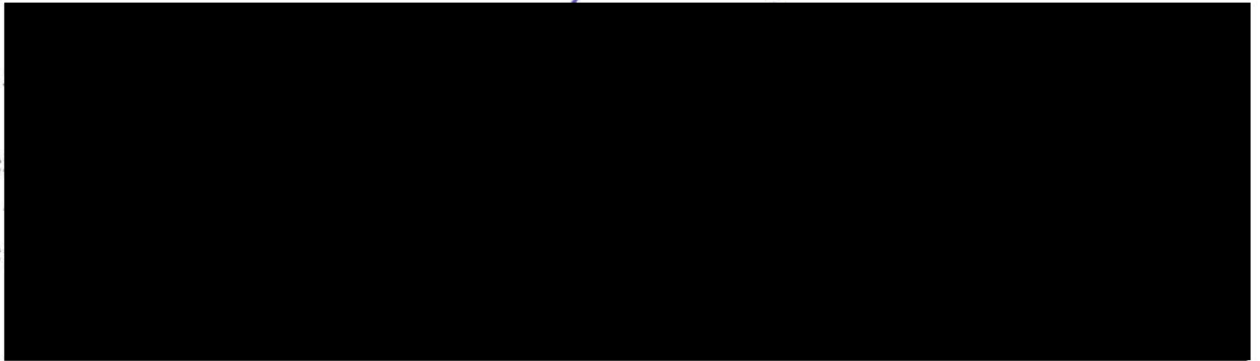
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We have read the Latrobe City Municipal Bushfire Risk Assessment and our opinion is that the document and assessment process is flawed. We believe the assessment should consider the risk of the existing/current conditions versus the risk of the proposed conditions (if a rezoning was to occur) rather than each parcel in isolation. This would allow identification of improvements to settlement interfaces with adjoining farmland. As identified in the risk level scoring, sites with a score of 29 or less identify that development can reduce the risk to adjoining land and on the site. We believe the score of 30 attributed to *Hazelwood North – Precinct C* is close to this and with a suitable subdivision design the proposal could assist in reducing risk. The proposal does not adequately address the gap in zoning between existing settlement and Precinct D.

The precinct score assigned to each of the Tyers and Hazelwood North precincts is extreme. In fact, the overall score for the Tyers site is 39 which is higher than the 30 allocated to Hazelwood North. We would also like to note that the score of 30 for the Hazelwood North site sits just above a score 29 which would place the site in a lower risk level where development would likely reduce the risk to adjoining land and on the site.

Thank you for the opportunity to provide a submission on this proposed amendment, we look forward to the next part of this process.

Regards,

Name

Address

Phone number

Date

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Latrobe City Council
Attention: Strategic Planning Department
PO Box 264
Morwell Vic 3840

Re: Amendment C127 Bushfire and Rural Rezoning

Whilst generally supportive of the initiative as presented, we object to the above amendment in its current form and believe the land identified as *Hazelwood North – Precinct C* should be included in the rural rezoning amendment.

As identified by Council, there is overwhelming commercial demand for rural living allotments within Latrobe City, the majority of this in in the Hazelwood North area. Vacant land in the area is minimal and there is increasing demand for these lots when they become available for purchase. Hazelwood North's location is a key factor to this demand being centrally located to the townships of Traralgon, Morwell and Churchill which all provide various facilities and services to support living in Hazelwood North. This is in contrast to areas like Toongabbie which is significantly more remote.

Out of all the areas for rezoning put forward by Council, we believe the *Hazelwood North – Precinct C* is the best from an overall perspective. As mentioned above the access to amenity is important with 10 mins to each of the townships of Traralgon, Morwell and Churchill. We acknowledge the importance of bushfire in communities where the risk to people and property is high, however in a rural context it can't be the only driver for development to not be considered as there will always be some risk due to the typical landscape of rural areas. Therefore, the assessment of such sites should be balanced and take into account the various opportunists and constraints rather than just bushfire.

We would like to make a comparative with the land that is proposed for rezoning to rural living in Tyers and the *Hazelwood North – Precinct C*. The Tyers site is identified in the Latrobe City Municipal Bushfire Risk Assessment that the land was a quarry that has been rehabilitated and that a submission was received through Live Work Latrobe

requesting this parcel be zoned to Rural Living Zone. We have applied for a Section 96a rezoning and subdivision application which included a detailed assessment of the site, surrounds and future development potential and consisted of:

-
- Site and Context Plan
- Proposed Plan of Subdivision
- Landscape Concept Plan
- Vegetation Removal Plan
- Bushfire Management Plan
- Planning Report
- Biodiversity Assessment Report
- Stormwater Management Plan
- Traffic Report
- Bushfire Management Statement
- Economic Analysis
- Infrastructure Servicing Report

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Thank you for the opportunity to provide a submission on this proposed amendment, we look forward to the next part of this process.

Regards,

Name

[REDACTED]

Address

[REDACTED]

Phone number

[REDACTED]