

LATROBE PLANNING SCHEME

AMENDMENT C126latr

EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of Latrobe City Council.

Land affected by the Amendment

The Amendment applies to approximately 850 hectares of land in Toongabbie within the Toongabbie Township Boundary, as defined on the Toongabbie Structure Plan 2020. It is bounded by Harris Lane, Guyatts Road, Antons Lane, Traralgon-Maffra Road, Afflecks Road, Hill Street and Gippsland Plains Rail Trail as shown in Figure 1 (the blue line represents the Toongabbie Township Boundary in the Toongabbie Structure Plan 2020).

The Amendment also applies to adjacent properties to the west and the north-west of the area shown in Figure 1 by making changes to the Land Subject to Inundation Overlay (LSIO) and introducing the Floodway Overlay (FO) (refer land shown as FO and LSIO in Figure 2 in Attachment 1).

Figure 1: Land generally affected by the Amendment



What the Amendment does

The Amendment implements the findings of the Toongabbie Structure Plan Report 2020, Toongabbie Structure Plan background reports 2020 and the recommendations from the West Gippsland Catchment Management Authority 2016 Flood Study for Toongabbie into the Latrobe Planning Scheme.

The Amendment:

- Rezones residential land (shown as NRZ5 on Figure 3 in Attachment 2) from Neighbourhood Residential Zone – Schedule 4, Regional Suburbs (NRZ4) to Neighbourhood Residential Zone – Schedule 5, Toongabbie Residential Area (NRZ5).
- Rezones land at 52 Ries Street (CA 1A Section A Toongabbie), 49-57 Heywood Street (CA 1B Section A Toongabbie), 23-33 Heywood Street (L 2 PS 330744), 21 Heywood Street (L1 PS 330744), 81 Main Street (L1 PS 711191), 79 Main Street (L2 PS 711191), and 77 Main Street (CA 2 Section 29 Toongabbie), Toongabbie from NRZ4 to Low Density Residential Zone (LDRZ).
- Corrects the split zoning at 15-25 Victoria Street (CA 1 Sect 20, CA 2 Sect 20, CA 3 Sect 20, CA 10 Sect 20, CA 4 Sect 20), Toongabbie from Public Use Zone 2, Education (PUZ2) and NRZ4 to PUZ2.
- Rezones land at 15 Cowen Street (only L1 LP 116911), 17 Cowen Street (L2 LP 116911), 11 Victoria Street (CA 6 Section 17 Toongabbie), 12 Victoria Street (CA 6 Section 16 Toongabbie), 8 Victoria Street (CA 4 Section 16 Toongabbie), 6 Victoria Street (L1 PS 423649), 4 Victoria Street (L2 PS 423649), 2 Victoria Street (CA 10 Section 16 Toongabbie) and 1-5 Goodwin Street (L3 PS 423649) Toongabbie from NRZ4 to General Residential Zone – Schedule 4, District and Small Towns (GRZ4).
- Rezones land in Main Street (CA 85A Toongabbie), Traralgon-Maffra Road (CA 9A Section A Toongabbie), Traralgon-Maffra Road (CA 32C Toongabbie), Russells Road (CA 5A Section 3A Toongabbie), Russells Road (CA 5 Section 3A Toongabbie), Humphrey Road (CA 2004 Toongabbie) and Hower Street (CA 2005, CA 2006 Toongabbie), Toongabbie from Farming Zone - Schedule 1 (FZ1) to Public Conservation and Resource Zone (PCRZ).
- Applies the Land Subject to Inundation Overlay (LSIO) to land identified within the Floodplain Mapping for Toongabbie Township (West Gippsland Catchment Management Authority, 2016), as shown in Figure 2 in Attachment 1.
- Applies the Floodway Overlay (FO) to land identified within the Floodplain Mapping for Toongabbie Township (West Gippsland Catchment Management Authority, 2016), as shown in Figure 2 in Attachment 1.
- Amends Clause 11.01-1L (Local Areas) to include the Toongabbie Structure Plan and insert key strategies and policy documents.
- Amends Clause 12.01-1L (Protection of Biodiversity) to include key strategies and policy documents for Toongabbie.
- Amends Clause 16.01-1L (Housing Supply) to include the amended Toongabbie Housing Framework Plan.
- Amends Schedule 4 (District Towns) to Clause 32.08 General Residential Zone to change the title from 'District Towns' to 'District and Small Towns'.
- Inserts a new Schedule 5 (Toongabbie Residential Area) to Clause 32.09 Neighbourhood Residential Zone into the planning scheme.
- Amends the Schedule to Clause 72.08 (Background Documents) to include the Toongabbie Structure Plan Report and Toongabbie Structure Plan Background Report as background documents.
- Amends the Schedule to Clause 74.02 (Further Strategic Work) to identify the need to review the minimal change status of the Toongabbie town centre on the Toongabbie Housing Framework Plan at Clause 16.01-1L (Housing Supply).

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to implement and facilitate the recommendations of the Toongabbie Structure Plan (2020). Objective 3 of the Council Plan is to *'improve liveability and connectedness of Latrobe City'*. To meet this objective, Council must ensure that there is enough suitably zoned land within the municipality to facilitate development

Toongabbie was one of four small towns in Latrobe that did not have a Structure Plan within the planning scheme. The Toongabbie Structure Plan (2020) provides a clear framework to support growth in Toongabbie by providing a diversity of housing and lifestyle choices while protecting natural resources. The structure plan enables informed decision making regarding residential and rural living development opportunities, which will provide direction on how the town of Toongabbie will grow, look and feel in the next 15 to 20 years.

The Amendment is a result of a phased strategic planning process from 2018 to 2020 which included consultation with stakeholders, landowners and agencies and detailed analysis of background information, including infrastructure and servicing assessment, land supply and demand assessment, ecological assessment, socio-economic and community infrastructure assessment, a bushfire risk assessment and assessment of potentially contaminated land.

A Toongabbie Housing Framework Plan was introduced into the planning scheme as part of Amendment C105latr, which implemented the findings of the Live Work Latrobe Housing Strategy (2019) into the planning scheme. The current Amendment amends the Toongabbie Housing Framework Plan in the planning scheme in response to community needs and directions identified in the Toongabbie Structure Plan (2020).

The Amendment also updates mapping of the LSIO and applies the FO to land in Toongabbie based on the flood layers produced by the Floodplain Mapping for Toongabbie Township (WGCMA, 2016). The Amendment is required to manage flood risk based on current information and to guide planning decisions. The Toongabbie Structure Plan (2020) has considered this floodplain mapping and the outcomes of consultation with WGCMA in guiding the location of future land uses and development. The Schedules to the FO and LSIO were amended as part of Amendment C122latr and will apply to Toongabbie.

The Amendment will achieve net community benefit by providing strategic directions within the Planning Policy Framework for the Toongabbie township through the Toongabbie Structure Plan 2020 and using appropriate zoning and overlay controls specific to the towns cultural, historic and environmental needs.

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

The Amendment meets the following objectives of planning in Victoria set out in section 4(1) of the *Planning and Environment Act 1987*:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria*€
- (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c)€and (e).*

The Amendment implements these objectives by providing strategic directions within the Planning Policy Framework of the planning scheme. The Toongabbie Structure Plan (2020) provides strategic

direction for the town's future growth, to facilitate the fair, orderly, economic and sustainable use and development of land.

The Toongabbie Structure Plan (2020) is informed by a Flora and Fauna Assessment. Consultation was also undertaken with the WGCMA to identify and protect significant vegetation, develop waterway management plans, and create vegetation corridors through the town to increase habitat areas and fauna mobility while providing opportunities for future growth.

The Amendment provides for the protection of natural and human-made resources and the maintenance of ecological processes by applying flood provisions in the planning scheme according to the findings of the WGCMA flood studies for Toongabbie. The Amendment has sought to protect the natural environment and natural processes by rezoning Rosedale and Toongabbie Creek frontages from FZ1 to PCRZ.

The Amendment, in particular, protects the natural and built environment of the town through implementing town specific local policies and a Neighbourhood Residential Zone schedule that is specific to the town's cultural, historical and environmental needs.

The Amendment meets the objective of securing a pleasant, efficient and safe working, living and recreational environment through careful consideration of land supply and demand, economic growth and community needs for open space and infrastructure. This detailed assessment is included within the Toongabbie Structure Plan (2020) and Toongabbie Structure Plan background report. It builds on the Live Work Latrobe Housing and Rural Land Use Strategy (2019), which were implemented through Amendment C105latr.

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

The Amendment achieves balanced growth and development and has appropriately addressed any environmental, social and economic effects that may result from future residential development.

Environmental Effects

The Amendment adequately addresses any potential environmental effects by considering topographical, ecological and hydrological systems to determine the most appropriate locations for residential, rural residential, recreational and agricultural land uses. The Amendment has incorporated environmental risk assessments associated with flooding and bushfires, and the cost of delivering services over longer distances and broader areas. As such, it seeks to establish clearer township boundaries.

The Amendment introduces environment related local policy at Clause 12.01-1L to protect high value environmental assets and biodiversity including remnant native vegetation in areas such as immediate creek environs, the Gippsland Plains Rail Trail, Toongabbie Cemetery and road reserves in accordance with the Toongabbie Structure Plan – Flora and Fauna Background Report. Toongabbie's agricultural capability was considered as part of the municipal-wide Rural Land Use Strategy (2019), and this Amendment does not impact any intensive or productive agricultural land.

A site history review has also been undertaken to identify any potentially contaminated land affected by the Amendment in accordance with Planning Practice Note 30: Potentially Contaminated Land (PPN30). The Environment Protection Authority Victoria (EPA) has been consulted and their views have been considered in finalising the Potential Land Contamination Report. The former Department of Environment, Land, Water and Planning (DELWP) requested that a number of rezonings of public land be undertaken as part of this amendment, essentially as correction rezonings. These sites were each reviewed under PPN30 and given their extensive history in public ownership and previous land uses (or in many cases, lack thereof) it is clear that the sites proposed to be rezoned from FZ1 to PCRZ, specifically land with frontage to Rosedale and Toongabbie Creeks, do not meet the definition of 'potentially contaminated land'.

Social Effects

The Amendment has a positive social effect by implementing the findings of the Toongabbie Structure Plan (2020) which responds to the community's cultural and social needs and preferences in accordance with the Toongabbie Structure Plan - Background Consultation Report. The Amendment seeks to protect the character of Toongabbie that the community values.

The Structure Plan and the amended Housing Framework Plan provide a clear land use planning and development framework for the Toongabbie township. The Amendment will facilitate greater housing choice and diversity through the application of residential and rural residential zones, such as GRZ4 within 200 metres of the town centre, NRZ5 in most of the township, and LLDRZ in larger peripheral lots to allow for low density detached housing as per land capability.

The Toongabbie Structure Plan (2020) has also considered built and cultural heritage, including Aboriginal Cultural Heritage, when developing its recommendations.

Economic Effects

The Amendment has a beneficial economic effect by providing a clear land use planning and development framework for the Toongabbie township. The Amendment facilitates residential development in areas where key development opportunities have been identified and promotes efficient use of existing physical and community infrastructure. The Amendment inserts local policy that provides clear direction for expansion and development of commercial and mixed use activity.

Does the Amendment address relevant bushfire risk?

In preparing the Toongabbie Structure Plan (2020), a Municipal Bushfire Risk Assessment 2020 was undertaken to inform the decision making of the Toongabbie Structure Plan (2020) and assess appropriate bushfire mitigation tools. An assessment against Clause 13.02-1S (Bushfire Planning) was undertaken as a part of the Bushfire Risk Assessment. The Country Fire Authority (CFA) were consulted throughout the development of the draft Latrobe City Municipal Bushfire Risk Assessment 2020. The CFA's feedback was considered during the preparation of the amendment and further consultation was undertaken throughout the Amendment process. The Amendment has been amended in response to the Country Fire Authority's concerns about bushfire risk and is consistent with Clause 13.02-1S as it does not rezone any additional land for residential or rural residential purposes and is therefore not expected to result in increased risk to life, property, community infrastructure and the natural environment from bushfire.

The Amendment is also consistent with the Design Guidelines – Settlement Planning at the Bushfire Interface (DELWP, July 2020.) The Toongabbie Structure Plan (2020) has considered the bushfire hazard in directing growth and distribution of uses. It also contains recommendations for mitigation measures along King Street where the risk interfaces with the development through the application of controls at the time of rural rezoning (not part of this Amendment) and subsequent planning permit application processes.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

The Amendment is consistent with:

- The Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.
- Ministerial Direction No. 11 – Strategic Assessment of Amendments.
- Ministerial Direction– No. 15 - The Planning Scheme Amendment Process.
- Ministerial Direction–n No. 1 - Potentially Contaminated Land.
- Ministerial Direction– No. 19 - The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health.

A Potentially Contaminated Land Report (Latrobe City Council, 2020) has been prepared in accordance with Ministerial Direction 1 and 19 but does not form part of the Toongabbie Structure Plan Background Reports. Further consultation with the EPA was undertaken as part of the Amendment process

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

The Amendment directly supports the following Clauses of the Planning Policy Framework:

- Clause 11 (Settlement)

Clause 11.01-1S (Settlement) and Clause 11.01-1R (Settlement – Gippsland) seek to promote sustainable growth and development whilst providing choice and opportunity.

Clause 11.01-1L (Latrobe settlement patterns) contains strategies to discourage the fragmentation of rural land adjoining township boundaries until land is required for long term (15 or more years) urban development.

Clause 11.02-1S (Supply of urban land) seeks to ensure sufficient supply of land for urban uses, including residential land uses.

Clause 11.03-6S (Regional and local places) facilitates integrated place-based planning with planning considerations to provide specific direction for the planning of towns.

The Amendment supports the relevant policies at Clause 11 by supporting Toongabbie's growth, which will assist with the provision of enough land supply throughout the municipality over the next 15-20 years. The Amendment implements local policies that consider Toongabbie's distinctive characteristics and respond to the needs of the community through the provision of housing, recreation, open spaces, commercial land and community infrastructure.

- Clause 12 (Environmental and Landscape Values)

Clause 12.01-1S (Protection of biodiversity) and Clause 12.01-2S (Native vegetation management) seek to protect and conserve Victoria's biodiversity and native vegetation. Impacts from land use and development should be avoided or minimised where possible, and any removal of native vegetation should result in no net loss to the state's biodiversity.

Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs) seeks to protect and enhance river corridors, waterways, lakes, wetlands and billabongs. The Amendment will not impact on any waterways, with further consideration to be given during the assessment of any subsequent planning permit applications.

Clause 12.05-2S (Landscapes) seeks to protect and enhance significant landscapes and open spaces that contribute to the character, identity and environmental sustainability of Toongabbie.

The Amendment supports the relevant policies at Clause 12 by implementing local policy for protecting biodiversity and remnant native vegetation, protecting waterways through the application of the PCRZ, enhancing open space linkages and ensuring development responds to the landscape character of the township.

- Clause 13 (Environmental Risks and Amenity)

Clause 13.02-1S (Bushfire planning) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 13.02-1L (Bushfire prone areas) seeks to ensure developments, subdivisions and uses identified in Clause 13.02-1S incorporate measures to mitigate bushfire risk.

The Amendment implements the Toongabbie Structure Plan (2020), The Structure Plan has been amended to account for further bushfire risk assessment to take place to determine appropriate areas for potential rural living and low density residential growth.

Clause 13.03-1S (Floodplain management) seeks to protect life and property from flood hazard.

Clause 13.03-1L (Floodplain management) discourages residential development on 1 in 100 year floodplains.

The Amendment supports the relevant floodplain policies by mitigating the impact of flooding, including land inundated by 1 in 100 year flood events, by identifying land affected by flooding in the planning scheme following WGCMA flood studies for Toongabbie.

Land constraints such as flooding have been considered during the assessment of land identified for rezoning from NRZ4 to GRZ4 and from NRZ4 and FZ to LDRZ within the township.

Clause 13.04-1S (Contaminated and potentially contaminated land) seeks to ensure that potentially contaminated land is suitable for its intended future use and development and that contaminated land is used safely.

The Amendment has considered the potential for land contamination. It found one site in the township to be subject to potential land contamination, which could be subject to a separate planning scheme amendment process

Clause 14 (Natural resource management)

Clause 14.01-1S and Clause 14.01-1L (Protection of agricultural land) seeks to protect the state's agricultural base by preserving productive farmland.

Municipal wide agricultural capability was considered as part of the Live Work Latrobe Rural Land Use Strategy (May 2019). Land of a high agricultural class was omitted from rural residential considerations. The Toongabbie Structure Plan (2020) is consistent with the Rural Land Use Strategy (May 2019) implemented through Amendment C105latr.

This Amendment further supports the relevant policies at Clause 14 by protecting agricultural land within the study area and reducing the impact on the productive agricultural areas outside the study area by directing residential growth to the preferred locations within the existing settlement.

Clause 14.02-1S (Catchment planning and management) seeks to help protect and restore catchments, water bodies, groundwater, and the marine environment.

The Amendment rezones creek frontage land to PCRZ, which will help to protect natural drainage corridors. The Amendment has considered the development potential and land capability of any land located in the floodplain, as well as any WGCMA recommendations.

- Clause 15 (Built environment and heritage)

Clause 15.01-1S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

The Amendment supports the policy through implementing the Toongabbie Structure Plan (2020) and encouraging development to respond to Toongabbie's character and identity. The Amendment is consistent with the relevant objectives of Urban Design Guidelines for Victoria by promoting movement network principles at a local level through identifying links between the township and open space corridors and supporting activity at the edge of public space areas in the township

Clause 15.01-2S (Building design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

The Amendment inserts a new NRZ5 for Toongabbie into the planning scheme to support development that responds to Toongabbie's character and protects significant views and vistas. The Toongabbie Structure Plan (2020) also contains strategies for achieving appropriate commercial built form and design.

Clause 15.01-3S (Subdivision design) seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

The Toongabbie Structure Plan (2020) has considered future subdivision potential, subject to land constraints and community aspirations and supports the 'neighbourhood objectives' mentioned in the policy above. The amendment facilitates the provision of a range of housing types and sizes, optimum use of services, walkability and open space links.

Clause 15.01-5S (Healthy neighbourhoods) seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.

The Amendment supports the policy by encouraging shared path links through open spaces and important places.

Clause 15.01-5L (Neighbourhood character) seeks to encourage the retention of intact, older buildings and features that contribute to the character of an area. It also seeks to encourage residential lot sizes that respect the existing subdivision pattern in district and small towns.

The amendment inserts a new Schedule 5 to Clause 32.09 Neighbourhood Residential Zone (NRZ5) into the planning scheme to implement the objectives of the above policy.

Clause 15.01-6S (Design of rural areas) seeks to ensure development respects valued areas of rural character.

The Amendment supports this policy by protecting rural areas from inappropriate development and by encouraging residential development within the existing township to respond to Toongabbie's 'rural' character.

The Amendment supports this policy by encouraging development that respects the heritage values of the township by amending local policy and inserting the new Neighbourhood Residential Zone Schedule 5 (NRZ5) into the planning scheme.

Clause 15.03-2S (Aboriginal culture heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

The Toongabbie Structure Plan (2020) considered Aboriginal cultural significance when forming its recommendations. It recommended further discussions with landowners concerning the preparation of a Cultural Heritage Management Plan (CHMP) for the Toongabbie Study Area. Development may require a CHMP to be prepared as part of the planning application process.

- Clause 16 (Housing)

Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets community needs.

The Amendment supports the policy at Clause 16 by facilitating diverse housing types, including areas of future growth, aged care facilities and rural residential development in a manner which responds to community needs and the town's character.

Clause 16.01-2S (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

The Amendment improves housing affordability by ensuring that residential supply continues to be sufficient to meet demand.

Clause 16.01-2L (Location of residential development) applies to all land identified in the Housing Framework Plan and encourages a diverse range of housing in locations with access to community services, activity centres and public transport in accordance with the plans in the clause.

The amendment modifies the Toongabbie Housing Framework Plan to include a 200-metre catchment boundary from the local activity centre in Toongabbie and by designating land for incremental housing change within this catchment.

Clause 16.01-3S (Rural residential development) seeks to identify land suitable for rural residential development.

The Amendment implements the Toongabbie Structure Plan (2020) which has identified appropriate locations for rural residential development. The Amendment is supported by an infrastructure and servicing assessment, land supply and demand assessment, ecological assessment, socio-economic and community infrastructure assessment, agricultural capability, bushfire assessment, and potentially contaminated land assessment.

Clause 16.01-5S (Residential aged care facilities) seeks to facilitate the development of well-designed and appropriately located residential aged care facilities.

The Amendment rezones land free of flooding constraints within 200 metres of the Toongabbie township 'core' from NRZ4 to GRZ4. The rezoning will facilitate infill development of facilities as desired by the community.

- Clause 17 (Economic development)

Clause 17.02-1S (Business) seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

The Amendment supports the policy by promoting the consolidation of existing commercial and mixed use developments within the Toongabbie town centre core to meet the community's need.

Clause 17.04-1S (Facilitating tourism) and Clause 17.04-1R (Tourism – Gippsland) seek to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

The Amendment implements the Toongabbie Structure Plan (2020) which seeks to encourage nature-based tourism focused on the Gippsland Plains Rail Trail and access to Cowwarr Weir. The structure plan also aims to improve the township's entrance gateways.

- Clause 18 (Transport)

Clause 18.02-1S (Sustainable personal transport) seeks to promote the use of sustainable personal transport.

The Amendment supports the policy by building upon existing links within the town to create a core movement network for pedestrians and cyclists.

Clause 18.02-3S (Road system) seeks to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

The Amendment supports the policy by limiting access points onto Traralgon-Maffra Road (Main Street) to ensure the arterial road's functionality. It also encourages new development to respond to the existing street network to achieve optimal use of existing infrastructure.

- Clause 19 (Infrastructure)

Clause 19.02-2S (Education facilities) seeks to assist in integrating education and early childhood facilities with local and regional communities.

The Amendment supports the policy by correcting the split zoning at Toongabbie Primary School from PUZ2 and NRZ4 to PUZ2. The Toongabbie Structure Plan (2020) has considered future educational requirements for Toongabbie. The structure plan encourages co-locating future identified facilities with the existing school or using existing community facilities. Shared path links around the school are also encouraged.

Clause 19.03-2S (Infrastructure design and provision) seeks to provide timely, efficient and cost-effective development infrastructure that meets the community's need.

The Toongabbie Structure Plan (2020) has considered infrastructure and the capacity of reticulated services, drainage, electricity, gas and telecommunications to service land consistent with the sustainable provision of the town's infrastructure requirements. The Amendment promotes sustainable development by directing appropriate forms of housing to areas with and without servicing constraints.

Clause 19.02-4S (Social and cultural infrastructure) seeks to provide a fairer distribution of, and access to, social and cultural infrastructure.

The Amendment has considered the social and cultural infrastructure requirements of Toongabbie. It encourages the protection and enhancement of existing community infrastructure.

Clause 19.02-6S (Open spaces) seeks to establish, manage and improve a diverse and integrated network of public open space that meets the community's needs.

The Toongabbie Structure Plan (2020) does not identify any additional land for public open space, but the Amendment encourages shared path links connecting places of natural and community interest such as Toongabbie Recreation Reserve with the town centre and the Toongabbie Primary School. It also ensures the conservation of creek-side open spaces by rezoning them to PCRZ.

Clause 19.03-3S (Integrated water management) seeks to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

The Amendment supports the policy by rezoning Crown land fronting the Rosedale and Toongabbie Creeks as PCRZ to effectively manage and conserve natural creek environments. The Amendment has also considered sewerage capacity and land capability in rezoning land to appropriate residential zones.

How does the Amendment support or implement the Municipal Planning Strategy?

The Amendment seeks to implement and support the Municipal Planning Strategy (MPS) by facilitating the future growth of Toongabbie in accordance with Clause 02.04-1 Strategic Framework Plan and Clause 02.04-2 Settlement plan, which support its future growth as a small town.

It is also consistent with the following strategies outlined in Clause 02.03 (Strategic Directions):

Clause 02.03-1 (Settlement) identifies Toongabbie as a small town providing a limited range of educational, retail and recreational services for residents and the surrounding rural areas.

The Amendment identifies opportunities for future growth and development within the town in accordance with the settlement hierarchy, to provide an attractive lifestyle and housing choice within the municipality. The town structure plan defines clear settlement boundaries to consolidate development.

The amendment also identifies the need to undertake further strategic work to review the minimal change status of the Toongabbie town centre on the Toongabbie Housing Framework Plan at Clause 16.01-1L (Housing Supply).

Clause 02.03-1 (Settlement) identifies the Toongabbie town centre as maintaining limited convenience retailing to the immediate surrounding township and rural areas.

These centres are important focal points for the community and, where appropriate, may include tourism-related retailing in addition to convenience retail. Small town centres provide a limited range of commercial, community (e.g. community hall/centre), and personal services (e.g. post office). The Amendment supports maintaining the core of the Toongabbie town centre consistent with this policy.

Clause 02.03-2 (Environmental and landscape values) seeks to enhance Latrobe's native vegetation, biodiversity, habitats and natural ecosystems, and balance development with the protection of the natural environment.

The Amendment supports the policies at Clause 02.03-2 by including environment related policies for Toongabbie in the planning scheme. The Toongabbie Structure Plan (2020) is informed by flora and fauna assessments. Two potential patches of critically endangered ecological vegetation class have been identified and proposed to be protected through local policy until formally identified. The Amendment also seeks to protect remnant vegetation in roadside reserves and other roadside vegetation that provides links between public and private native vegetation through amended local policy. The Amendment protects the rural landscape's values by applying a Toongabbie specific neighbourhood residential zone (NRZ5) and directing residential growth to appropriate locations.

Clause 02-03-3 (Environmental risks and amenity) includes strategies for planning for climate change, bushfire and floodplain management.

The Amendment implements the new WGCMA 2016 Flood Study findings for Toongabbie by applying the FO and amending the extent of the LSIO. The WGCMA was also consulted about the schedules being amended through Amendment C122latr and applied to Toongabbie. The Toongabbie Structure Plan (2020) has considered this updated information in identifying areas for growth and development. The Amendment discourages urban development on flood-prone land, except where agreed with the WGCMA.

The Amendment seeks to minimise the risk to life, property, the natural environment and community infrastructure from bushfire. The Amendment has considered the bushfire risk in directing growth and development within the Toongabbie township. The Toongabbie Structure Plan (2020) is informed by the Municipal Bushfire Risk Assessment 2020 and the Toongabbie Bushfire Risk Assessment. Consultation with the CFA has also occurred. The Amendment is consistent with Latrobe City Municipal Fire Management Plan and is further supported by proposed Amendment C127latr (Bushfire and Rural Rezoning), which seeks to implement a bushfire-specific Design and Development Overlay (DDO) to areas identified for future rural residential.

Clause 02-03-4 (Natural Resource Management) includes strategies for planning for agriculture, intensive agriculture, timber, water and coal. Planning for agriculture seeks to enhance the viability of agriculture and discourage the establishment of sensitive or non-agricultural related land uses on high quality agricultural land.

The Amendment supports the Latrobe City Rural Framework Plan in Clause 02.04 which provides guidance on the location of productive agricultural land in the City of Latrobe. The framework plan does not identify any potential intensive agriculture land in the Toongabbie township area. The FZ1 land in the south-east, northeast and southwest corners of the Toongabbie township area are protected from loss of agricultural use by directing growth to more appropriate locations.

Application of the FO and amended LSIO in accordance with WGCMA Toongabbie Flood Study will encourage the improvement of water quality and environmental values of waterways as sought in the planning policy for water at Clause 02-03-4.

Clause 02.03-5 (Built environment and heritage) includes strategies for planning for heritage and neighbourhood character.

Clause 02.03-5 (Heritage) seeks to protect places of heritage, cultural and social significance.

The Heritage Overlay (HO) protects heritage places identified in the Latrobe City Heritage Study (2010) within the Toongabbie study area. The Amendment supports the existing policy by ensuring future development respects the heritage character of the township and heritage values of the identified places. This has been implemented through a new Schedule 4 to the General Residential Zone to ensure the character of existing neighbourhoods and streetscapes is retained.

Clause 02.03-5 (Neighbourhood Character) acknowledges the distinctive features of regional development in the City of Latrobe. It also acknowledges special character areas within the municipality, namely Garden Suburban, Lifestyle Suburban and Bush Suburban. A detailed neighbourhood character assessment for Toongabbie has not been undertaken. The neighbourhood character objectives for the existing Toongabbie residential area have been identified based on community consultation findings. The amendment supports the local policy by encouraging the retention of the character of the town while balancing development objectives.

Clause 02.03-6 (Housing) seeks to encourage housing growth in accordance with the Housing Framework Plans and provides direction regarding the extent and location of future growth and housing change, categorising residential land into four broad categories of change including Substantial Change, Incremental Change, Limited Change and Minimal Change. It also supports infill development in all main urban settlements as a priority.

The Amendment supports the policy by amending the Toongabbie Housing Framework Plan in accordance with the Toongabbie Structure Plan (2020) and allows for residential growth within 200 metres of the Toongabbie town centre.

Clause 02.03-6 also seeks to support rural residential and associated land use that do not compromise agricultural productivity.

The Amendment supports this policy by identifying areas for the short to long term for rural living and low density residential in suitable locations.

Clause 02.03-7 (Economic development) seeks to facilitate tourism in rural areas that respects existing settlement patterns, landscape, amenity and environmental values.

The Amendment supports the policy by protecting natural features within the Toongabbie township that could support nature-based tourism.

Clause 02.03-8 (Transport) seeks to consolidate urban areas to provide for shorter travel distances, walking, cycling and access to public transport.

The Amendment supports the objective of the clause by implementing township boundaries through the Structure Plan.

Clause 02.03-9 (Infrastructure) contains strategies for infrastructure assets, community infrastructure and open space. Planning for open space seeks to encourage the development of linear parks, habitat corridors and linkages between key open spaces, community destinations and employment precincts to improve connectivity.

The Amendment supports the policy by amending Clause 12.01-1L and inserting strategies that support the creation of open space linkages.

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

The Amendment makes proper use of the Victoria Planning Provisions, mainly through using the most appropriate residential zones and their key features to implement the directions of the Toongabbie Structure Plan (2020). The LDRZ is an appropriate zone to mitigate the physical infrastructure constraints and the NRZ5 is an appropriate zone to achieve neighbourhood character objectives of the existing Toongabbie township. The GRZ4 is applied to areas around the activity centre, consistent with its application in other towns in the City of Latrobe and in accordance with the Latrobe City Housing Strategy.

Amendment C126latr implements the findings of the Toongabbie Structure Plan (2020) through amending Clause 16.01 of the planning scheme to provide policy guidance to decision makers.

The Amendment is generally consistent with the following relevant planning practice notes and Planning Advisory Notes:

- PPN02: Public Land Zones
- PPN07: Vegetation Protection in Urban Areas
- PPN10: Writing Schedules
- PPN12: Applying Flood Provisions in Planning Schemes
- PPN28: Using the Neighbourhood Character Provisions in Planning
- PPN30: Potentially Contaminated Land
- PPN37: Rural Residential Development
- PPN42: Applying the Rural Zones
- PPN43: Understanding Neighbourhood Character
- PPN46: Strategic Assessment Guidelines
- AN48: Ministerial Direction No. 15 – The Planning Scheme Amendment Process
- PPN64: Local Planning for Bushfire Protection
- PPN90: Planning for Housing
- PPN91: Using the Residential Zones
- AN68: Bushfire State Planning Policy VC140

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

The following agencies have been consulted in the preparation of the Toongabbie Structure Plan Background Reports:

- The former Department of Environment, Land, Water and Planning;
- Country Fire Authority;
- The former Department of Transport (Regional Roads Victoria);
- West Gippsland Catchment Management Authority;

- Gippsland Water;
- SP Ausnet;
- APA Gas – Networking; and
- Telstra.

EPA Victoria has been consulted as part of the authorisation process as required by Ministerial Direction No. 1 and Direction No. 19.

In response to the Country Fire Authority's concerns, the amendment does not rezone additional land for residential or rural residential purposes.

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

The Amendment addresses the requirements of the *Transport Integration Act 2010* (TIA Act).

The Amendment is consistent with the transport system objectives of the TIA Act, in particular those contained in section 11 – Integration of transport and land use. This section requires a focus on maximising access to residences, employment, services and recreation, and reducing the need for private motor vehicle transport and the extent of travel.

The Amendment has considered the former Department of Transport's views in the development of the Toongabbie Structure Plan (2020). It recommended that new access points onto the arterial road, Traralgon-Maffra Road (Main Street), be limited and the amendment implements this requirement.

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

The Amendment will have a negligible impact on the Latrobe City Council's resource and administrative costs as it is not expected that there will be a significant increase in the number of planning applications.

Where you may inspect this Amendment

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

- The service centres of the planning authority, Latrobe City Council, located at:
 - 141 Commercial Road, Morwell Vic 3840;
 - 34-38 Kay Street, Traralgon Vic 3844;
 - 9-11 Philip Parade, Churchill Vic 3842; and
 - 1-29 George Street, Moe Vic 3825.
- Latrobe City's website: www.latrobe.vic.gov.au/C126

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

ATTACHMENT 1

Figure 2: Map showing land affected by the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) under this amendment:

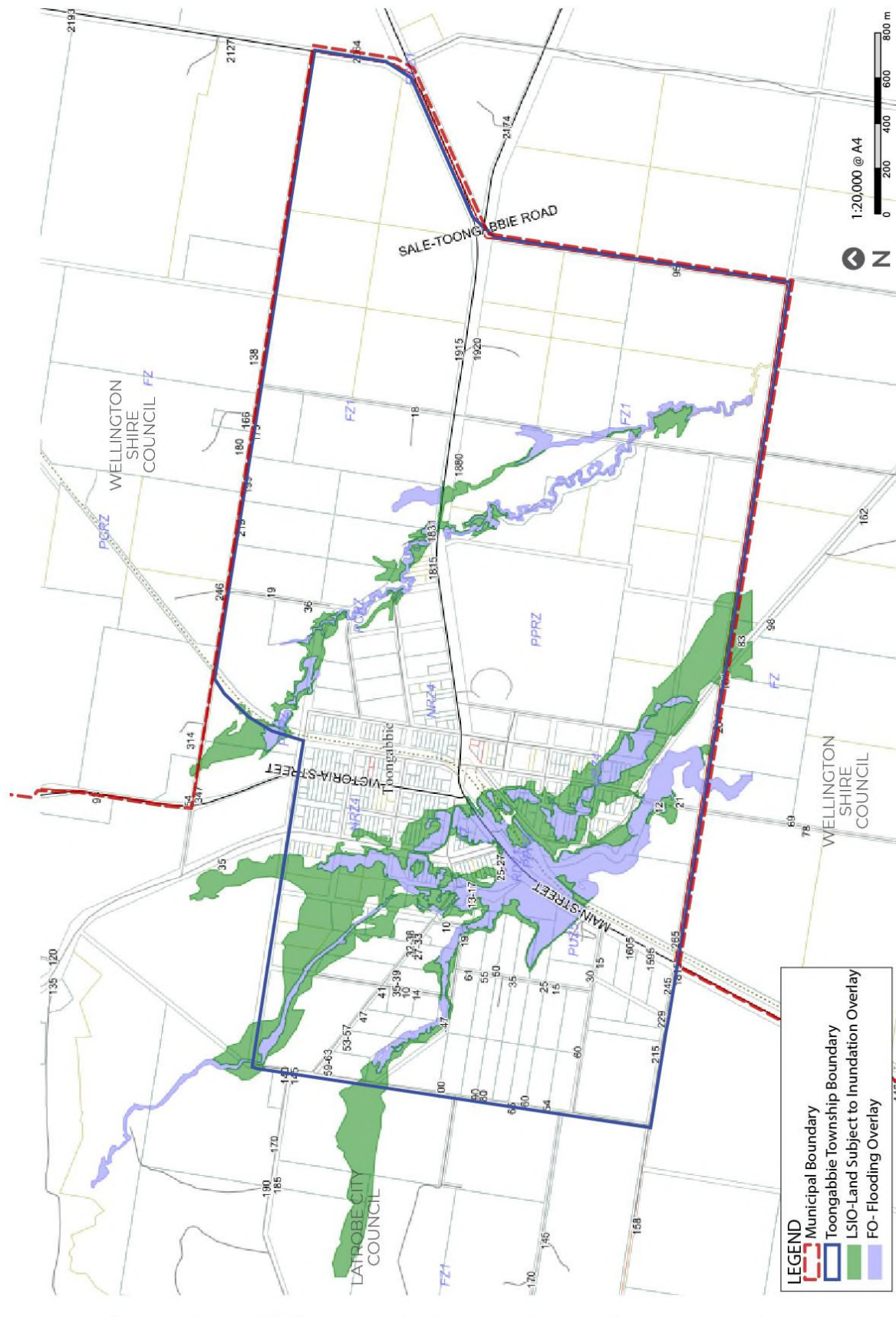


Figure 3: Map showing land rezoned from Neighbourhood Residential Zone - Schedule 4 (NRZ4) to Neighbourhood Residential Zone - Schedule 5 (NRZ5) by this amendment:



ATTACHMENT 3 - Mapping reference table

| Location | Land /Area Affected | Mapping Reference |
|------------|--|--|
| Toongabbie | Area bounded by Harris Lane, Guyatts Road, Antons Lane, Traralgon-Maffra Road (Main Street), Afflecks Road, Hill Street and the Gippsland Plains Rail Trail as shown in Figure 1 | Latrobe C126latr znMap06 Latrobe C126latr znMap07Latrobe C126latr znMap08Latrobe C126latr znMap09 |
| Toongabbie | Area shown as LSIO and FO in Figure 2 in Attachment 1 | Latrobe C126latr Isio-foMap05Latrobe C126latr Isio-foMap06Latrobe C126latr Isio-foMap07Latrobe C126latr Isio-foMap08Latrobe C126latr Isio-foMap09Latrobe C126latr Isio-foMap10 |