

LATROBE PLANNING SCHEME
AMENDMENT C133latr
PLANNING PERMIT APPLICATION 2022/17
EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Beveridge Williams & Co Pty Ltd, on behalf of the land owner Hillview Property Group Pty Ltd.

Land affected by the amendment

The amendment applies to land at 5 Parer Avenue, Moe.

The land is known as Lot 1 Plan of Subdivision 823972V and contained in Certificate of Title Volume 12079 Folio 676.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to land at 5 Parer Avenue, Moe.

The land is known as Lot 1 Plan of Subdivision 823972V and contained in Certificate of Title Volume 12079 Folio 676.

What the amendment does

The amendment:

- Rezones the portion of the site currently in the Neighbourhood Residential Zone, Schedule 1 (NRZ1) (being approximately 2,760m²) to the Residential Growth Zone, Schedule 2 (RGZ2) and amend Map 27 of the Latrobe Planning Scheme accordingly.
- Deletes the Heritage Overlay (HO35) and amend Map 27HO of the Latrobe Planning Scheme accordingly.
- Amends the Planning Policy Framework at Clause 16.01-1L by replacing the Moe-Newborough Housing Framework Plan to include all the site within a Substantial Change (adjoining heritage) area.

The planning permit application seeks approval for:

- Construction of nine (9) single storey dwellings on the land.

The planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the amendment

Why is the amendment required?

The amendment rezones a portion of the land currently in the Neighbourhood Residential Zone, Schedule 1 (Heritage Precincts and Areas Affected by Environmental Constraints) to the Residential Growth Zone, Schedule 2 (Compact Living with Special Character) and delete the Heritage Overlay.

The RGZ2 applies to rectangular portion of the site abutting Parer Avenue (having an area of approximately 712m²). The balance land, being approximately 2,767m², is zoned NRZ1. The dual zoning of the site is a result of the recent (May 2019) subdivision of the land with the adjacent property at 34 Fowler Street. This subdivision, authorised by Planning Permit no. 2017/214, resulted in the land formerly comprised within the title to 34 Fowler Street (i.e. the vacant and unused rear portion of the St. Andrew's Presbyterian Church property) being consolidated with the title to 5 Parer Avenue. The resultant dual-zoning of the consolidated parcel forming 5 Parer Avenue was not considered by the Latrobe City Council as an impediment to the subdivision approval. Following completion of the subdivision and issuing of the new titles, the Presbyterian Church of Victoria Trusts Corporation sold the consolidated land parcel at 5 Parer Avenue to the current owner, Hillview Property Group Pty Ltd. Hillview Property Group intend developing the land for multiple dwellings as per the planning permit application submitted in conjunction with the amendment.

The Neighbourhood Residential Zone, Schedule 1, does not explicitly discourage the development of multiple dwellings on the site. However, the portion of the site zoned NRZ1 is identified as a 'Minimal Change Area' on the Moe-Newborough Housing Framework Plan at Clause 16.01-1L of the Municipal Strategic Statement. The corresponding strategies for Minimal Change Areas are as stated in this clause, are to '*support minimal change in the form of detached houses and dual occupancies in locations with distinct character attributes, such as heritage, neighbourhood character, environmental or amenity values or infrastructure limitations*' and '*encourage the retention and provision of vegetated areas including canopy trees and large garden spaces*'. These strategies do not support more intensive residential development of the site, which is a significant impediment for a fully serviced, vacant and relatively unencumbered 3,479m² land parcel situated approximately 200 metres from the edge of Moe's Primary Activity Centre.

The amendment applies a consistent planning control across the whole of the site and a corresponding housing framework that provides for higher density residential development that is sympathetic to the identified heritage values of the St. Andrew's Presbyterian Church. The amendment achieves this by:

- Providing greater flexibility for the development of the land with multiple dwellings, which is not afforded under the existing Neighbourhood Residential Zone and 'Minimal Change' designation on the Moe-Newborough Housing Framework Plan.
- Providing a planning control that will facilitate a higher density residential development of the land, which is specifically encouraged within the Moe Transit City Precinct and 400 metre catchment of Moe's Primary Activity Centre.
- Removing a dual-zoning anomaly that was not addressed appropriately at the time of the subdivision approval which created the subject lot in 2019.
- Deleting a redundant Heritage Overlay control that is no longer applicable or appropriate, given that the affected land has been alienated from the St. Andrews Presbyterian Church property and does not present any contribution to its heritage significance.
- Providing an appropriate level of control over the intended development of the land for multiple dwellings in accordance with the accompanying planning permit application.

The amendment is necessary, as there are no other mechanisms capable of achieving the desired future land development outcome as detailed in the accompanying planning permit application. The matters addressed in the amendment are not dealt with under other regulations.

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

The amendment implements the following objectives of planning in Victoria as set out in the Planning and Environment Act 1987:

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

The amendment provides for the orderly use and development of large, vacant and fully serviced residential property within Moe’s town boundary, thereby maximising use of existing infrastructure and community facilities and reducing the pressure for urban sprawl. This will be achieved through the application of an appropriate land zoning and removal of a redundant overlay control to guide future land use and development on the site and provide for a sustainable and pleasant living environment.

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

Environmental effects

The site is devoid of native vegetation and does not have any other significant environmental characteristics.

Other environmental matters, such as stormwater management, can be addressed through conditions on the planning permit and/or building permit.

Social effects

The amendment will have positive social effects on the community of Moe. The amendment will facilitate the use and development of a large residential site that is currently unused and vacant. It provides a significant opportunity to facilitate new housing opportunities, building development and associated landscape design works, which will enhance the amenity and liveability of the public realm and promote the attractiveness of this part of Moe’s urban area. It also promotes the concept of a ‘walkable neighbourhood’ by facilitating increased residential densities within walking distance of the Primary Activity Centre and public transport network.

Economic effects

The amendment will have positive economic effects. It will facilitate the infill development of residential land within Moe’s town boundary and make more efficient usage of existing servicing and community infrastructure. The future development of the land is expected to provide additional short-term employment opportunities associated with building construction and associated works, which will be beneficial to the local economy.

Does the amendment address relevant bushfire risk?

The amendment will not result in any increase to the risk to life, property, community, infrastructure or the natural environment from bushfire.

The site is not within a designated bushfire prone area.

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

The amendment complies with Ministerial Direction No. 11 – Strategic Assessment of Amendments and Ministerial Direction No. 15 – The Planning Scheme Amendment Process.

The amendment is also consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

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

The following provisions of the Planning Policy Framework (PPF) are relevant to the consideration of this amendment:

- Clause 11.01 & 11.02 – Settlement & Structure planning
- Clause 11.03 – Activity centres
- Clause 15.01 – Urban design, Building design and Neighbourhood character
- Clause 15.02 – Energy and Resource efficiency
- Clause 15.03 – Heritage conservation
- Clause 16.01 – Housing supply & Housing affordability

Clauses 11.01 & 11.02 – *Settlement and Structure planning* seeks to focus both investment and growth in major regional centres such as Latrobe City. It states that settlement boundaries need to be reinforced to limit urban sprawl, develop compact urban areas and maximise accessibility to facilities and services. The planning of settlements is to be guided by the relevant regional growth plan and structure plan and opportunities for urban renewal and infill development should be promoted and capitalised on. The amendment is consistent with these objectives and strategies, as it will facilitate a residential infill development within a major regional centre and maximise the use of existing infrastructure and community facilities.

Clause 11.03 – *Activity centres* seeks to provide a diversity of housing types at higher densities where they are accessible to commercial and community facilities and public transport. The amendment applies a zone and accompanying schedule that will facilitate more intensive residential development of the site within 200 metres of Moe's Primary Activity Centre and public transport network and within a precinct specifically identified as suitable for housing demonstration projects.

Clause 15.01 – *Urban design, Building design and Neighbourhood character* seeks to create urban environments that respond to their site context in terms of character, natural features and surrounding landscape. The amendment applies a zone and accompanying schedule that will facilitate new housing opportunities, building development and associated landscape design works. This is expected to enhance the amenity and liveability of the site and surrounding area.

Clause 15.02 – *Energy and resource efficiency* seeks to encourage land use and development that is energy and resource efficient and minimises greenhouse gas emissions. It states that consolidation of urban development will be promoted and supported by low energy forms of transport such as walking and cycling. The amendment applies a zone and accompanying schedule that will facilitate more intensive residential development of the site, comprising smaller and energy efficient housing typologies that are conveniently located within 200 metres of Moe's Primary Activity Centre and public transport network.

Clause 15.03 – *Heritage conservation* seeks to conserve places of heritage significance and encourage development that respects places with heritage values through appropriate siting and design. The amendment is consistent with this policy, as it will delete a redundant Heritage Overlay control from a site that does not have any heritage significance.

Clause 16.01 – *Housing supply and Housing affordability* seeks to facilitate well-located, diverse and affordable housing opportunities and increase the supply of housing on under-utilised residential land. The amendment achieves this outcome by facilitating the development of a large, unused and vacant parcel of serviced land for higher density residential purposes, in a location close to employment, transport and services available in Moe's Primary Activity Centre.

How does the amendment support or implement the Municipal Planning Strategy and Planning Policy Framework?

The Municipal Planning Strategy (MPS) at Clause 02.04 refers to the Latrobe City Strategic Framework Plan, in which Moe is classified as a Supporting Network Town where growth is promoted. Clause 02.01 states that the municipality's population is expected continue to grow, but will be characterised by a higher proportion of older people compared with the State average and smaller household sizes comprising one or two persons. The amendment rezones a large parcel of vacant, serviced land within Moe's town boundary, providing the opportunity for new residential development

that will contribute towards the diversity of housing required to meet the predicted changing population needs of the municipality.

The amendment is consistent with the Moe-Newborough Structure Plan, the Moe-Newborough Housing Framework Plan, the Moe Activity Centre Plan and Latrobe City Housing Strategy, which all encourage the majority of new medium to high density housing typologies to within 400 metres of Moe's Primary Activity Centre.

This approach supports other strategies relating to enhancing the liveability of towns and efficient use of infrastructure, by facilitating development that encourages walkability and use of non-car based transport. By including the entire site within the Residential Growth Zone and a 'Substantial Change' area on the Moe-Newborough Housing Framework Plan, it will facilitate a change in the form and density of housing as envisaged by this plan and the supporting strategies. In particular, the Moe Activity Centre Plan specifically encourages high density, affordable and accessible housing to the south of the Moe Primary Activity Centre and the amendment will implement a suite of planning controls to achieve this outcome.

The PPF at Clauses 16.01-1S and 16.01-1L notes that good quality private development contributes to the function, safety and liveability of urban environments. It seeks to facilitate new development of varying scale and density in accordance with the Moe-Newborough Housing Framework Plan, whilst preserving the amenity of existing neighbourhoods and heritage places. The amendment applies Schedule 2 to the Residential Growth Zone, which acknowledges the site's interface with the St. Andrew's Presbyterian Church and the need to guide the design and siting of new development to ensure that its heritage values are not compromised.

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

The amendment makes proper use of the Victorian Planning Provisions.

Application of the RGZ2 is the most appropriate planning tool to achieve the desired outcome, which is to facilitate the future development of the land for multiple dwellings. The RGZ is consistent with the zoning applied to surrounding residential land and the application of Schedule 2 is appropriate for the site's abuttal to a heritage place.

Deletion of the HO35 is appropriate, as it is a redundant control that is no longer applicable to the site.

The amendment does not affect, conflict with or duplicate another existing provision in the planning scheme that deals with the same land, use or development.

The proposed control does not capture matters that do not specifically relate to the purpose or objectives of the control or matters that should not be dealt with under planning.

The amendment is consistent with the following Planning Practice Notes, which are relevant to the rezoning, deletion of the overlay and the planning permit application:

- PPN15: Assessing an Application for One or More Dwellings in the Residential Zone.
- PPN16: Making a Planning Application for One or More Dwellings in a Residential Zone.
- PPN27: Understanding the Residential Development Provisions.
- PPN43: Understanding Neighbourhood Character
- PPN46: Strategic Assessment Guidelines
- PPN77: Pre-setting Panel Hearing Dates
- PPN91: Using the Residential Zones

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

The views of the Latrobe City Council, as the responsible authority administering the Latrobe Planning Scheme, were sought during the preparation of the combined amendment and planning permit. The Council did not express any objection to the amendment or the planning permit.

The amendment does not seek to create any new formal or informal referral requirements.

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

The amendment is unaffected by and unrelated to the *Transport Integration Act 2010*.

Resource and administrative costs

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

The proposed rezoning is not expected to have a significant impact on the resource and administration costs of Latrobe City Council. The application of the RGZ2 will not trigger an increase in the number of planning permit applications and will have negligible impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

The amendment can be inspected free of charge at the Latrobe City Council website at www.latrobe.vic.gov.au; or

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

- Corporate Headquarters, Moe Service Centre, 141 Commercial Road, MORWELL VIC 3840
- Churchill Service Centre, 1-29 George Street, MOE VIC 3825
- Traralgon Service Centre, 9-11 Phillip Parade, CHURCHILL VIC 3842
- 34-38 Kay Street, TRARALGON VIC 3844

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Latrobe	5 Parer Avenue, Moe	Latrobe C133latr 001d-hoMap27 Exhibition
		Latrobe C133latr 002znMap27 Exhibition