

# RESPONSE TO QUESTIONS ASKED BY THE SOUTHSIDE RESIDENTS' COMMUNITY GROUP ON 26 MAY 2023 RE PERMIT APPLICATION 2022/233 (23 DUNBAR ROAD, TRARALGON)

## Planning

### 1. How can we access a copy of the planning application for this proposed development?

During the public notification process, the *Planning and Environment Act 1987* requires an authority (i.e. Council) to make copies of various documents available for inspection by the public, including applications for planning permits.

Most documents used in planning processes must be made available for inspection by the public in accordance with the public availability requirements set out in Division 6A of Part 9 of the PE Act (sections 197A to 197H).

These documents were made available at Council's Traralgon Service Centre, with the proposed plans available on Council's website:

[https://www.latrobe.vic.gov.au/Property/Planning/Planning\\_Permits/Current\\_Planning\\_Permit\\_Register](https://www.latrobe.vic.gov.au/Property/Planning/Planning_Permits/Current_Planning_Permit_Register)

### 2. How often is the Traralgon Inner South Precinct Master Plan reviewed?

The Traralgon Inner South Precinct Master Plan was adopted by Council in 2011. Amendment C105 (Live Work Latrobe) proposed to implement the document and its strategies into the Latrobe Planning Scheme by including the document as a Background Document. However, the Planning Panel for Amendment C105 did not support the inclusions of the Traralgon Inner South Precinct Master Plan in the Planning Scheme and it was recommended that reference to it be removed. This position was adopted by Council during the adoption of Amendment C105. Therefore, the Traralgon Inner South Precinct Master Plan holds little weight in the Latrobe Planning Scheme.

This recommendation was linked to a number of considerations around the lime batching facility (Graymont) and to remove references about transitioning this area to residential uses.

Further work was included in the Latrobe Planning Scheme at Clause 74.02 – Further Strategic Work – which requires the following:

- *Investigate and apply permit trigger(s) or policy to enable assessment and requirement for noise attenuation measures to be provided for sensitive use developments within the 500 metre buffer area surrounding the Janette Street Industrial Precinct (Traralgon Structure Plan Area 8a).*
- *Investigate the application of Industrial 3 Zone to land within the Janette Street Industrial Precinct surrounding the existing lime batching plant (Traralgon Structure Plan Area 8a).*

This work is currently being undertaken through the Industrial Interface Assessment which is not expected to be completed until the end of 2023. Depending on the outcome of the Industrial Interface Assessment, it may be a recommendation to review the Traralgon Inner South Precinct MasterPlan.

### **3. How can we access the Traralgon Inner South Precinct Master Plan?**

The report can be found on Latrobe City Council's website at:

[https://www.latrobe.vic.gov.au/sites/default/files/Traralgon\\_Inner\\_South\\_Precinct\\_Master\\_Plan\\_2011.pdf](https://www.latrobe.vic.gov.au/sites/default/files/Traralgon_Inner_South_Precinct_Master_Plan_2011.pdf)

### **4. Is there a traffic management plan in place for this area?**

There is no current traffic management plan for this area. It is noted that a Traffic Impact Assessment was submitted as part of the planning permit application, though this is not a traffic management plan for the area. This document forms part of the application materials on display at the Traralgon Service Centre.

### **5. What is the relationship between Latrobe City Council and the Ministers for Planning, Housing and Roads?**

The Ministers are part of the State government, which sits above local government.

Planning decisions are made in accordance with the *Planning and Environment Act 1987*, which the Minister for Planning oversees and is responsible for. The Minister for Planning has the power to make changes to the Victorian Planning Provisions (which make up the Latrobe Planning Scheme). The Planning Scheme makes provision for applications to be lodged by or on behalf of other Ministers to go directly to the Minister for Planning for assessment and consideration, bypassing Council's planning process.

### **6. Are there different rules and requirements for different planning zones?**

Yes, these differences are the purpose of having planning zones in the first place, to direct appropriate and compatible land uses and development to certain areas. The

differences between zones can be viewed in the Latrobe Planning Scheme available online, in particular, Clause 30 – <https://planning-schemes.app.planning.vic.gov.au/Latrobe/ordinance> .

**7. What consultation, if any, has been undertaken in relation to the changes to planning zones affecting 23 Dunbar Road, Traralgon?**

23 Dunbar Road, Traralgon is zoned Mixed Use Zone and has been zoned this since the introduction by the State Government of the new format Planning Scheme in March 2000.

Amendment C105 (Live Work Latrobe) introduced a Housing Strategy into the Latrobe Planning Scheme. It looked at housing for the municipality and introduced Housing Framework Plans which identified where change in housing density within the municipality is most appropriate. The Amendment also introduced a change to the Residential Zones to implement these changes, but not the Mixed Use Zone at 23 Dunbar Road, Traralgon.

The Housing Framework Plan shows 23 Dunbar Road, Traralgon as a 'Future Substantial Change Area'. This designation is shown as Council couldn't support substantial change (development of units, townhouses etc) until such time as the Further Strategic Work as identified in response 2 above was undertaken and impacts of the Lime Batching Facility are known.

## **Community consultation**

**1. How do community members register to speak at a council meeting?**

Members of the public who have an interest in an open item on the advertised agenda for a Council Meeting can register to speak. Requests must be provided to Council's Governance Team before 12 noon on the day of the Council Meeting. Current options of participation, either virtually or in-person is discussed with individuals upon registration.

Once a Council Meeting has been selected for the application to progress to, an invitation will be sent to all submitters advising of this and advising how to register to speak.

**2. Is there a date at which a decision will be made in relation to the planning application for 23 Dunbar Road, Traralgon (council meeting date)?**

It is likely that the matter will go to the 3 July or 7 August 2023 Ordinary Council Meeting, however this is yet to be confirmed. Once a meeting is confirmed, submitters and the applicant will be advised in writing.

## The application

**1. Why hasn't Latrobe City Council confirmed the nature of the proposed development given the objections and concerns raised by community members?**

It assumed that this question relates to the future tenure of the proposed dwellings.

It is acknowledged that there is a caveat on the property title advising that the Director of Housing has a purchasers contract with the registered proprietors of the land.

Latrobe City has to assess the application as currently proposed for the Development of land with 52 dwellings on a lot, 52 lot subdivision of land and the creation and removal of an easement at 23 Dunbar Road, Traralgon.

Nowhere in the application is there mention of the tenure of the proposed housing. Under the *Planning and Environment Act 1987* planning permit assessments cannot factor in the tenure of a dwelling as part of the decision-making on an application, in other words, Latrobe City does not have the legislated ability to assess the tenure of the proposed dwellings.

**2. What consultative process has been undertaken in relation to the sale of land at 23 Dunbar Road, Traralgon between Latrobe City Council, and the developer?**

The land at 23 Dunbar Road was owned by the Crown and leased to Council. Once Council concluded their lease on the land in 1997, it was sold by the Department of Treasury and Finance. As Council were not involved in the sale of the land, Council were not involved in any public consultation around the sale.

**3. Is there an Environmental Audit Overlay in place at 23 Dunbar Road, Traralgon?**

Yes, an Environmental Audit Overlay applies to 23 Dunbar Road, Traralgon.

**4. Have contamination risks been assessed, including soil and water tests?**

The application has been supported by an Environmental Site Audit, which finds that the proposal can proceed having regard to contamination risk on the site. This

document also forms part of the application on display at the Traralgon Service Centre.

**5. Is there a Bushfire Overlay in place at 23 Dunbar Road, Traralgon?**

The subject site is not within the Bushfire Management Overlay under the Planning Scheme. The site is within a Bushfire Prone Area under *the Building Act 1993*. For properties in a Bushfire Prone Area, the building permit will require that specific construction standards for bushfire protection are met.

**6. Is there an alternative location at which a high-density residential development could be placed within the Latrobe Shire?**

Council must assess applications as they are submitted. Finding a suitable site for development is the job of the developer. It is Council's role to assess any applications for planning permits made based on the Latrobe Planning Scheme.

**7. Have Regional Roads Victoria (VicRoads) been engaged and consulted as part of this application?**

Though the Head, Transport Victoria was not a specified referral authority for the application under Section 55 of the *Planning and Environment Act 1987*, Council chose to notify them of the application under Section 52(1)(d) of the *Planning and Environment Act 1987*. The Head, Transport Victoria (under the Department of Transport and Planning) provided consent to the granting of a planning permit, and did not request any conditions be placed on any permit issued.

**8. Has the CFA been engaged and consulted as part of this application?**

The CFA are not a specified referral authority for the application under Section 55 of the *Planning and Environment Act 1987*. Bushfire matters are to be considered under the *Building Act 1993* as mentioned in point 5 above.

**9. Is there sufficient capacity to manage the additional inputs that this development will place on the stormwater system?**

If a permit is to issue, a condition would be imposed requiring that on-site stormwater detention must be provided, so that there is no increase in the amount of

stormwater being discharged into the piped drainage system, from what is occurring now.

## **Our neighbourhood**

### **1. What is planned for the land at the Latrobe Special Development School?**

This is unknown and Council is unable to speculate on future land uses and developments.

### **2. What is planned for the vacant land behind the Latrobe Special Development School and adjacent to Coinda Hill Education Facility?**

This is unknown and Council is unable to speculate on future land uses and developments.

### **3. What is planned for the additional blocks on Hyde Park Road?**

This is unknown and Council is unable to speculate on future land uses and developments.

### **4. Who owns Burnet Park?**

It is assumed that this question relates to the ownership of the Botanical Gardens depicted below. This land is owned by Latrobe City Council.



**5. Are there plans to build residential homes at Burnet Park?**

If this enquiry relates to the land depicted in point 4 above, it is currently owned by Council and zoned Public Conservation and Resource Zone. The land is not appropriately zoned for residential development.

**6. Are there plans to relocate industrial businesses?**

It is unclear if this is a general question, or if it relates to specific areas or industries.

As part of the draft Industrial and Employment Strategy which was exhibited through Amendment C105 (Live Work Latrobe) there was a clear intention to relocate and transition the Industrial Area at Janette Street. However, during the planning panel, the panel provided the following conclusions and recommendations:

- *That the current strategy being pursued by the Council to promote transition of the Janette Street precinct and Sibelco site is fundamentally flawed whilst the Sibelco (now Graymont) facility exists;*
- *A more pragmatic planning response would be for Council to recognise that the Sibelco (now Graymont) facility exists and actively use the planning system to facilitate land uses that are compatible with it as a neighbour in the precinct.*

Therefore, the panel recommended that Council:

*'Change the planning scheme and supporting strategies to support the ongoing operation of Sibelco and abandon strategies to transition the area'.*

Council adopted Amendment C105 and the Industrial Employment Strategy in accordance with these recommendation from the planning panel. Therefore, there is no proposal to transition / relocate industrial business from this area. Strategies at Clause 11.01-1L – Traralgon and further work identified in the Latrobe Planning Scheme support this position.