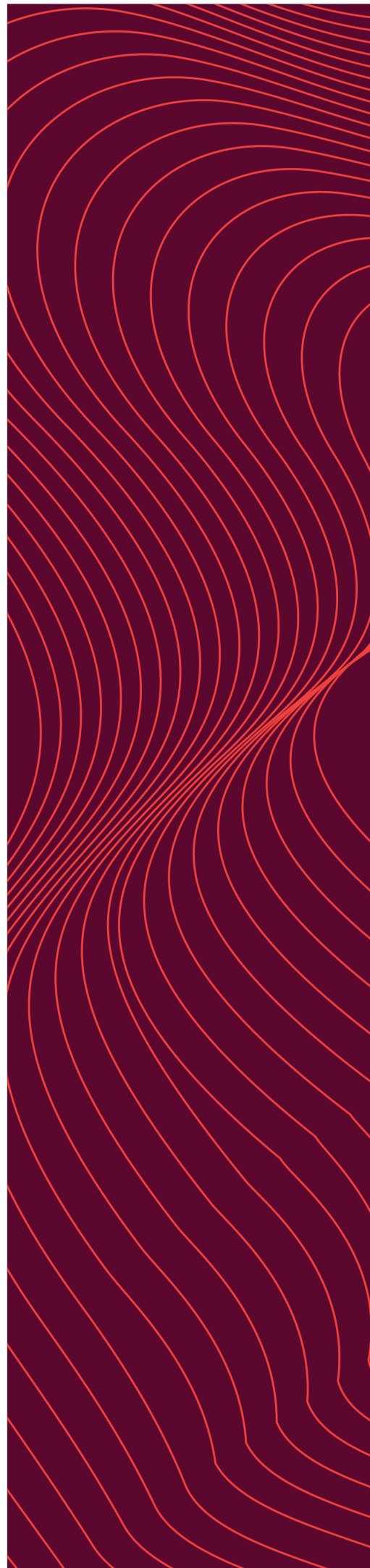


Panel Submission – Part A

Planning Scheme Amendment C143
Public Acquisition Overlay

Latrobe City Council
Circulated 16 April 2025

Stewart Saunders
Senior Urban Growth Planner
Latrobe City Council



Contents

FIGURES	3
TABLES	3
ATTACHMENTS	3
1. Introduction and Overview	4
2. Panel Directions	7
3. Background to the Amendment	8
3.1 Study Area	8
3.2 Current Planning Controls and Planning Permit Activity	8
3.2.1 Lake Narracan	8
3.2.2 Morwell North West	11
3.2.3 Traralgon North	14
3.3 Chronology and History	17
4. Strategic Context and Assessment	23
4.1 Relevant Acts	23
4.1.1 Transport Integration Act 2010	23
4.1.2 Land Acquisition and Compensation Act 1986	23
4.2 Ministerial Directions	23
4.3 Practice and advisory notes	24
4.4 Latrobe Planning Scheme	25
4.4.1 Municipal Planning Strategy	25
4.4.2 Victoria Planning Provisions	25
4.5 Strategic assessment guidelines	27
4.6 Background Documents to the Amendment	27
4.7 Incorporated and Background Documents to the Scheme	28
4.7.1 Lake Narracan Precinct Structure Plan and Development Contribution Plan	28
4.7.2 Morwell North West Development Plan and Development Contribution Plan	29
4.7.3 Traralgon North Development Plan and Development Contribution Plan	30
4.8 Proposed Schedule to the Public Acquisition Overlay	31
4.1 Planning Scheme Amendments Under Preparation	31
4.2 Previous Planning Scheme Amendments	32
4.2.1 Amendment C131latr – flood mapping update	32
4.2.2 Amendment C132latr – planning controls corrections	33
4.2.3 Amendment C114latr – Traralgon North Strip Rezoning	33
4.2.4 Amendment C105latr – Live Work Latrobe	34
4.2.5 Amendment C86latr – Lake Narracan PSP	35
4.2.6 Amendment C78latr – Traralgon North	35
4.2.7 Amendment C56latr – Residential Supply	35
4.2.8 Amendment C62latr – Planning Scheme Review 2008	36
4.2.9 Amendment C48latr – Morwell North West DP	36
4.3 Planning Permits Relevant to the Amendment	37

4.4	Development Contributions and Public Acquisition	42
5.	The Amendment	43
5.1	What the Amendment Does	43
5.2	Chronology of events	43
5.3	Authorisation	45
5.4	Exhibition	47
5.5	Submissions	48
5.6	Key issues raised in submissions	49
5.7	Proposed changes in response to submissions	49
6.	Other strategic material relevant to the Amendment	50
6.2	Council Plan and Community Vision	50
6.2.1	Community Vision	50
6.2.2	Council Plan	50
7.	Conclusion	51

FIGURES

Figure 1: Lake Narracan growth area location	4
Figure 2: Morwell North West growth area location	5
Figure 3: Traralgon North growth area location	5
Figure 4: Zones in the Lake Narracan Area	9
Figure 5: Overlays in the Lake Narracan Area	10
Figure 6: Major Permits in Lake Narracan	11
Figure 7: Zones in the Morwell NW Area	12
Figure 8: Overlays in the Morwell NW Area	12
Figure 9: Major Planning Permit Activity in the Morwell NW Area	14
Figure 10: Zones in the Traralgon Nth Area	15
Figure 11: Overlays in the Traralgon Nth Area	15
Figure 12: Major Planning Permit Activity in the Traralgon Nth Area	16
Figure 13: Traralgon North DP Extension – C114latr	34

TABLES

Table 1: History to the Amendment	17
Table 2: Planning Permits Relevant to the Amendment	37
Table 3: Amendment C143latr Chronology of Events	43
Table 4: Summary of Submission Received	48

ATTACHMENTS

Attachment No.	Description
Attachment 1	List of Properties affected by Amendment C143latr
Attachment 2	Letter of Directions (Planning Panels Victoria) 26 March 2025
Attachment 3	Table of Relevant Planning Permits
Attachment 4	Amendment C143latr Explanatory Report (Exhibition)
Attachment 5	Completed Strategic Assessment
Attachment 6	Amendment C143latr Authorisation Letter (Department of Transport and Planning)
Attachment 7	Copy of submissions
Attachment 8	Summary of Submissions table
Attachment 9	Word version of Attachment 2 Council Report 24 February 2025.

1. Introduction and Overview

- 1 Latrobe City Council (Council) is the Planning Authority for Amendment C143latr (the Amendment) to the Latrobe Planning Scheme.
- 2 For the purposes of this report:
 - The Act refers to the *Planning and Environment Act 1987*;
 - The Scheme refers to the *Latrobe Planning Scheme*; and
 - LAC Act refers to the *Land Acquisition and Compensation Act 1986*.
- 3 Council is undertaking the Amendment to facilitate the delivery of the Lake Narracan, Morwell North West, and Traralgon North growth areas.
- 4 These three growth areas have Development Contributions Plans (DCPs) which Latrobe City Council is the delivering agency for.
- 5 The Amendment applies to part(s) of 11 properties in the Lake Narracan growth area (Figure 1), part(s) of 11 properties in the Morwell North West growth area (Figure 2), and part of 1 property in the Traralgon North growth area (Figure 3). Combined these growth areas are planned to deliver 6,091 new dwellings. **Attachment 1** provides a list of the properties affected, their DCP property identifier, the DCP project identifier, project description, and an overview of the impact of the PAO on the property.

Figure 1: Lake Narracan growth area location

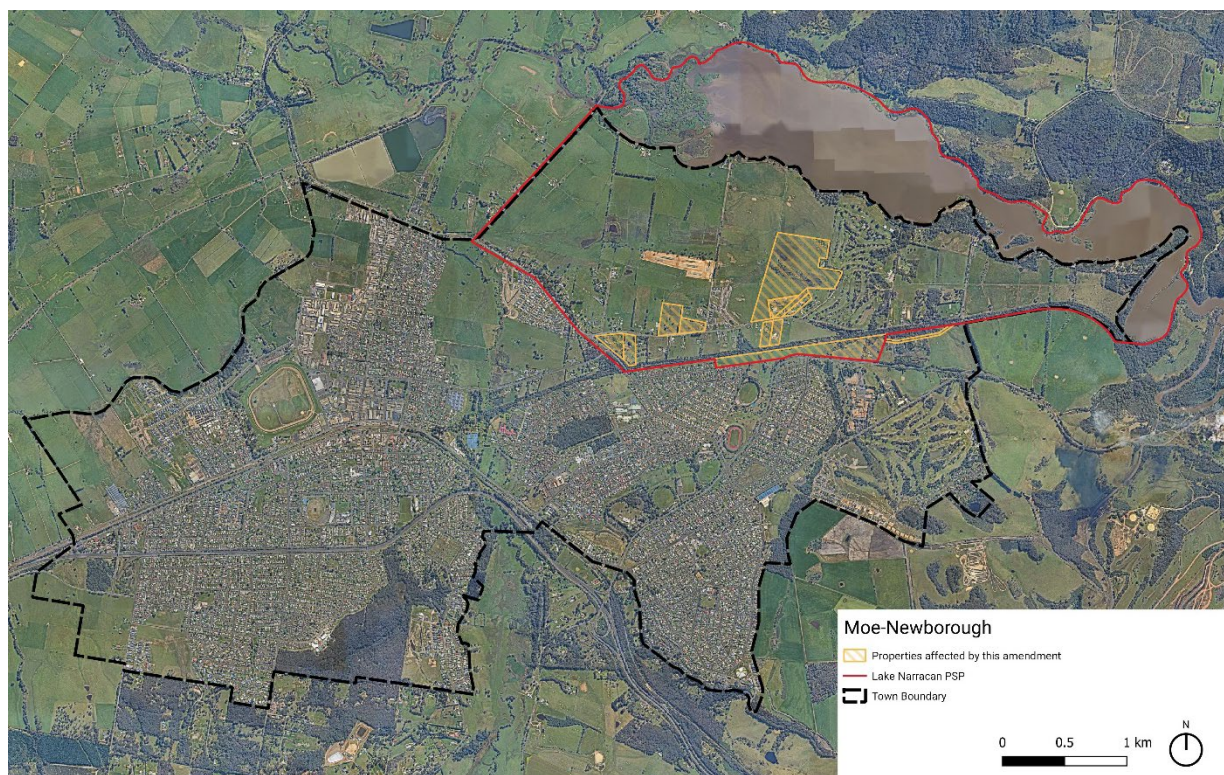


Figure 2: Morwell North West growth area location

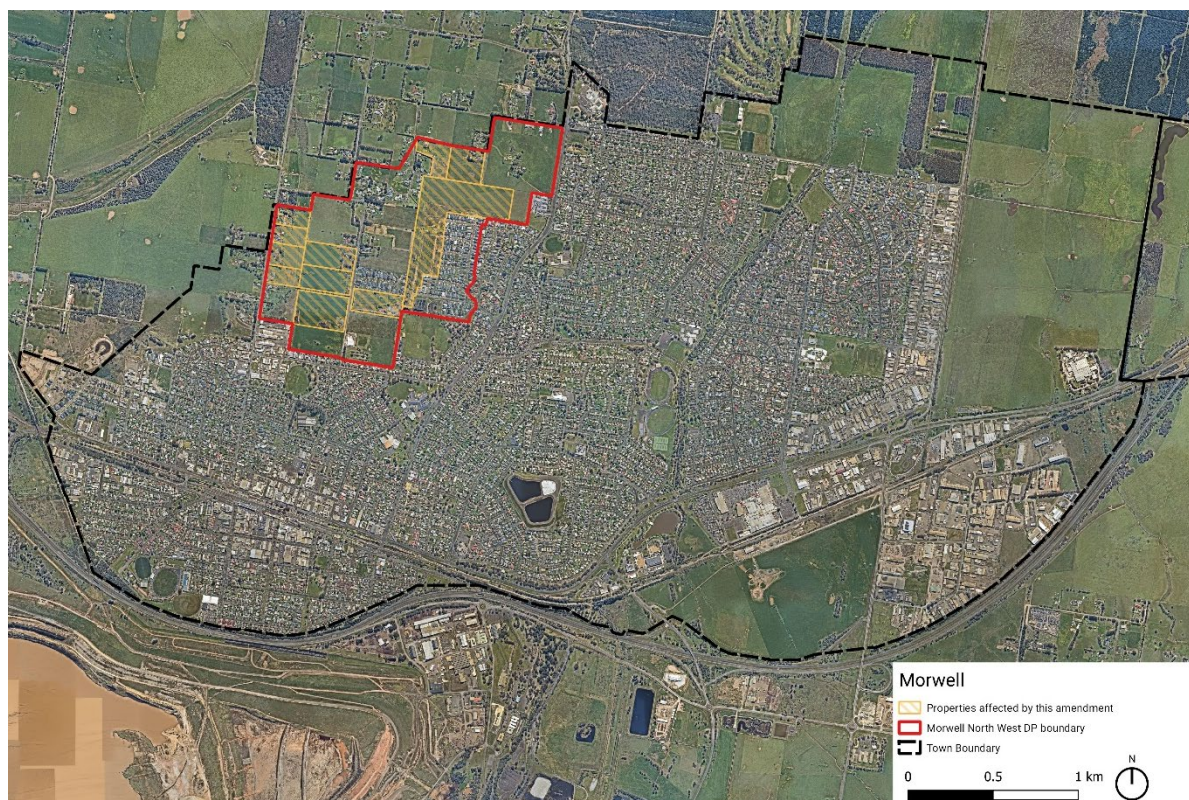


Figure 3: Traralgon North growth area location



- 6 Exhibition of the Amendment was undertaken from Thursday, 21 November 2024 to Monday, 23 December 2024. During this time 7 submissions were received, including 2 late submissions. 3 of the submissions are in support of the Amendment or request changes that can be supported, 2 submissions object to the Amendment. 2 Submissions provided comment on the Amendment.
- 7 The Part A submission has been prepared by the Planning Authority, Latrobe City Council in response to the Panel Directions (Direction 6) issued on 26 March 2025 which states:
- Council must file Part A (Background and context) submission by **12 noon on Wednesday, 16 April 2025** that includes:*
- a) background to the Amendment and chronology of events*
 - b) strategic context and assessment, including:*
 - i. relevant planning policies and provisions*
 - ii. other amendments that may be under preparation or recently approved that may impact on the Amendment*
 - iii. a summary of any relevant current permit applications or recently issued permits that may impact on the Amendment*
 - c) a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how*
 - d) a summary of post exhibition changes Council proposes to make to the Amendment and reason/s for the proposed change (for example, in response to submissions, correction of errors or issues relating to exhibition of the Amendment)*
 - e) any other strategic material that Council intends to rely upon in support of the Amendment that has not yet been provided*
 - f) a Microsoft word or readable PDF version of Attachment 2 to the Council report of 24 February 2025.*
- 8 Latrobe City Council's Part B submission will be delivered on 28 April 2025 and will:
- Address the matters raised in the submissions;
 - Address matters raised in Panel Directions issues; and
 - Details of any proposed post exhibition changes, including Latrobe City Council's position on the Amendment.
- 9 Latrobe City Council welcomes the assessment and recommendations of the Planning Panel.

2. Panel Directions

- 10 A Directions Hearing was held for Amendment C143latr on 25 March 2025.
- 11 A letter of directions was provided to Latrobe City Council by the Panel on 26 March 2025 (**Attachment 2**).
- 12 Sections 3 – 6 of this Part A submission address the directions by the Planning Panel (see paragraph 7). Specifically:
- Section 3 addresses the content requested in direction 6(a);
 - Section 4 addresses the content requested in direction 6(b);
 - Section 5 addresses the content requested in direction 6(c) and (d);
 - Section 6 addresses the content requested in direction 6 (e); and
 - **Attachment 9** is the document requested in direction 6 (f).

3. Background to the Amendment

- 13 Section 3 of this submission discusses the background and formation of the Amendment, chronology of events, and community and authority consultation.

3.1 Study Area

- 14 The Amendment applies to three areas in Latrobe City. These are:
- 15 Lake Narracan growth area (Lake Narracan) in Newborough. The area is generally bounded by Lake Narracan and the Latrobe River to the north and east, Moe-Yallourn Rail Trail to the south, and Old Sale Road and Beck Bridge Road to the west (Figure 1). Development of the growth area is governed by the Lake Narracan Precinct Structure Plan (PSP), Lake Narracan Development Contributions Plan (DCP) and Lake Narracan Native Vegetation Precinct Plan. These plans were adopted by Council in December 2014 and incorporated into the Scheme in December 2015. The growth area has approximately 338 developable hectares across 83 properties. It is expected to deliver 3,723 residential lots. To date three permits have been granted for residential development with about 94 lots having been titled. Further permit details are provided in section 3.2.1.
- 16 Morwell North West growth area (Morwell NW) in Morwell. The area is generally bounded by Aliss Road and Leonard Street to the north, Maryvale Road to the east, Holmes Road to the south and Latrobe Road to the west (Figure 2). Development of the growth area is governed by the Morwell North West Development Plan and Development Contributions Plan. This DP and DCP was adopted by Council in October 2010. The growth area has approximately 109 developable hectares across 23 properties. It is expected to deliver 1,280 residential lots. To date four permits have been granted for residential development with about 157 lots having been titled. Further permit details are provided in section 3.2.2.
- 17 Traralgon North growth area (Traralgon Nth) in Traralgon, which is generally bounded the Latrobe River floodplain to the west and north, Traralgon-Maffra road to the east, and Marshalls Road to the south (Figure 3). Development of the growth area is governed by the Traralgon North Development Plan and Development Contributions Plan which Council adopted in October 2013. The growth area has approximately 105 developable hectares across 18 properties. It is expected to deliver 1,111 residential lots. To date 10 permits have been granted for residential development with about 445 lots having been titled. Further permit details are provided in section 3.2.3.

3.2 Current Planning Controls and Planning Permit Activity

3.2.1 Lake Narracan

- 18 The following Zones apply to land affected by the Amendment in Lake Narracan (Figure 4):

- Urban Growth Zone Schedule 1 (UGZ1)

The following applied zone provisions are specified at clause 2.2 of Schedule 1 of the Urban Growth Zone:

- i. Village Centre – Commercial 1 Zone (C1Z)
- ii. Arterial Road – Transport Zone 2 (TRZ2)
- iii. Connector Street – Transport Zone 3 (TRZ3)
- iv. Land or any lot wholly contained within, 200 metres distance from a village centre – General Residential Zone Schedule 1 (GRZ1)
- v. All other land – General Residential Zone Schedule 3 (GRZ3)

- Public Parks and Recreation Zone (PPRZ)

12. Land to which the PAO2 is proposed to be applied, will have an applied zone provision of TRZ2 as the projects facilitated are associated with the Arterial Road specified in the PSP.

13. Land to which the PAO3 is proposed to be applied, will have an applied zone provision of GRZ3 as it does not meet the definition of the other options.

14. It is noted that other Zones are present in the precinct (Figure 4). These have not been listed as they do not apply to the land affected by the Amendment.

Figure 4: Zones in the Lake Narracan Area

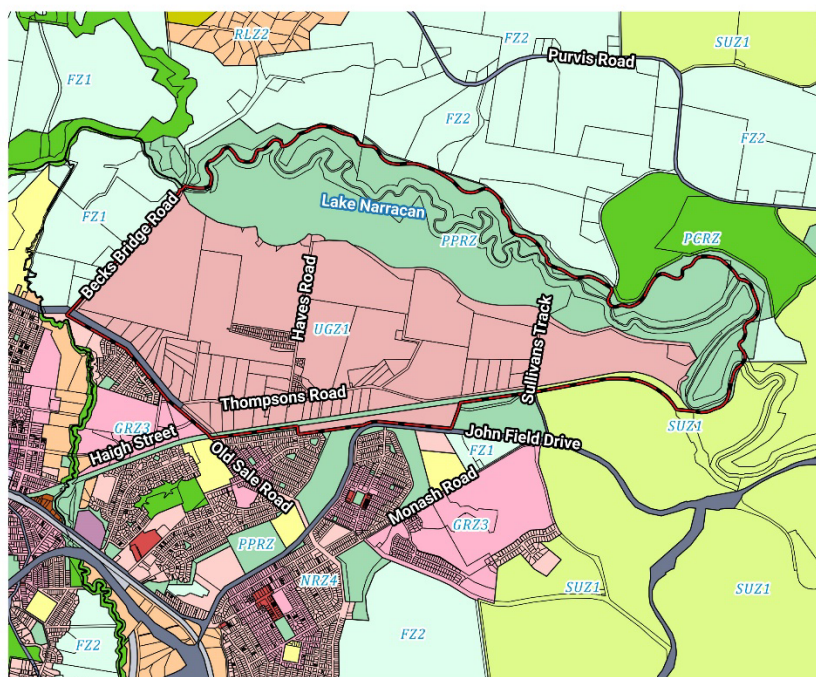
**Moe / Newborough
Zone Map - Part A**

Legend:

— Lake Narracan PSP	PPRZ
Zones:	PUZ
C1Z	RCZ
C2Z	RGZ
FZ	RLZ
GRZ	SUZ
IN3Z	TRZ1
MUZ	TRZ2
NRZ	TRZ3
PCRZ	UGZ



0 500 1,000 m

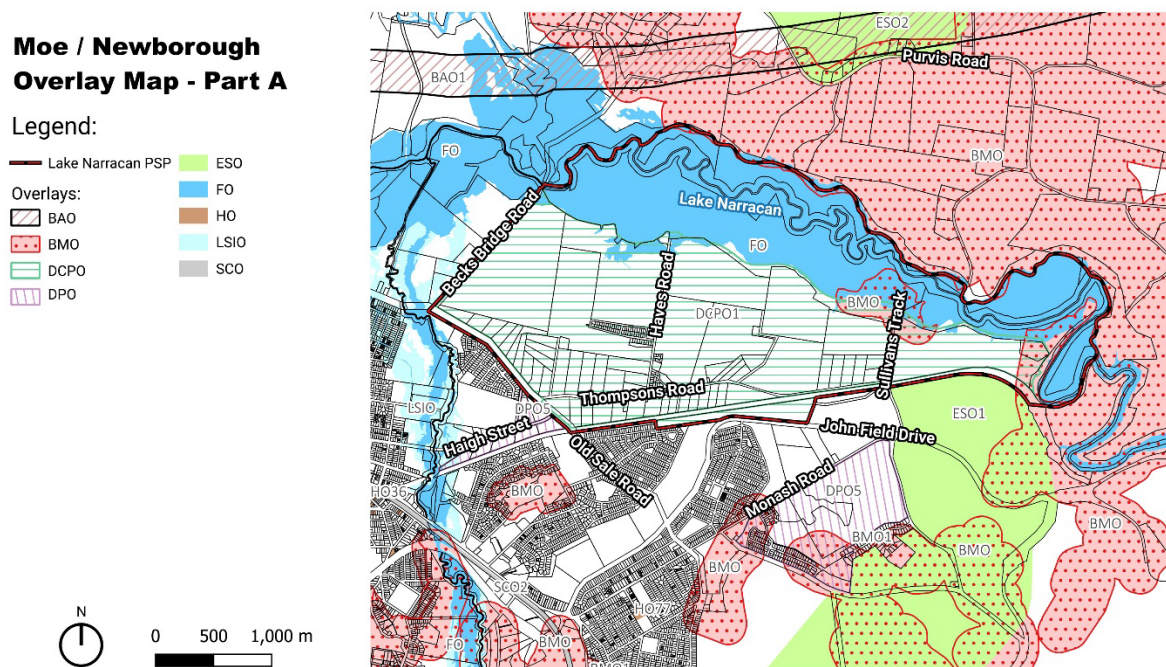


19 The following Overlays apply to land affected by the Amendment in Lake Narracan (Figure 5):

- Development Contributions Overlay Schedule 1 (DCPO1)

- 20 It is noted that other Overlays are applied in the precinct. These have not been listed as they do not apply to the land affected by the Amendment.

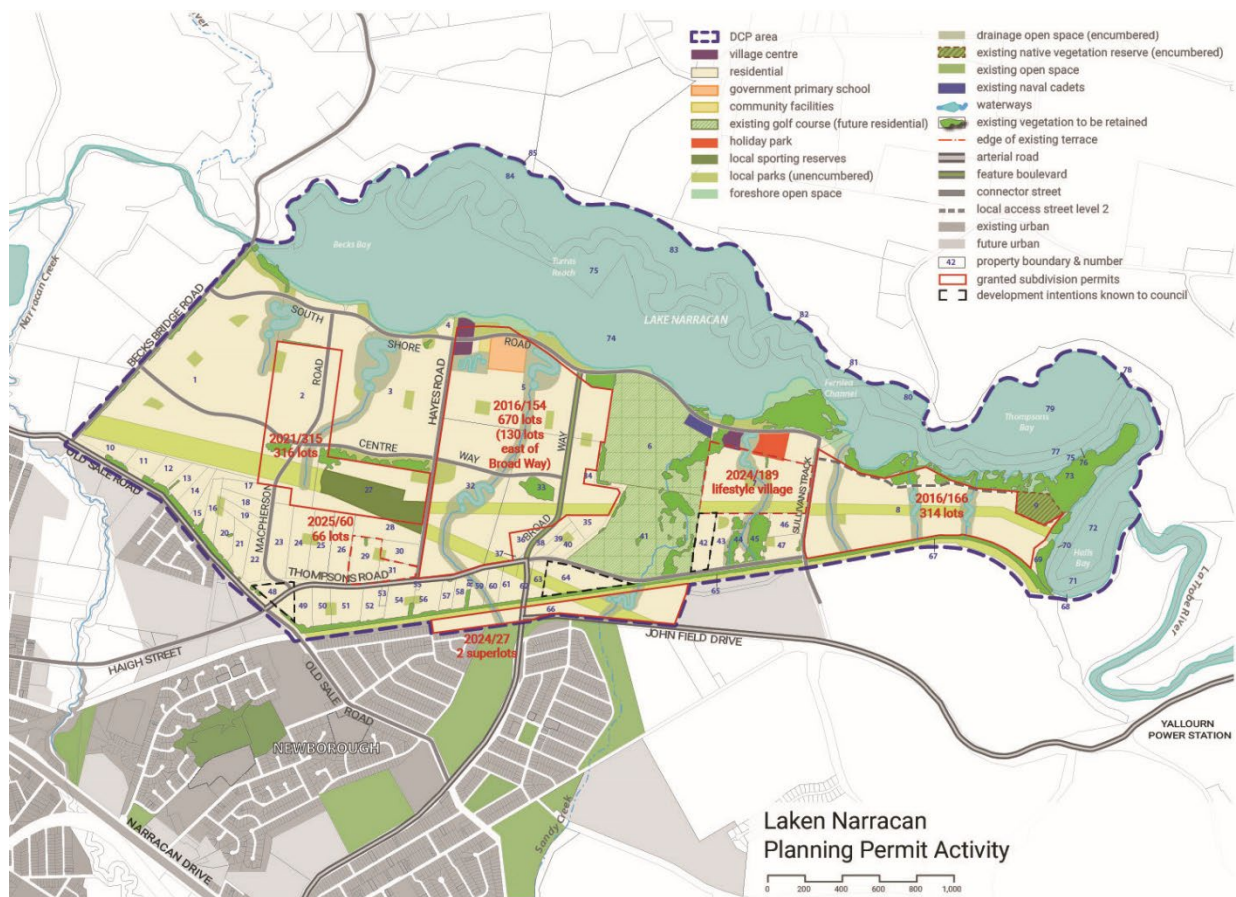
Figure 5: Overlays in the Lake Narracan Area



- 21 As seen in Figure 4, the Zones surrounding Lake Narracan are diverse. Generally, to the north are rural zones with areas of PPRZ and Public Conversation and Resource Zone along major waterways. Large areas of Special Use Zone 1 are to the east which are for the Yallourn mine and power station. To the south and west are a range of zones common to urban areas, General Residential Zone, Neighbourhood Residential Zone, Public Parks and Recreation Zone, Public Use Zone 2 (Education), Mixed Use Zone, Transport Zone 1 (Gippsland Railway Line), Transport Zone 2 (Declared Roads) and Rural Living Zone.
- 22 The Overlays in the area surrounding Lake Narracan indicate the major constraints which define where residential development can occur. To the north and west, Floodway Overlay and Land Subject to Inundation Overlay indicate major waterways which define Moe-Newborough's northern limit. To the north, east and south are large areas of Bushfire Management Overlay which reflect heavy vegetation and complex topography. In the south east corner is the Environmental Significance Overlay – Schedule 1 which is the buffer between the urban area and the coal mine.
- 23 Figure 6 identifies the major Planning Permits in the growth area that are approved, those under assessment and the properties where development intentions are known (from enquiries to Council regarding development potential, zone restrictions etc). Further details on the planning permits including their description, lot yield and issue date, can be found in **Attachment 3**. All Planning Permit are for residential development.

- 24 To date 1,300 lots have been permitted by the three planning permits issued. Of these, 94 lots have been titled. A further 9 stages totalling 262 lots are seeking Certification or Statement of Compliance under the *Subdivision Act 1988*. All lots released to date are in the Hayes Road area of the precinct.
- 25 Two further permits are currently under assessment, 2024/189 (which is for a Residential Village on Sullivan's Track, Newborough) and 2025/60 (Staged, multi-lot residential subdivision on Thompsons Road, Newborough).
- 26 Permits 2025/60, 2024/27 and 2016/154/1/B involve land which is proposed to have the PAO applied.

Figure 6: Major Permits in Lake Narracan



3.2.2 Morwell North West

- 27 The following Zones apply land affected by the Amendment in the Morwell NW area (Figure 7):

- General Residential Zone Schedule 3 (GRZ3)

- 28 It is noted that other Zones are present in the precinct (Figure 7). These have not been listed as they do not apply to the land affected by the Amendment.

Figure 7: Zones in the Morwell NW Area

**Morwell Zone Map -
Part A**

Legend:

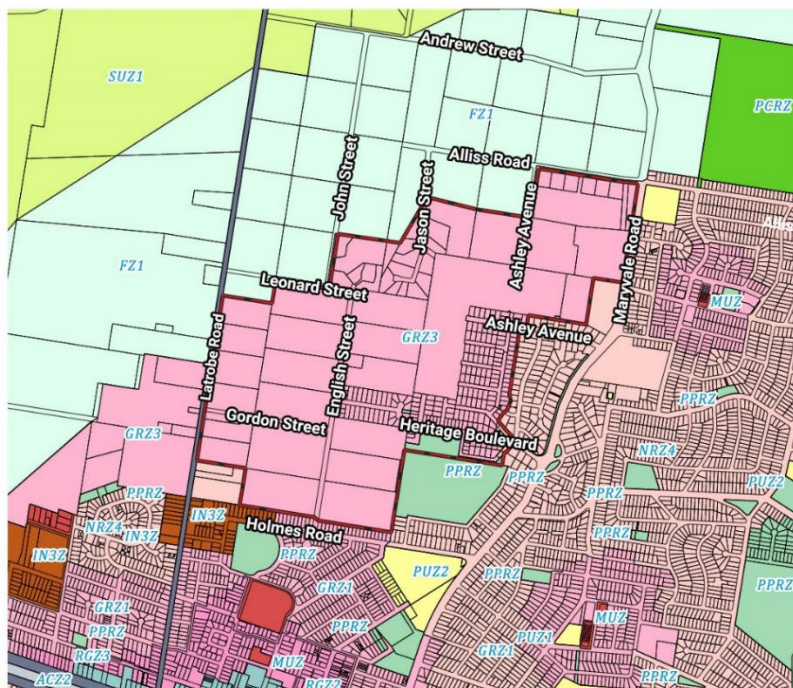
 Morwell North West DP boundary

Zones:

 ACZ
 FZ
 GRZ
 IN3Z
 MUZ
 NRZ
 PCRZ
 PPRZ
 PUZ
 RGZ
 SUZ1
 TRZ1
 TRZ2



0 250 500 m



29 The following Overlays apply to land affected by the Amendment in Morwell NW (Figure 8):

- Development Plan Overlay Schedule 1 (DPO1)
- Floodway Overlay (FO)

Figure 8: Overlays in the Morwell NW Area

**Morwell Overlay Map
- Part A**

Legend:

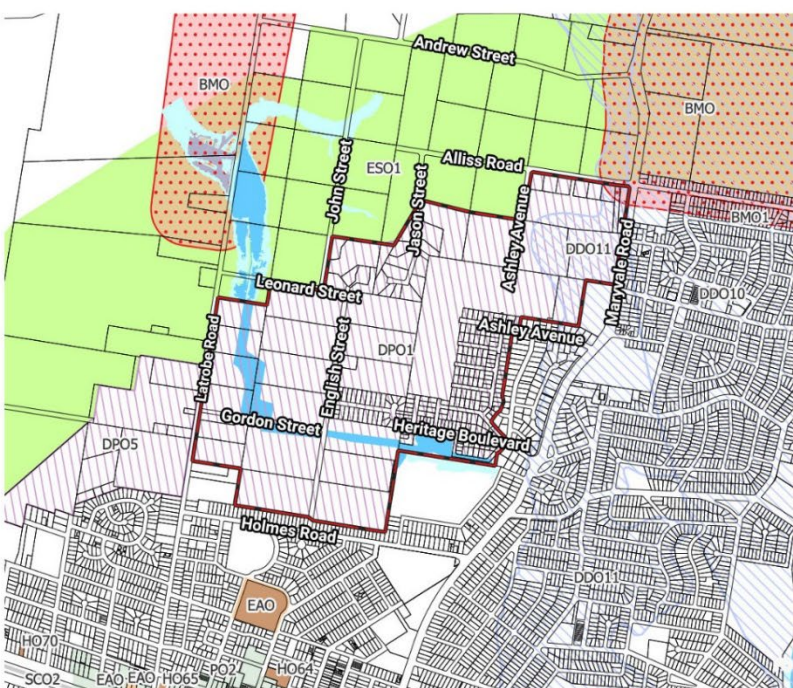
 Morwell North West DP boundary

Overlays:

 BMO
 DDO
 DPO
 EAO
 ESO
 FO
 HO
 LSIO
 PO
 SCO

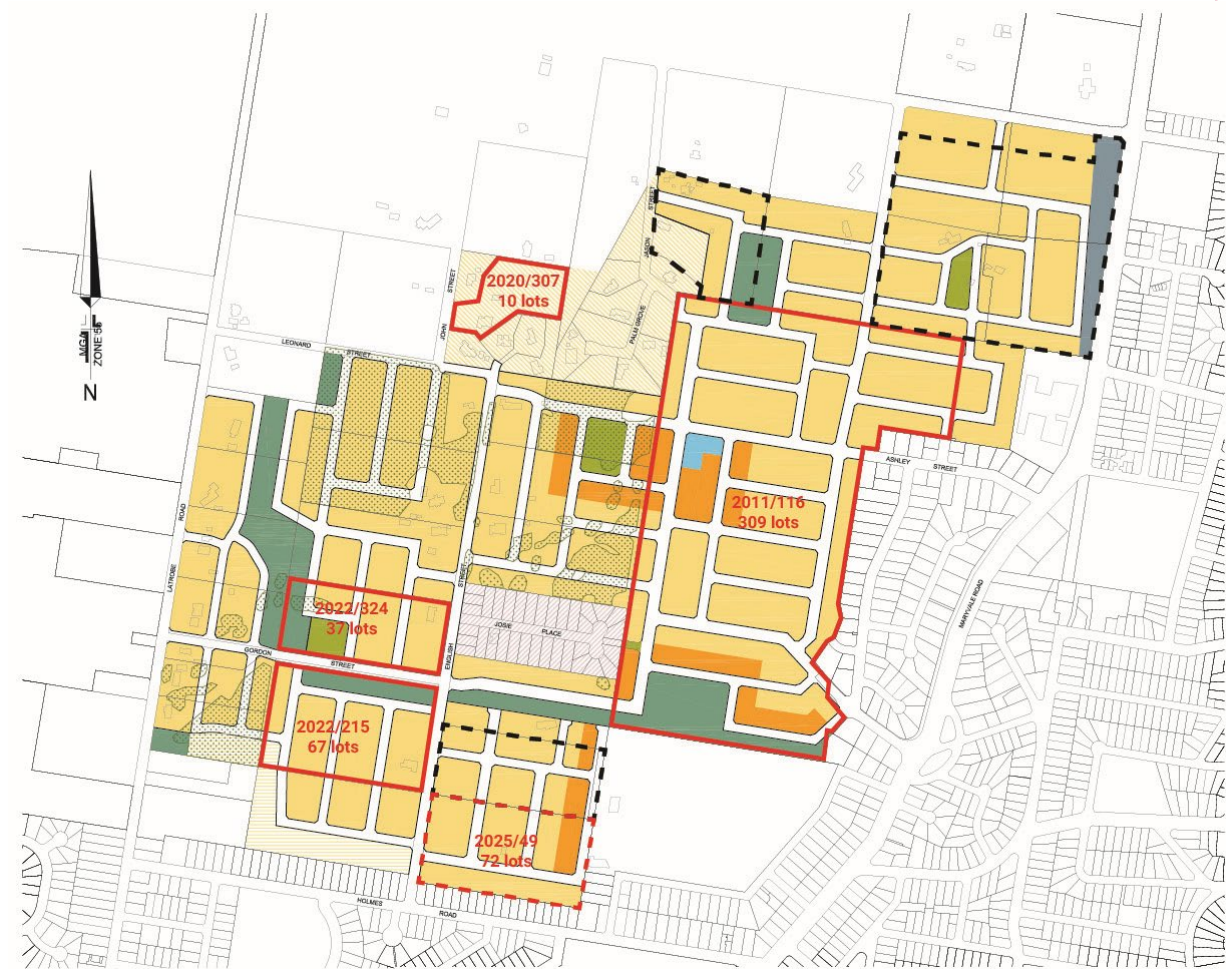


0 250 500 m



- 30 It is noted that other Overlays are applied in the precinct (Figure 8). These have not been listed as they do not apply to the land affected by the Amendment.
- 31 As seen in Figure 2, Morwell NW sits at the northern edge of Morwell. Generally, to the north are rural zones with large areas of Farming Zone. To the east, south and west are a range of zones common to urban areas including the General Residential Zone, Neighbourhood Residential Zone, Public Parks and Recreation Zone, Public Use Zone 2 (Education), Mixed Use Zone, Transport Zone 2 (Declared Roads) and Industrial 3 Zone.
- 32 The Overlays in the area surrounding Morwell indicate the major constraints which define the limits of Morwell's growth options. To the north is the Environmental Significance Overlay Schedule 1. The purpose of which is to ensure residential development and coal mining (including associated uses) are kept separate. Bushfire Management Overlay also exists to the north. It has been applied to timber plantations and the Crinigan Bushland Reserve. Design and Development Overlay Schedule 10 and 11 are also present to the east of the precinct. Both these schedules implement building height material controls to protect flight paths for the Latrobe Valley Airport located approximately 4km further east.
- 33 Figure 9 identifies the major Planning Permits in the growth area that are approved, those under assessment and the properties where development intentions are known (from enquiries to Council regarding development potential, zone restrictions etc). Further details on the planning permits including their description, lot yield and issue date, can be found in **Attachment 3**. All Planning Permit are for residential development.
- 34 2022/215, 2022/324 and 2025/49 (if approved) will both require the delivery of the main drainage channel for their stormwater treatment.
- 35 To date 423 lots have been permitted by the four planning permits issued. Of these, 157 lots have been titled. A further 8 stages totalling 149 lots are seeking Certification or Statement of Compliance under the *Subdivision Act 1988*. All lots released to date have been under the 2011/116 permit.
- 36 One additional permit is currently under assessment, 2025/49 (which is for a Residential Subdivision English Street, Morwell).
- 37 Permits 2011/116, 2022/215 and 2022/324 involve land which is proposed to have the PAO applied.

Figure 9: Major Planning Permit Activity in the Morwell NW Area



3.2.3 Traralgon North

38 The following Zones apply to land affected by the Amendment in Traralgon Nth (Figure 10):

- General Residential Zone Schedule 3 (GRZ3)

39 It is noted that other Zones are present in the precinct (Figure 10). These have not been listed as they do not apply to the land affected by the Amendment.

40 There is one property located within the Traralgon Nth Precinct which remained Farming Zone. This property was not rezoned at the request of the landowner and was agreed due to the limited development potential identified by the Development Plan – the property is heavily impacted by Floodway Overlay.

Figure 10: Zones in the Traralgon Nth Area

**Traralgon Zone Map -
Part A**

Legend:

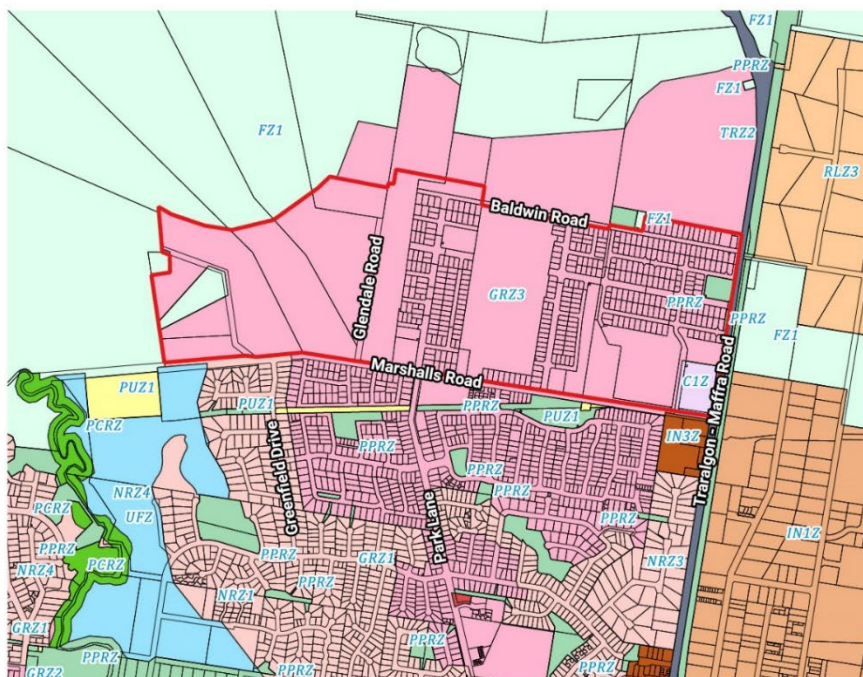
Traralgon North DP boundary

Zones:

C1Z
FZ
GRZ
IN1Z
IN3Z
MUZ
NRZ
PCRZ
PPRZ
PUZ
RLZ
TRZ2
UFZ



0 250 500 m



41 The following Overlays Figure 11 apply to land affected by the Amendment in Traralgon Nth:

- Development Plan Overlay Schedule 7 (DPO7)

42 It is noted that other Overlays are present in the precinct (Figure 11). These have not been listed as they do not apply to the land affected by the Amendment.

Figure 11: Overlays in the Traralgon Nth Area

**Traralgon Overlay
Map - Part A**

Legend:

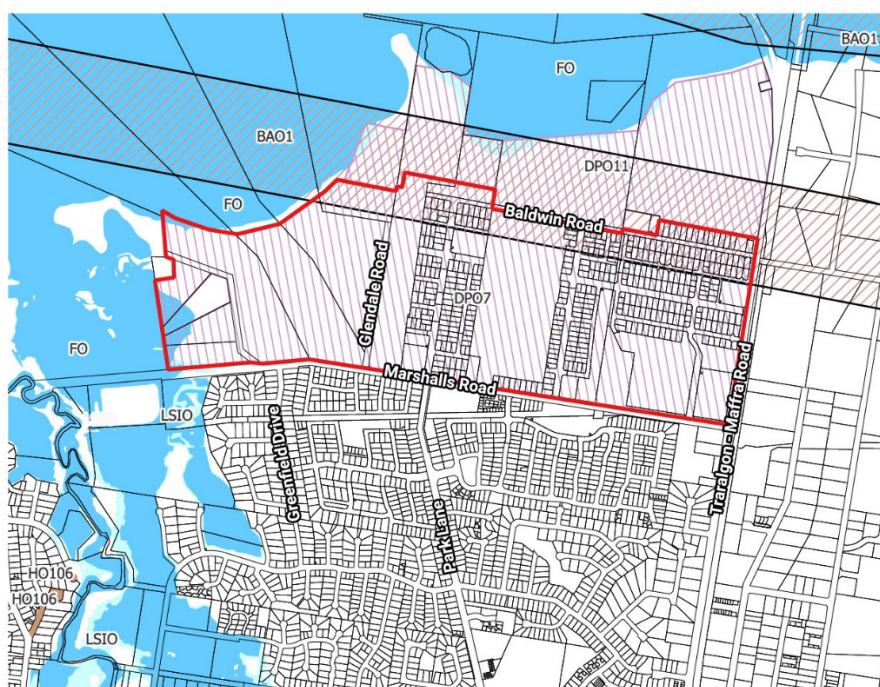
Traralgon North DP boundary

Overlays:

BAO
DPO
FO
HO
LSIO

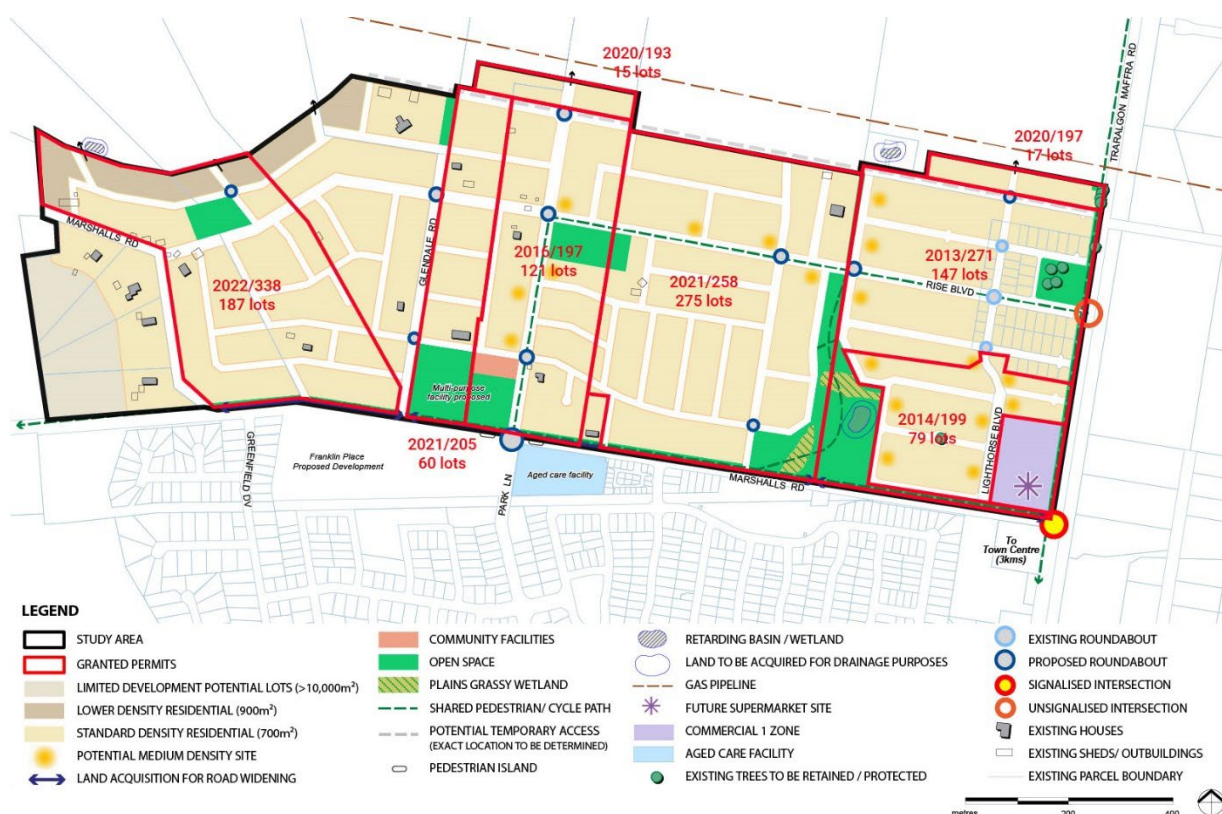


0 250 500 m



- 43 As seen in Figure 3, Traralgon Nth sits at the northern edge of Traralgon. North and west of the precinct are the Latrobe River and Traralgon Creek floodplains which prevent Traralgon any further growth northwards. This land, as a floodplain, is used for farming purposes. To the north is also the BAO1 (Figure 11). This control seeks to ensure development appropriately addresses risks associated with a major gas pipeline. To the east (as seen in Figure 10) are Rural Zone Living, Farming Zone and Industrial 1 Zone. The Rural Living and Farming Zone land immediately east of the site are identified to be transition to urban residential in the Traralgon Town Structure Plan (Clause 11.01-1L). To the south and southwest are a range of zones common to urban areas including the General Residential Zone, Neighbourhood Residential Zone, Public Parks and Recreation Zone, Public Use Zone 2 (Education), Mixed Use Zone, Transport Zone 2 (Declared Roads) and Industrial 3 Zone. Urban Floodway Zone also appears along the Traralgon Creek. The application of this zone acknowledges the height risk to life if flooding poses to any development in this area.
- 44 Figure 12 identifies the major Planning Permits in the Traralgon Nth that are approved. These permits are the development which transformed the growth area from farming to residential. There are number of planning permits for multiple dwellings, childcare etc., that have not been shown. These have not been shown as they are on land which is already considered to have developed. There are no substantial applications under assessment at the time of writing. Further details on the planning permits including their description, lot yield and issue date, can be found in **Attachment 3**.

Figure 12: Major Planning Permit Activity in the Traralgon Nth Area



45 To date 901 lots have been permitted by the 8 planning permits issued. Of these, 445 lots have been titled. A further 5 stages totalling 128 lots are seeking Certification or Statement of Compliance under the *Subdivision Act 1988*. All lots released to date have been located in the area of the precinct between Park Lane and Traralgon-Maffra Road.

46 No further permits are currently under assessment.

47 Permit 2021/205, involves land which is proposed to have the PAO applied.

3.3 Chronology and History

48 Table 1 below provides a summary of the projects / Planning Scheme Amendments that relate to the Amendment. Each growth area is addressed separately in the table.

Table 1: History to the Amendment

Timeframe	Project	Status	Summary
Relevant to Lake Narracan			
2008 - 2010	Amendment C62	Gazettal 14 January 2010	<p>Implements the 2008 <i>Latrobe City Council Four Year Planning Scheme Review</i> and made significant changes to local policy.</p> <p>Incorporated the first Structure Plan for Moe-Newborough.</p> <p>What will become the Lake Narracan growth area is outside the Moe-Newborough Town boundary and therefore no direction provided. 710 John Field Drive is within the town boundary and identified as 'Existing Urban Area.'</p>
2011	Amendment C56	Gazettal 05 May 2011	<p>710 John Field Drive, Newborough is rezoned from Public Park and Recreation Zone to Residential 1 Zone in line with adopted Town Structure Plan.</p> <p>Development Plan Overlay Schedule 5 (DPO5) is applied to the rezoned area.</p> <p>Amendment C56 was prepared by the Minister for Planning. Further details can be found in section 4.2.7.</p>
July 2012	The Latrobe Valley Industry and Employment Roadmap	Completed	<p>Prepared by the Victorian State Government. The roadmap identified Strategic Direction 6: <i>Enhancing Liveability, New Planning Support for Regional Growth Areas</i>. This direction aimed to accelerate structure planning of new growth areas in regional councils to facilitate land supply and ensure sufficient supply of housing in regional areas.</p>
2013	Strategic Outlook for Moe-	Completed	<p>Prepared by the Growth Areas Authority (GAA), predecessor to the Metropolitan</p>

	Newborough & Lake Narracan		Planning Authority (MPA) and Victorian Planning Authority (VPA). This outlook reviewed the strategic viability of a growth area on the banks of Lake Narracan. The report recommended that the site be further investigated for a growth area. It identified Moe-Newborough had sufficient land supply in 2013 but advised that the precinct should be planned now given the time required to prepare growth area plans.
2013- June 2014	Lake Narracan background reports	Completed	Prepared by the MPA in conjunction with Latrobe City Council, the background report identified a range of opportunities and restrictions in the growth area: including landscape and character, servicing and infrastructure requirements, and environmental factors.
2014	Lake Narracan PSP, DCP and NVPP	Completed	Council and the MPA undertook public consultation on the draft Lake Narracan PSP, DCP and NVPP from 1 August 2014 to 29 August 2014. The final documents were adopted by Council at the 15 December 2014 Ordinary Council Meeting.
December 2014 – December 2015	Amendment C86	Gazettal 17 December 2015	<p>Amendment C86 rezoned all the land within the Lake Narracan PSP to Urban Growth Zone Schedule 1, applied the Development Contribution Plan Overlay Schedule 1, and updated the Moe-Newborough Town Structure Plan (Figure 5).</p> <p>The Amendment was run by the Minister for Planning under Section 20(4) of The Act, due to the extensive consultation undertaken while preparing the PSP, DCP and NVPP.</p>
2016 – 2017	Live Work Latrobe (Housing, Rural Land Use and Industrial and Employment Strategy)	Endorsed by Council 21 August 2017	<p>Undertook a Rural Land Use, Industrial and Employment and Housing Strategy for the municipality.</p> <p>Section 4.2.4 provides further detail in relation to the project.</p>
2018 – 2019	Amendment C105 (Live Work Latrobe)	Gazettal 21 November 2019	<p>Implemented the Rural Land Use, Industrial and Employment and Housing Strategy for the municipality including, industrial and employment framework map and settlement hierarchy.</p> <p>Section 4.2.4 provides further detail in relation to the project.</p>
May 2024	VC249	Gazettal 15 January 2024	Ministerial Amendment to exempt development for a small second dwelling

			from Development Contributions Plan requirements.
Relevant to Morwell NW			
2006-2008	Amendment C48	Gazettal 02 October 2008	<p>This precinct has been zoned for residential use since at least the 1988 planning scheme but by 2006 it remained largely undeveloped. In 2006, Council prepared a Development Plan to encourage development.</p> <p>Between April and May 2007, Council exhibited the draft DP and proposed Development Plan Overlay Schedule 1 as part of Amendment C48.</p> <p>Due to objections received, the Amendment progressed to a planning panel in March 2008 with the report published in June 2008.</p> <p>During the Panel Hearing, Council indicated the proposed development plan was to be revised due to limitations identified. C48 was gazetted on the 2 October 2008.</p>
2008 – 2010	Morwell North West Development Plan (DP) and Development Contributions Plan	Completed	Council undertook 20 one-on-one consultation sessions with the landowners in November 2008 to workshop the proposed DP. Between November 2008 and August 2010, workshops were undertaken with various Council departments, referral authorities and agencies to further refine the DP. The revised Morwell North West Development Plan and Development Contribution Plan was presented at the 4 October 2010 Council Meeting and was adopted.
2008 - 2010	Amendment C62	Gazettal 14 January 2010	<p>Implements the 2008 <i>Latrobe City Council Four Year Planning Scheme Review</i> and made significant changes to local policy.</p> <p>Incorporated the first Structure Plan for Morwell.</p> <p>Morwell North West is identified as a 'Existing Residential Opportunity', indicating its status as land zoned for residential development.</p>
2016 – 2017	Live Work Latrobe (Housing, Rural Land Use and Industrial and Employment Strategy)	Endorsed by Council 21 August 2017	<p>Undertook a Rural Land Use, Industrial and Employment and Housing Strategy for the municipality.</p> <p>Section 6.3.4 provides further detail in relation to the project.</p>

2016-2018	Morwell North West DP and DCP 5 year review	Completed	<p>Council undertook a review of the DP and DCP between 2016 – 2018. Of particular focus in this review was the drainage projects to understand if they were of sufficient capacity.</p> <p>New specifications were prepared for the main drainage channel and WR_04 by Paroissien Grant & Associates and Water Technology. The new specifications were adopted into the DP and DCP.</p> <p>Council officers adopted the revised development plan under delegation on 10 December 2018.</p>
2018 – 2019	Amendment C105 (Live Work Latrobe)	Gazettal 21 November 2019	<p>Implemented the Rural Land Use, Industrial and Employment and Housing Strategy for the municipality including, industrial and employment framework map and settlement hierarchy.</p> <p>Section 6.3.4 provides further detail in relation to the project.</p>
2023-2024	Amendment C131	Gazettal 20 December 2024.	<p>Amendment C131 was undertaken by Latrobe City Council to update flood mapping in the Latrobe Scheme.</p> <p>This Amendment applied the Floodway Overlay to the precinct based on the post-development scenario identified in the drainage strategy prepared by Paroissien Grant & Associates and Water Technology.</p>
Relevant to Traralgon North			
2008 - 2010	Amendment C62	Gazettal 14 January 2010	<p>Implements the 2008 <i>Latrobe City Council Four Year Planning Scheme Review</i> and made significant changes to local policy.</p> <p>Incorporated the first Structure Plan for Traralgon.</p> <p>Traralgon North is identified as a 'Future Residential' area for the first time.</p>
2011	Amendment C56	Gazettal 05 May 2011	<p>Traralgon North DP is rezoned from Farming Zone to Residential Zone and the Development Plan Overlay Schedule 5 (DPO5) is applied to the rezoned area.</p> <p>Amendment C56 was prepared by the Minister for Planning. Further details can be found in section 4.2.7.</p>
2011-2013	Traralgon North Development Plan	Completed	Latrobe City Council prepared the development contributions plan.

	and Development Contributions Plan		At the 7 October 2013 Council Meeting, Council authorised officers to endorse the Traralgon North Development Plan once Amendment C78 has gazetted.
2013-2013	Amendment C78	Gazettal 21 November 2013	Amendment C78 removed DPO5 and applied DPO7. DPO7 was written to specifically implement the Traralgon North Development and introduce a permit condition requiring a section 173 agreement to be entered as part of any subdivision permit for the purpose of collecting development contributions.
2013	Traralgon North Development Plan and Development Contributions Plan	Endorsed by Council, 29 November 2013	<p>At the 7 October 2013 Council Meeting, the Councillors authorised officers to endorse the Traralgon North Development Plan and Development Contribution Plan after Amendment C78 was gazetted.</p> <p>Officers endorsed the Development Plan on the 29 November 2013.</p>
2016 – 2017	Live Work Latrobe (Housing, Rural Land Use and Industrial and Employment Strategy)	Endorsed by Council 21 August 2017	<p>Undertook a Rural Land Use, Industrial and Employment and Housing Strategy for the municipality.</p> <p>Section 6.3.4 provides further detail in relation to the project.</p>
2018 – 2019	Amendment C105 (Live Work Latrobe)	Gazettal 21 November 2019	<p>Implemented the Rural Land Use, Industrial and Employment and Housing Strategy for the municipality including, industrial and employment framework map and settlement hierarchy.</p> <p>Section 6.3.4 provides further detail in relation to the project.</p>
2019-2020	Addendum to the Traralgon North Development Plan (January 2020)	Endorsed by Council 19/02/2020	<p>This addendum was prepared in conjunction with Amendment C114latr. The addendum:</p> <ul style="list-style-type: none"> • Identified the additional land proposed to have DPO7 applied; • Updated the DP land budget to include additional land and consequential impacts on development contributions; • Updated DP maps to include additional land; • Updated maps to identify the rezoning of the corner of Traralgon Maffra Road and Marshalls Road to Commercial 1 Zone (made via Amendment C89); • Relocated retarding basins to where they have been or are likely to be constructed;

			<ul style="list-style-type: none"> Relocated the sewer pump station, rising main, overland flow path and outfall sewer; and Made additional changes to correct drafting errors and omissions. <p>No changes were made to DCP project requirements. Developable land of the DCP was expanded from 101.06ha to 104.81ha.</p>
2019-2020	Amendment C114latr	Gazettal 9 July 2020	<p>Amendment C114 expanded the Traralgon North Development Plan and DCP by 5.23 hectares adding an estimated additional 34 dwellings/lots to the precinct:</p> <ul style="list-style-type: none"> The amendment was made under section 96A of The Act. It was prepared at the request of NBA Group Pty Ltd to rezone part of three parcels from Farming Zone to General Residential Zone Schedule 3; Applied DPO7 to the rezoned land; Made consequential updates to Traralgon Town Structure Plans, Traralgon Housing Framework Plans in Cl. 21.09-6; and Issued planning permits 2018/94 and 2019/163 (both residential subdivisions). <p>The properties affected were:</p> <ul style="list-style-type: none"> Part of 50 Glendale Road, Traralgon (Lot 1 PS329021); Part of 110A Marshalls Road, Traralgon (Lot 2 PS329021); and Part of Traralgon Maffra Road, Traralgon (Lot B PS729261).

4. Strategic Context and Assessment

4.1 Relevant Acts

4.1.1 Transport Integration Act 2010

49 The *Transport Integration Act 2010* legislates a framework to create an “*integrated and sustainable transport system in Victoria...*”.

50 Section 11 of the *Transport Integration Act 2010* addresses integrating transport planning and land use planning. Section 11(3) specifically requires land use and transport planning to be “*...aligned, complementary and supportive...*”

51 The upgrades to the road network proposed by the Lake Narracan PSP and DCP together align land use and transport planning to ensure adequate infrastructure upgrades can be provided to support planned development.

52 Application of PAO2 will ensure that section 11(3)(c) can be achieved by allowing Latrobe City Council to secure land identified in the DCPs identified in this report. Section 11(3)(c) requires that:

“(c) *transport infrastructure and services are provided in a timely manner to support changing land use and associated transport demand.*”

53 This amendment will ensure that the road projects identified in the Lake Narracan growth area can be delivered as planned in the DCP and in a timely manner when they are required.

4.1.2 Land Acquisition and Compensation Act 1986

54 The power to compulsory acquire land in Victoria is controlled by the LAC Act.

55 Section 5 (1) of the LAC Act requires the land to have been “*...reserved by or under a planning instrument for a public purpose...*” before any compulsory acquisition occurs.

56 Section 7 of the LAC Act does provide for certain circumstances where land is not required to be reserved first. Council does not believe any of these circumstances are appropriate.

57 Therefore, it is proposed to reserve the land in the Scheme as required by the LAC Act.

4.2 Ministerial Directions

58 The Amendment is consistent with *Ministerial Direction The form and content of Planning Schemes*. The changes to the Schedule to Clause 45.01 Public Acquisition Overlay are being made to introduce PAO2 and PAO3 and to name Latrobe City Council as the Acquiring Authority consistent with the template of the scheme. Amendments to the Schedule to Clause 72.03 – *What does this planning scheme consist of?* are being made to ensure mapping references are correct. Clause 74.01 – *Application of zones, overlays and provisions* is also being updated to specify how the application of the PAO achieves the Municipal Planning Strategy.

59 The amendment is consistent with the *Ministerial Direction 11 Strategic Assessment of*

Amendments under Section 12(2) of the Act. An assessment of the planning scheme amendment has been made against the guidelines and details were provided in the Explanatory Report.

60 The amendment has been consistent with the *Ministerial Direction 15 The Planning Scheme Amendment Process* under Section 12(2) of the Act by meeting timeframes set out by this direction. If timeframes could not be met, exemptions were sought.

4.3 Practice and advisory notes

61 To assist with preparing a comprehensive strategic evaluation of the Amendment, the following Planning Practice Notes were utilised:

62 *Planning Practice Note 46: Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments* (PN46) was relied upon for guidance. The Strategic Assessment Guidelines provides a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes. The Explanatory Report at **Attachment 4** outlines how the Planning Practice Note was met.

63 *Guide to Victoria's Planning System (Chapter 6: Acquisition and Compensation)* was utilised to understand:

- Who can compulsorily acquire land;
- When compulsory acquisition is allowed;
- How to compulsorily acquire land;
- When compensation is required; and how it is to be calculated; and
- When and how to use the Public Acquisition Overlay.

64 The Guide distils LAC Act and *Land Acquisition and Compensation Regulations 2021* (LAC Regs) into a report style document that:

- a) Provides clear advice on the processes involved with compulsory acquisition of land;
- b) Links the different section of LAC Act and LAC Regs together; and
- c) Identifies how the requirements of the LAC Act links with the requirements of other Acts such as The Act.

65 It is understood that:

- a) For compulsory land acquisition to occur, the land must first be reserved in the Planning Scheme. The Public Acquisition Overlay is the only tool available in the Victorian Planning Provisions if the infrastructure is not part of an Infrastructure Contributions Plan Overlay. The infrastructure identified in this Amendment is not, it is part of a Development Contributions Plan Overlay which does not allow for compulsory acquisition.

- b) The Act is one of the special acts which can empower authorities to be nominated as Acquiring Authorities as required by the LAC Act.
- c) Latrobe City Council as a Planning Authority under The Act can therefore be nominated as an Acquiring Authority.
- d) That the reserving of the land for the identified projects is appropriate as their delivery will result in the delivering of the planning scheme.

4.4 Latrobe Planning Scheme

The following is an extract of the clauses of the Scheme considered most relevant to Amendment. Discussion of all clauses can be found in **Attachment 4**.

4.4.1 Municipal Planning Strategy

66 Clause 02.03-1 Settlement:

- The Amendment will facilitate development in existing growth areas identified within the Planning Scheme. This is in accordance with the aims of Clause 02.03-1 which aim to ensure population growth is directed to Latrobe's four main towns – Traralgon, Morwell, Moe-Newborough and Churchill.

67 Clause 02.03-6 Housing:

- The clause outlines the population aspirations for Latrobe by 2050. This Amendment will facilitate the delivery of housing in the municipality there by growing the population towards the stated aim of 100,000 by 2050. Although not specified in this Amendment, it is noted that the population target is consistent with *Plan for Victoria 2025*.

68 Clause 02.03-9 Infrastructure:

- This clause outlines how Latrobe City Council should seek to align development with the delivery of key infrastructure. DCP infrastructure is key to the delivery of the identified growth areas. By reserving the land in the scheme Council is aligning delivering with development in an orderly manner as per the clause.

4.4.2 Victoria Planning Provisions

69 Clause 11.01-1L Moe-Newborough:

- The Amendment supports the delivery of key transport links and drainage reserves in accordance with the town structure plan.

70 Clause 11.01-1L Morwell:

- The Amendment supports the delivery of key drainage reserves in accordance with identified land uses in the town structure plan.

71 Clause 13.06-1S Air quality management:

- The Amendment supports the provision of open space and an improved road network

which will facilitate public transport, walking and cycling options.

72 Clause 14.02-1S Catchment planning and management:

- The Amendment will allow Council to acquire land around waterways and identified stormwater treatment infrastructure. Without the Amendment, Council may not be able to acquire the land and therefore stormwater treatment likely will not be able to be provided in a timely manner to facilitate development.

73 Clause 14.02-2S Water quality:

- The DCPs identify stormwater treatment infrastructure to ensure water entering natural waterways is of an appropriate quality.
- The Morwell NW and Lake Narracan DCPs provide for consolidated catchment treatment which means not all properties have stormwater treatment infrastructure located on them. Without the Amendment, certain developments in Morwell NW and Lake Narracan may not be able to adequately treat stormwater before it leaves the precinct, this will likely impact any proposed development proceeding.

74 Clause 18.01-1S Land use and transport integration:

- The Amendment supports the provision of an improved transport network which will facilitate public transport, walking and cycling options and major road realignments as identified in the DCPs.

75 Clause 18.01-2S Transport system:

- The Amendment facilitates the delivery of road projects identified in DCPs. These projects are identified by the DCP to avoid negative impacts to the existing transport network caused by the additional housing each precinct provides.

76 Clause 18.01-2R Transport system – Gippsland:

- The Amendment facilitates the delivery of road projects identified in DCPs which will be of particular benefit to the Gippsland road network. This is because of the realignment of Thompsons Road and the new north-south connection (Broad Way) which will better integrate Newborough and Lake Narracan.

77 Clause 18.02-4S Roads:

- The Amendment facilitates development and projects which will overall result in an upgrade of the roads on the edge of town which were historically of a more rural standard due to being located in non-urban areas.

78 Clause 19.03-1S Development and infrastructure contributions plans:

- This Amendment is the next step to action three DCPs which were prepared in accordance

with Ministerial Direction for Development Contribution Plans.

79 Clause 19.03-2S Infrastructure design and provision:

- This Amendment seeks to reserve land to ensure it can be provided in a timely and cost-effective manner if the planning permit and subdivision processes fail to do so.

80 Clause 19.03-2L Infrastructure design and provision:

- This amendment will allow Council to provide the drainage infrastructure identified in DCPs when development activity in the growth areas require it. Without this amendment certain properties within the Morwell North West and Lake Narracan growth areas will have limited development potential due to being unable to connect to the proposed drainage system.

81 Clause 19.03-3S Integrated water management:

- This Amendment seeks to allow Council to acquire land identified for centralised drainage infrastructure in the DCPs. Without this centralised infrastructure, development may not be able to meet the required treatment standards for stormwater, which may inhibit further development.

4.5 Strategic assessment guidelines

82 The Strategic Assessment Guidelines aim to 'provide a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes'. The assessment of the guidelines is provided at **Attachment 5**.

4.6 Background Documents to the Amendment

83 Two Background reports were prepared to support the Amendment. These are the:

- Site Assessment Public Acquisition Overlay 2 (Road Projects) July 2024*
- Site Assessment Public Acquisition Overlay 3 (Drainage / Open Space Reserves) July 2024*

84 Council officers had identified that two schedules to the PAO would be required to ensure the purpose of the reservation was clear in the scheme. To this end, Council officers prepared the two site assessments above to understand the context of applying the PAO to deliver the 5 road projects, 5 drainage projects, and 2 active open space projects which council officers had identified. The following criterion were used to identify the projects:

- Was the project required or triggered by an approved development(s) in the precinct;
- Could the project be required by a development in the precinct in the future;
- Did the project require acquisitions from multiple properties;
- Did the landowner have serious intentions to develop their property; and

g. Were orderly planning issues foreseen if the PAO was not applied.

85 The background reports reviewed the zoning and overlay history and any implications, assessed the implications of the current zones and overlays, and the aims of the DCPs, and Latrobe City Councils obligations under the DCPs. The reports end with an assessment of how the application is supported by current policy in the Scheme and provide recommendations about whether the overlay should be applied.

86 Both reports concluded it was appropriate and desirable to reserve land via the Public Acquisition Overlay to ensure Council could act on its responsibilities under each DCP as Council are the nominated delivering authority for each DCP.

4.7 Incorporated and Background Documents to the Scheme

87 This section is drawn from the Site Assessment PAO2 and Site Assessment PAO3 reports which are background documents to the Amendment.

4.7.1 Lake Narracan Precinct Structure Plan and Development Contribution Plan

88 The Lake Narracan PSP and Lake Narracan DCP are each an incorporated document in the Latrobe Planning Scheme – Clause 72.04. As these documents are incorporated documents, they must be addressed like any other requirement in the scheme if triggered.

89 Lake Narracan PSP and DCP were prepared by the Metropolitan Planning Authority (MPA), now Victorian Planning Authority (VPA), in partnership with Latrobe City Council, agencies and authorities, and the local Moe-Newborough community. The PSP covers approximately 604 hectares of land along the banks of Lake Narracan. The PSP is bounded by Lake Narracan to the north and east, Becks Bridge Road and Old Sale Road along the west, and Moe – Yallourn Rail Trail and John Field Drive along the south. The PSP primarily provides for residential development and is estimated to accommodate 3,723 dwellings.

90 The PSP will also provide for 3000 square metres of commercial land across two ‘village centres’, 33.148 hectares of public open and recreation space, 104.388 hectares of restored waterways and habitat, and a school and a community hub. The PSP provides a significant population increase to the Moe-Newborough town. By significantly expanding the local population the PSP aims to improve the commercial viability of the Moe Activity Centre and, by extension, improve local employment opportunities.

91 The DCP allows Latrobe, as the nominated Collecting Agency, to collect a Development Infrastructure Levy towards 36 projects and a Community Infrastructure Levy towards a further five projects. These projects are spread across seven categories: Intersections, roads, culverts, open space, community facilities, wetlands, and waterways. These projects are key to ensuring the new urban area will have a high liveability standard.

92 Latrobe City Council are also the nominated Development Agency. The Development Agency

are required to use the funds collected from contributions to deliver the DCP projects.

- 93 The DCP specifies indicative triggers for the projects. Most projects are triggered at the time of subdivision.
- 94 The natural environment will also be improved through the provision of new wetlands and upgraded waterways which will improve the quality of water running into Lake Narracan and the greater Latrobe River system.
- 95 Costs in the DCP have been calculated on the basis of 337.66 developable hectares which will yield 3,723 dwellings. Costs in the DCP are reviewed annually with updated costs and levies published to Councils website in accordance with The Act and relevant State Government guidelines.
- 96 The PAO proposed applies to land required for major intersections, road widening, and one wetland in this DCP.
- 97 It is noted that the other two Development Plans and Development Contributions Plans for Morwell NW and Traralgon Nth are not listed in the Latrobe Planning Scheme.

4.7.2 Morwell North West Development Plan and Development Contribution Plan

- 98 Latrobe City Council approved the Morwell North West Development Plan and Development Contribution Plan on 4 October 2010. The development plan estimates that the precinct will yield 1,280 new housing lots, 0.33 hectares of commercial land via a local activity centre, and 4.03 hectares of public open space.
- 99 The development plan contains within it a development contribution plan which is enforced by a requirement in DPO1 that planning permits for subdivision require a Section 173 agreement to be entered into to provide for the collection of development levies in accordance with the development plan.
- 100 Only properties which were considered to have sufficient subdivision potential to afford development levies have been included in the DCP (23 properties out of 38). Only three properties identified in the DCP are larger than 8 hectares. The 20 other properties are under 4 hectares, with 9 of these properties smaller than 3 hectares.
- 101 The DCP aims to share the cost of providing infrastructure in the precinct and to minimise the number of assets i.e. wetlands. This is important due to the large number of properties under 4 hectares which can be financially challenged to provide major infrastructure. Particularly given the DP has an average residential density of 10 dwellings per hectare. Key infrastructure identified in the DCP relate to road widening, intersection upgrades, and provision of new collector roads; wetlands and channels to implement a holistic stormwater management system for the growth area; and embellishments for new parks within the precinct.
- 102 The PAO proposed applies the land required for stormwater infrastructure in the DCP.

4.7.3 Traralgon North Development Plan and Development Contribution Plan

- 103 Latrobe City Council endorsed the Traralgon North Development Plan and Development Contribution Plan on 29 November 2013. The development plan covers a total area of 123.83 hectares and is designed to provide an estimated 1,111 new dwellings. The growth area will also provide 8.88 hectares of open space, 0.35 hectares of community facilities, and 1.97 hectares of commercial land in a neighbourhood activity centre.
- 104 The development plan contains within it a DCP which is enforced by a requirement in DPO7 that planning permits for subdivision require a Section 173 agreement to be entered into to provide for the collection of development levies in accordance with the development plan.
- 105 The DCP allows Latrobe, as the nominated Collecting Authority, to collect a Development Infrastructure Levy towards 28 projects and a Community Infrastructure Levy towards a further two projects. These projects are spread across six categories: roads and intersections, trails, open space, community facilities, drainage, and recouping DCP preparation costs. The proposed Public Acquisition Overlay is for the active open space reserve identified in the DCP. These projects are key to ensuring the new urban area will have a high liveability standard. The collecting authority is then required to spend the collected contributions as described in the DCP as and when DCP identifies a project will be triggered. Most projects are triggered at the time of subdivision or unless otherwise negotiated with Council.
- 106 Costs in the DCP have been calculated on the basis of 104.82 developable hectares which will yield 1,111 dwellings. Costs in the DCP are reviewed annually with updated costs and levies published to Council's website in accordance with The Act and relevant State Government guidelines. The Community Infrastructure Levy is fixed at \$900.00.
- 107 An addendum to the DP was prepared in 2019 to address additional land which had been identified for inclusion in the DP by two landholders. The addendum:
- h. Identified the additional land proposed to have DPO7 applied;
 - i. Updated the DP land budget to include additional land and consequential impacts on development contributions;
 - j. Updated DP maps to include additional land;
 - k. Updated maps to identify the rezoning of the corner of Traralgon Maffra Road and Marshalls Road to Commercial 1 Zone (made via Amendment C89);
 - l. Relocated retarding basins to where they have been or are likely to be constructed;
 - m. Relocated the sewer pump station, rising main, overland flow path and outfall sewer; and
 - n. Made additional changes to correct drafting errors and omissions.
- 108 No changes were made to DCP project requirements. The developable land of the DCP was

expanded from 101.06ha to 104.81ha.

109 The addendum was adopted by Council 19 February 2020. See section 4.2.3 for a discussion of the Amendment which implemented the necessary planning scheme changes.

4.8 Proposed Schedule to the Public Acquisition Overlay

110 The amendment proposes to make changes to the Schedule to Clause 45.01 Public Acquisition Overlay. These changes are to specify:

- The references to appear on maps in the scheme;
- Who the Acquiring Authority is for each reference; and
- The purpose of the acquisition.

111 Latrobe City Council is not currently nominated as an acquiring authority in the schedule. As the Site Reports and relevant DCPs identified that Latrobe City Council is the delivering agency for the Lake Narracan DCP, Morwell North West DCP, and Traralgon North DCP, it is not appropriate for any other authority to be the acquiring authority.

112 Nominating separate references for acquisition of land for Road Projects and Drainage/Open Space Reserves, is preferred to ensure the ultimate purpose of the land is clear.

4.1 Planning Scheme Amendments Under Preparation

113 Latrobe City Council has prepared the following Planning Scheme Amendments which are under consideration:

- Amendment C127 (Bushfire and Rural Rezonings), interim planning panel report issued in 2022. Council currently undertaking further work.
- Amendment C149 (Planning Scheme Review), Exhibited between 16 January 2025 and 17 February 2025. Submissions to be consider by Latrobe City Council at the 28 April 2025 Council Meeting.

114 Amendment C127latr incorporates a municipal wide bushfire risk assessment and a rural living strategy. Amendment C127latr does not propose to affect the areas affected by Amendment C143latr.

115 Amendment C149latr implements the recommendations of the *Latrobe Planning Scheme Review 2024* and relevant directions from the Latrobe Council Plan 2021-2025 (adopted 2021 by Latrobe City Council) and Public Toilet Plan 2023-2033 (updated and adopted 2023 by Latrobe City Council). The following changes proposed by Amendment C149latr are considered of relevance to the Amendment:

- Amend Clause 02.03 (Strategic Directions) to include minor corrections to form and content, along with specific changes to Clause 02.03-3 (Environmental risks and amenity) amended to include consideration to native vegetation removal within bushfire prone areas

under the bushfire subsection. Existing planning controls relevant to flood prone areas acknowledged in the Floodplain management subsection.

- Amend Clause 11 (Settlement) to include Subclause numbering to each Town Structure Plan, re-arrange towns to be in Alphabetical order and make minor form and content corrections.
- Amend Clauses 12 (Environmental and landscape values), Clause 13 (Environmental risks and amenity), Clause 15 (Built environment and heritage), Clause 16 (Housing), Clause 17 (Economic development), Clause 18 (Transport) and Clause 19 (Infrastructure) to include information from updated Council adopted documents, include subclause numbering for local policies where applicable and make other changes to ensure local policy aligns with the requirements of the Ministerial Direction: the Form and Content of Planning schemes.
- Amend all the Schedules to Clauses 32.08 (General Residential Zone) and 32.09 (Neighbourhood Residential Zone) to delete repetition, include decision guidelines relating to car storage facilities (including garage and carport) being setback 5.5 metres from the frontage, and to make changes to conform with Ministerial Direction: the Form and Content of Planning schemes and Planning Practice Note 91: Using the residential zones.
- Amend all the Schedules to Clauses 37.07 (Urban Growth Zone) and 37.08 (Activity Centre Zone) to include minor Form and content corrections.
- Amend Schedule to Clause 66.04 (Referral of permit applications under local provisions) to update referral authority names as relevant.
- Amend the Schedule to Clause 72.03 (What does this planning scheme consist of) to reflect relevant mapping changes through this amendment.
- Amend the Schedule to Clause 72.08 (Background Documents) to update dates and references to existing documents.

116 The changes proposed by Amendment C149latr are administrative in nature and do not change the fundamentals of local policy in the scheme.

117 No other proposed amendments affect the Amendment.

4.2 Previous Planning Scheme Amendments

4.2.1 Amendment C131latr – flood mapping update

118 Amendment C131latr is of relevance as it implements the recommendations of flood studies prepared by the West Gippsland Catchment Management Authority through application of the Floodway Overlay and Land Subject to Inundation Overlay, and by making other consequential changes to the Latrobe Planning Scheme. The Floodway Overlay and Land Subject to Inundation Overlay was applied by Amendment C131latr to the four properties

along Latrobe Road which the Amendment proposes to apply the PAO to.

- 119 Amendment C131latr applied the flood overlays in accordance with where the Morwell NW Drainage Reports identified flood risk would occur post development i.e. the location that the DP identifies for the main drainage channel.
- 120 Amendment C143latr is consistent with C131latr by proposing to apply the PAO in the same location that the flood overlays have been applied.
- 121 The main drainage reserve in Morwell NW is likely to be Council's highest priority item to deliver once the PAO is applied to ensure that the channel can be constructed to implement the post development flood modelling.
- 122 Amendment C131latr did proceed to a planning panel. The panel report noted that the Amendment was implementing the flood mapping based on the post development mapping. No further comments were made.
- 123 Amendment C131latr was gazetted on 20 December 2024.

4.2.2 Amendment C132latr – planning controls corrections

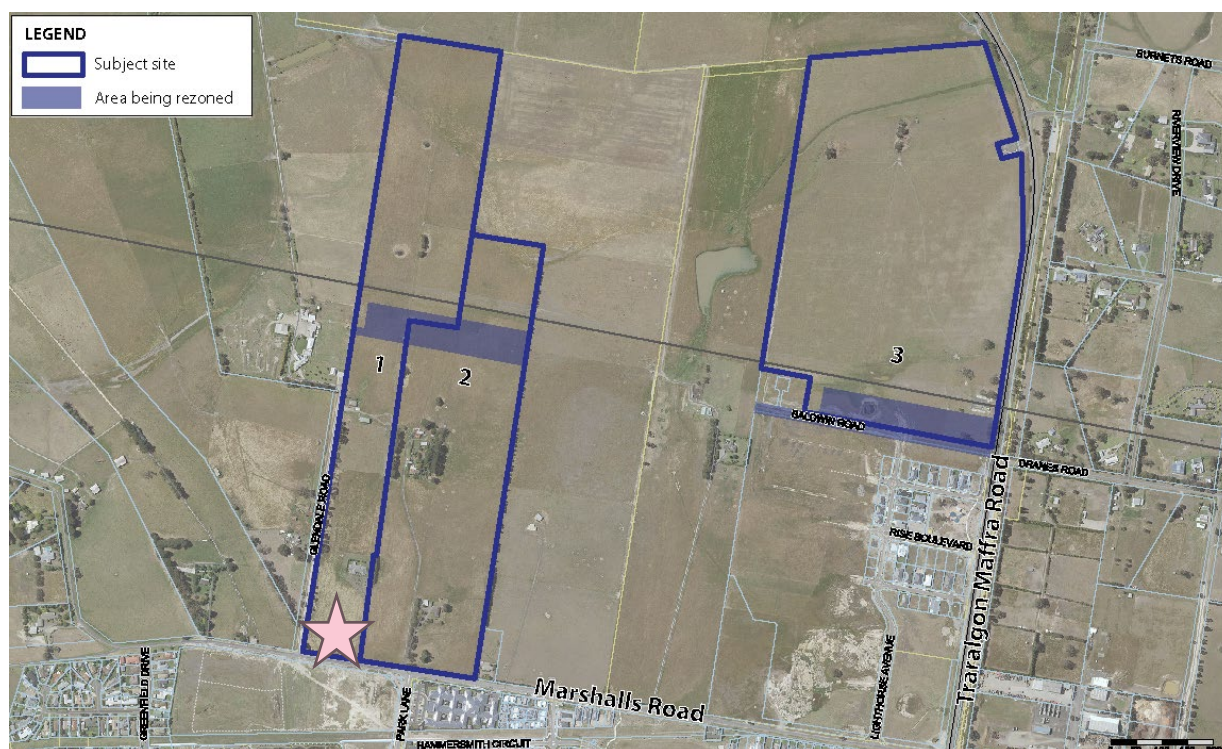
- 124 Amendment C132latr is of relevance as it implemented corrections to the planning scheme to better implement the Morwell NW DP. These changes were:
- Amended Development Plan Overlay Schedule 1 (DPO1), Morwell North-West Development Plan, to include objectives and change permit and development plan requirements to enable development to proceed in accordance *with Latrobe Valley Planning Scheme Review*, Glossop Town Planning (August 2019).
 - Amended Schedule to Clause 53.01 Public Open Space Contribution and Subdivision for land within the Morwell North-West Development Plan to correct the contribution rate to match that specified in the Norwell NW DP and DCP.
- 125 Amendment C132latr did not require a planning panel. Amendment C132latr was gazetted on 29 August 2024.

4.2.3 Amendment C114latr – Traralgon North Strip Rezoning

- 126 Amendment C114latr was a combined planning permit and planning scheme amendment made under Section 96A of The Act.
- 127 The amendment affected three properties in the Traralgon Nth DP:
- a. 50 Glendale Road, Traralgon (Lot 1 PS329021);
 - b. 110A Marshalls Road, Traralgon (Lot 2 PS329021); and
 - c. Traralgon Maffra Road, Traralgon (Lot B PS729261).
- 128 The Amendment rezoned 5.23ha (shown in dark blue in Figure 13) from Farming Zone to General Residential Zone Schedule 3 and applied the Development Plan Overlay Schedule 7 in accordance with the other parts of the DP area.

- 129 Two planning permit applications were included in the Amendment, 2020/193 and 2020/197.
- 130 Amendment C114latr was gazetted on the 9 July 2020. The two permits were issued on the 19 January 2021.
- 131 50 Glendale Road is also involved in this Amendment. The land proposed to have the PAO applied is approximately located where the star is shown in Figure 13.
- 132 As the Amendment proposes to apply the PAO in accordance with the endorsed DP and DCP, it is considered that Amendment C114latr has no implications for the application of the PAO.

Figure 13: Traralgon North DP Extension – C114latr



4.2.4 Amendment C105latr – Live Work Latrobe

- 133 Amendment C105latr implemented the findings of the Housing Strategy, Industrial and Employment Strategy, and Rural Land Use Strategy prepared by Council as part of the Live Work Latrobe report. The Live Work Latrobe report and proposed Amendment C105latr, was adopted by Council at the 21 August 2017 Council Meeting.
- 134 This Amendment resulted in significant alterations to the Municipal Policy Statement and zone applications across Latrobe by incorporating direction on housing density and diversity, including housing framework plans and updating residential zones to support the delivery of these directions. The General Residential Zone Schedule 3 was adopted into the scheme by Amendment C105latr and applies to all residential growth areas. It amended the underlying provisions in the Urban Growth Zone Schedule 1 as well to match the directions in the Housing Strategy.
- 135 Amendment C105latr was gazetted on 21 November 2019.

4.2.5 Amendment C86latr – Lake Narracan PSP

136 Amendment C86latr implemented the Lake Narracan Precinct Structure plan, Development Contributions Plan and Native Vegetation Precinct Plan (NVPP). To do this it made the following changes to the scheme:

- a. Rezoned all the land within the Lake Narracan PSP to Urban Growth Zone Schedule 1;
- b. Applied the Development Contribution Plan Overlay Schedule 1;
- c. Specified Lake Narracan PSP, DCP and NVPP as incorporated documents;
- d. Updated the Moe-Newborough Town Structure Plan;
- e. Specified Lake Narracan NVPP in the Schedule to Clause 52.16 Native Vegetation Precinct Plan; and
- f. Made changes to the Schedule to 53.01 Public Open Space Contribution and Subdivision to specify a rate for developments in the Lake Narracan PSP.

137 Amendment C86latr was undertaken by the Minister for Planning under Section 20(4) of The Act at the request of Council. Public consultation on the Lake Narracan PSP, DCP and NVPP had been undertaken by Council and the MPA between from 1 August 2014 to 29 August 2014. Therefore, at the 15 December 2014 Council Meeting, Council resolved to adopt the PSP, DCP and NVPP and to request the minister to prepare the Amendment without Exhibition.

138 Amendment C86latr was gazetted on 17 December 2015.

4.2.6 Amendment C78latr – Traralgon North

139 By October 2013, Latrobe City Council had prepared and adopted the Traralgon North Development Plan and Development Contributions Plan. Through preparing the DP, officers identified that development contributions would be required to ensure fair and orderly development of the precinct. DPO5 did not allow for the collection of development contributions. DPO7 was proposed to provide a schedule especially tailored to the unique development conditions of Traralgon North and introduce a permit condition requiring a section 173 agreement to be entered into as part of any subdivision permit for the purpose of collecting development contributions.

140 Amendment C78latr was prepared to remove DPO5 and apply DPO7. Amendment C78latr was gazetted on the 21 November 2013, and the Traralgon North Development Plan and Development Contribution Plan were endorsed on the 29 November 2013.

4.2.7 Amendment C56latr – Residential Supply

141 Amendment C56latr was prepared by the Minister for Planning at the request of Latrobe City Council. It rezoned six sites identified as 'future residential' in the Churchill, Moe/Newborough,

Morwell and Traralgon Town Structure Plans. At the time, land supply in Moe/Newborough was considered to be critically short as no new land had been rezoned since the *Residential and Rural Residential Land Assessment (2009)* this identified that Moe / Newborough and Traralgon had a shortage of residential zoned lots for development.

142 Traralgon North and 710 John Filed Drive were rezoned for residential development at this time and had Development Plan Overlay Schedule 5 applied.

143 In accordance with the *General Practice Note Ministerial Powers of Intervention in Planning and Heritage Matters (2004)* the Minister prepared Amendment C56latr and adopted it without exhibition. The Amendment was not placed on exhibition as it was considered to be in the best interests of Latrobe City to immediately increase residential land supply by rezoning land identified for future residential.

144 Amendment C56latr was published in the Government Gazette 5 May 2011.

4.2.8 Amendment C62latr – Planning Scheme Review 2008

145 Amendment C62latr implemented the findings of the 2008 *Latrobe City Council Four Year Planning Scheme Review Report* by making changes to the Local Planning Policy Framework. Of relevance to the Amendment is that C62latr implemented Town Structure Plans for Moe-Newborough, Morwell and Traralgon. These Town Structure Plans amongst other things would define growth limits of these towns and identify areas of 'Existing Residential Opportunity' (zoned but no development residential land) and 'Future Residential' (land to be rezoned to ensure adequate supply of residential land).

146 Traralgon North, Morwell North West and part of Lake Narracan (710 John Field Drive) were identified as 'Future Residential', 'Existing Residential Opportunity' and 'Existing Urban Areas' respectively.

147 Amendment C62latr proceeded to panel before adoption with changes based on the Panel Report. The Panel Report was published in July 2009.

148 Amendment C62latr was included in the Government Gazette 14 January 2010.

4.2.9 Amendment C48latr – Morwell North West DP

149 Between 2006 and 2007, Council prepared and exhibited Amendment C48latr. The C48 proposed to apply Development Plan Overlay Schedule 1 to residential zoned land which had largely remained undeveloped since at least the designation of residential in 1988 planning scheme.

150 Due to objections received, the Amendment progressed to a planning panel in March 2008 with the report published in June 2008. During the panel hearing, Council indicated the proposed development plan was to be revised due to limitations having been identified. The planning panel accepted this advice and provided their recommendation in relation to the

proposed DPO schedule. The panel report recommended the adoption of the schedule with the minor recommended changes contained within the panel report. Amendment C48latr was gazetted on 2 October 2008.

151 Council undertook 20 one-on-one consultation sessions with the landowners in November 2008 to workshop the proposed DP. Between November 2008 and August 2010, workshops were undertaken with the various Council departments and referral authorities and agencies to further refine the DP.

152 The revised Morwell North West Development Plan and Development Contribution Plan was presented to the 4 October 2010 Council Meeting and adopted.

4.3 Planning Permits Relevant to the Amendment

153 Council is aware of 7 permits which relate to land proposed to the PAO applied. They are detailed in Table 2.

Table 2: Planning Permits Relevant to the Amendment

Permit Number	Property	Status	What the Permit Allows and Implications
Lake Narracan			
2025/60	5 Hayes Road and 10 Thompsons Road, Newborough	Under initial assessment	<p>On the 26 March 2025, Council received an application seeking approval for a 66 residential lot staged subdivision.</p> <p>The application does identify the land required for DCP Project RD-01 (widening of Thompsons Road – west of Hayes Road).</p> <p><u>Implications for the Amendment</u> The application is considered to be consistent with Lake Narracan PSP and therefore the Amendment.</p> <p>As the permit has not been issued, officers consider it prudent to apply the PAO incase the application is withdrawn. Further the land will not be transferred to Council until subdivision has occurred, which is a separate process completed after the permit is issued.</p>
2024/27	710 John Field Drive, Newborough	Approved, actively subdividing	<p>The permit was approved in August 2024. The permit allows a 2-lot subdivision to split the property either side of a mapped waterway. The permit does not require the transfer of encumbered land identified in the PSP/DCP (IN-05 and WL-09). A section 173 agreement was included as a condition on the planning permit to address the deferral of Public Open Space contributions and Development Infrastructure Levy (DIL) until</p>

			<p>further subdivision/development is approved.</p> <p><u>Implications for the Amendment</u> This permit has no implications for the Amendment. Applying the PAO is still required as the permit does not transfer any land required for DCP projects IN-05 and WL-09.</p> <p>No land was proposed to be transferred as there are no DIL contributions to be collected until further development is approved.</p>
2016/154/1/B	50 Hayes Road, Hayes Road and Links Road Newborough	Approved, actively subdividing	<p>This permit was approved in December 2016. The permit allows a 615 residential lot, subdivision staged across 21 stages.</p> <p>To date only one stage has been released.</p> <p>This permit does provide for the handover of land required for DCP project RD-02 (widening of Thompsons Road – east of Hayes Road).</p> <p>The land is planned to be handed over in stages. The most recent staging plan endorsed in November 2024 identifies the land to be transferred in stage 5.</p> <p><u>Implications for the Amendment</u> Proposed application of the PAO is consistent with the area identified to be handed over in stage 5.</p> <p>Due to the slow pace of development, council officers consider it prudent to apply the PAO in case the development is abandoned or the land has not been transferred by the time Council is ready/required to deliver the road widening.</p>
Morwell NW			
2022/324/A	25 English Street, Morwell	Approved, no land release to date	<p>The permit was approved in July 2024. The permit allows for 67 residential lot subdivision. Part of the main drainage reserve (DCP project CH-04) is located on the property. The Amendment proposes to apply the PAO to this reserve.</p> <p>The endorsed subdivision plan does identify the drainage reserve and requires that it be transferred to Council. This reserve is being delivered in stage 1. The proponent has also agreed to construct CH-04 in the reserve.</p>

			<p><u>Implications for the Amendment</u> Council has not received any Certification application to create the lots allowed under the permit. Therefore, it is considered appropriate to apply the PAO as officers cannot guarantee that the land will be transferred as approved under the permit.</p> <p>Further, the stormwater discharge from this property does require the acquisition of land downstream (also proposed to have the PAO applied – CH-03 and WR-02), to ensure flow rates and flooding can be managed safely.</p>
2022/215	55 English Street, Morwell	Approved, no land release to date	<p>The permit was approved in July 2024. The permit allows a 37 residential lot subdivision across 3 stages. Part of the main drainage reserves are located on the property. The Amendment proposes to apply the PAO to this reserve.</p> <p>The endorsed subdivision plan does identify the drainage reserve and requires that it be transferred to Council. At this stage it is identified to be transferred in stage 2.</p> <p><u>Implications for the Amendment</u> Unlike 2022/324/A, this development cannot provide end state drainage as drainage assets are split across multiple properties.</p> <p>Downstream acquisition of drainage reserves is required to facilitate the construction of WR-02 so that treatment and discharge can be managed safely.</p> <p>Council has not received any Certification application to create the lots allowed under the permit. Therefore, it is considered appropriate to apply the PAO as officers cannot guarantee that the land will be transferred as approved under the permit.</p> <p>Note: the permit holder is not the owner of 55 English Street. They will be the owner once the existing dwelling is excised from the rest of the property (see below).</p>
2025/15	55 English Street, Morwell	Approved, actively subdividing	<p>Council received the permit application in February 2025. The application was for a 2-lot subdivision to excise the existing dwelling from the rest of the property.</p> <p>It was argued that the permit would facilitate the delivery of the subdivision allowed under planning permit 2022/215 by allowing</p>

			<p>the settlement of sale to occur without having to build any infrastructure.</p> <p>This would allow the permit holder of 2022/215 to be the sole landowner of the developable land.</p> <p>Council approved the permit in March 2025.</p> <p><u>Implications for the Amendment</u> The permit does not require the transfer of drainage reserve, it only addresses the excising of the existing dwelling. The approval of this permit may speed up the delivery of planning permit 2022/215 by allowing landownership to be resolved.</p>
2011/116/C	Heritage Boulevard, Morwell		<p>The permit was approved in October 2011. The permit allows for a 309 residential lot subdivision across 17 stages.</p> <p>The permit does require all drainage reserves identified in the DP/DCP (WR-04, WR-03 and CH-06) to be transferred to Council. CH-06 and WR_03 have been transferred. WR-04 is outstanding. At this stage the permit identifies its transfer in stage 13. It is noted that WR-04 is only required to serve the northern area of the subdivision - the last 5 stages of the development.</p> <p>Between October 2012 and March 2016, 8 stages were released totaling 140 lots. Development then paused until November 2024 when a further stage was released comprising 17 lots.</p> <p>WR-04 is located across three properties. It is the drainage location for DCP properties 19, 20, 23 and parts of 21 and 22.</p> <p><u>Implications for the Amendment</u> Given the wetland may be required by one of these other properties, it is considered prudent to apply the PAO to allow Council to compulsorily acquire all land necessary for WR-04.</p> <p>This will then allow either 2011/116/C or one of the other properties to deliver WR-04.</p>
Traralgon Nth			
2021/205/B	50 Glendale Road, Traralgon	Approved, actively subdividing	The permit was approved by Council in December 2022. The permit allows for a 60 residential lot subdivision across 4 stages.

			<p>The permit requires the land for the Active Open Space Reserves (DI-LA-2) to be transferred in stage 1.</p> <p>This property previously had a permit issued for the same subdivision in October 2018. This permit expired October 2020 due to it not being acted on.</p> <p><u>Implications for the Amendment</u> The permit holder is in the early stage of seeking Certification for Stage 1. Council is unsure at this stage if the developer will transfer the land, or if they will apply to delay the transfer.</p> <p>Due to the history of expired permits, council officers consider it prudent to apply the PAO in case development stalls.</p>
--	--	--	--

4.4 Development Contributions and Public Acquisition

- 154 As an overarching principle, where a permit requires DCP land to be transferred to Council or a DCP project be constructed, a permit holder is entitled to a credit if they deliver the DCP project/land. The credit is assigned against the Development Infrastructure Levy (DIL); liabilities the permit holder would otherwise have had to pay. The credit aligns with the value of the project in the DCP.
- 155 It is acknowledged that compulsorily acquiring land will deprive a current/future permit holder of a 'credit' and therefore they will have to pay the full DIL liabilities. All permits issued in Table 2 require that a Section 173 agreement be entered into for the management of contributions and credits. The agreement is clear that the credit is only earned, where the land/project is delivered by the landowner. If Council must actively acquire the land, no credit is earned.
- 156 Acquisition outside the subdivision process would still see compensation paid to the landowner and permit holder, either as compensation under the LAC Act or as the terms of a private sale.
- 157 It is noted that if the Amendment proceeds in applying the PAO, it is not a given the Council will compulsorily acquire land. It is still the preference of Council to acquire land through the subdivision process.

5. The Amendment

5.1 What the Amendment Does

- 158 The Amendment applies to part(s) of 11 properties in the Lake Narracan growth area, part(s) of 11 properties in the Morwell North West growth area, and part of 1 property in the Traralgon North growth area.
- 159 The Amendment makes the following changes to the Latrobe Planning Scheme:
- Inserts Planning Scheme Map Nos. 24PAO, 25PAO, 30PAO, 50PAO, 71PAO, and 76PAO to apply the Public Acquisition Overlay (PAO2 or PAO3) to the 23 identified properties.
 - Amends the Schedule to Clause 45.01 (Public Acquisition Overlay) to make:
 - Latrobe City Council the Acquiring Authority for the PAO2 with the purpose of the acquisition as 'Road Projects'.
 - Latrobe City Council as the acquiring authority for the PAO3 with the purpose of acquisition 'Drainage / Open Space Reserves'.
 - Amends the schedule to "Clause 72.03 – What does this planning scheme consist of?" to reference 24PAO, 25PAO, 30PAO, 50PAO, 71PAO, and 76PAO.
 - Amends the schedule to Clause 74.01 – Application of zones, overlays and provisions to outline how the Public Acquisition Overlay implements the Municipal Planning Strategy.

5.2 Chronology of events

- 160 Table 3 below provides a chronology of the progression of Amendment C143 with further details provided through section 4.

Table 3: Amendment C143latr Chronology of Events

Date	Event
5 February 2024	Draft amendment documents provided to the Department of Transport and Planning (DTP) for pre-authorisation comments.
21 February 2024	Met with DTP to discuss the proposed amendment.
4 March 2024	Council Report to seek authorisation for and to exhibit Amendment C143. Council resolved: <i>That Council:</i> <ol style="list-style-type: none"> 1. <i>Notify the 24 landowners affected by the Public Acquisition Overlay proposed in Planning Scheme Amendment C143, outlining the future Amendment process to consider their concerns.</i> 2. <i>Present a report to a future Council Meeting following the engagement with landowners to consider Authorisation for proposed Planning Scheme Amendment C143.</i>
21 March 2024 – 17 April 2024	Council officers undertook consultation with the affected landowners through individual meetings and/or phone calls. An assessment of planning applications (i.e. permits and advice) identified an additional 4

	<p>parties whose purchase of the land was subject to a planning permit being granted. 17 meetings were held. 5 landowners were unable to be contacted.</p> <p>The concerns raised during engagement were presented to the Councilors for their consideration alongside the Amendment documents at the 6 May 2024 Council Meeting.</p>
6 May 2024	<p>Council Report to seek authorisation for and to exhibit Amendment C143. Council resolved:</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Endorse the draft Site Assessment Documents, provided at Attachment 6, for Public Exhibition as part of Amendment C143;</i> <i>2. Request Authorisation from the Minister for Planning to prepare and Exhibit Amendment C143 to the Latrobe Planning Scheme, in accordance with section 8A of the Planning and Environment Act 1987;</i> <i>3. Prepare Amendment C143 to the Latrobe Planning Scheme to apply the Public Acquisition Overlay in favour of Latrobe City Council to give effect to the Site Assessment Documents, generally in accordance with the documentation provided at Attachments 4, 5, 6, 7 and 8, subject to Ministerial Authorisation; and</i> <i>4. Place Amendment C143 on Public Exhibition in accordance with the requirements of Section 19 of the Planning and Environment Act 1987, subject to Ministerial Authorisation.</i>
9 May 2024	Lodgment with Department of Transport and Planning (DTP) for Authorisation.
15 May 2024	<p>DTP notified Council that the application for Authorisation had been placed on further review.</p> <p>The amendment was placed on further review while DTP considered the application of the Public Acquisition Overlay to facilitate the delivery of the DCP projects.</p>
29 May 2024	Meeting between Council and DTP to discuss the Amendment and information provided to DTP by Council.
1 July 2024	<p>Authorisation granted with conditions.</p> <p>Pre-set Planning Panel Hearing dates requested.</p>
22 July 2024	Notified DTP 10 days prior to notification of Amendment under section 19 of the Act
24 July 2024	Confirmation from DTP that Post Authorisation changes to the Explanatory Report resolved to their satisfaction.
8 August 2024	Exhibition of Amendment commenced.
14 August 2024	Withdrawn from Exhibition due to a technical error in the Government Gazette. All parties notified by letter/email, and notice published in the 14 August 2024 edition of the Latrobe Valley Express.
15 August 2024	<p>Request Extension for time to exhibit amendment due to operational restrictions around the 'Election Period' for the 2024 Council Elections.</p> <p>Midday 17 September until 6pm Saturday 26 October 2024.</p>
11 October 2024	Notified DTP 10 days prior to notification of Amendment under section 19 of the Act
18 November 2024	Affected landowners, prescribed ministers, directed parties and relevant agencies and authorities were notified via letter or email on 18 November 2024.

21 November 2024 to 23 December 2024	Exhibition of Amendment.
28 Jan 2025	<p>Exemption request made under Section 5 of Ministerial Direction No. 15 (M.D.15). Requested exemption was to the requirements of part 4(3) of M.D.15 – to request the appointment of a Planning Panel within 40 business days of the closing date of the submission.</p> <p>This request was required because Council adopted new dates for Council Meets at the 16 December 2025 Council Meeting. This meant the first meeting of 2025 was now the 24 February 2025.</p>
24 February 2025	<p>Council Report to consider all submissions. Council resolved:</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Having formally considered all written submissions received to Amendment C143 notes the issues raised by the submissions and the officer's response to those issues, as outlined in Attachment 2;</i> <i>2. Requests the Minister for Planning appoint a planning panel to consider submissions received for Amendment C143, in accordance with Part 8 of the Planning and Environment Act 1987;</i> <i>3. Refers submissions to the planning panel appointed by the Minister for Planning;</i> <i>4. Endorses the officer's response to the issues raised by submissions, as the basis for Council's submission to the planning panel; and</i> <i>5. Advises those persons who made written submissions to Amendment C143 of Council's decision.</i>
28 February 2025	Planning Panel Requested.
4 March 2025	Panel appointed for the Amendment.
25 March 2025	Directions Hearing held for Amendment C143.
16 April 2025	Part A circulated.
28 April 2025	Part B to be circulated.
30 April 2025	Planning Panel Hearing scheduled for the Amendment.

5.3 Authorisation

- 161 At the Ordinary Council Meeting held on 6 May 2024, Council resolved to seek Authorisation from the Minister for Planning to prepare and exhibit Amendment C143.
- 162 Council officers lodged the request for Authorisation on the 9 May 2024.
- 163 Council officers discussed the Amendment with the representative of DTP on the 13 May 2024. 14 May 2024 DTP subsequently requested via email that additional information was to be provided to continue their assessment. Suggested edits were also provided to Council. The application was placed on further review while Council responded to the requested changes. The letter confirmed further review status was provided to Council on the 15 May 2024.
- 164 Council provided the additional information on 22 May 2024.

- 165 On 29 May 2024 Council officers met with DTP to discuss the Amendment, and the additional information Council submitted at the request of DTP.
- 166 Authorisation was subsequently granted on 1 July 2024 with conditions. The conditions were:
- *Amend the Schedule to Clause 45.01 Public Acquisition Overlay so that the purpose of the acquisition for PAO3 is Drainage/Open Space Reserves.*
 - *Revise the Explanatory Report in accordance with the recommended changes provided by Department of Transport & Planning (DTP) officers.*
 - *Where only part of a lot/parcel is affected by the amendment revise all documentation to state “part of” where necessary and include the title details in the Mapping Reference table.*
 - *Revise Site Assessment Reports to reference either Open Space/Drainage Reserves or Road Projects in their title, headers and footers.*
 - *Provide an Attachment to either the exhibited Explanatory Report or as a Supporting Document which clearly shows the application of the PAO overlaid on each affected property.*
 - *Notice be given to Head of Transport Services, DTP (attention to Kate Stapleton, Director Planning & Heritage Practice) and the West Gippsland Catchment Management Authority (WGCMA).*
 - *As the land is within Recognition and Settlement Agreement area give notice to the applicable traditional owner group.*
- 167 All conditions were satisfied and changes to the Explanatory Report, Clause 45.01, the Mapping Reference table, the Site Assessment for PAO3 were reviewed and incorporated into the final Amendment documents that were exhibited as part of the Amendment. Notice was given to the Head of Transport Services, WGCMA and the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC).
- 168 A copy of the authorisation letter can be found at **Attachment 6**.
- 169 In accordance with Section 19 of The Act, the Amendment was placed on exhibition from the 8 August 2024. On the week of the 12 August 2024 DTP advised Council that it had come to their attention that the Gazette Notice for the Amendment published in the 8 August 2024 Government Gazette had the wrong title and that the requirements of the Act may not have been satisfied. Council sought legal advice which confirmed DTP’s concerns. Formal notice of this issue was provided to Council on the 15 August 2024. Council advised that the Amendment had been withdrawn from exhibition via the Latrobe City Council website and via a notice in the next available issue of the Latrobe Valley Express (issue of the 21 August 2024). Landowners, prescribed ministers and relevant agencies and authorities were notified

of the withdrawal via letter on the 16 August 2024.

- 170 Council applied for an extension to extend the exhibition start and end dates on the 15 August 2024. Council requested the extension as under Latrobe City Councils election policy, council officers are unable to undertake consultation with the public and it would not be possible to complete exhibition in accordance with the requirements of the Act before the election period. Councils requested time was to have exhibition completed by 3 March 2025.
- 171 In accordance with Section 19 of The Act, the Amendment was placed on exhibition from 21 November 2024 to 23 December 2024.
- 172 A copy of the exhibited Explanatory Report at **Attachment 4** (a full copy of exhibition documentation including background reports have not been included as these have previously been provided to Panel and are also available on Councils Website).

5.4 Exhibition

- 173 The Amendment was exhibited in the following manner:
- Notification to the Minister for Planning regarding the Amendment was provided on 11 October 2024;
- 174 36 notification letters to affected landowner and occupiers were sent 18 November 2024;
- 42 notification emails to agencies, authorities, real estate agents, planning consultants and Ministers (including prescribed Ministers) were sent on 21 November 2024 This included notification which was directed under the Authorisation conditions to Head of Transport Services, DTP (attention to Kate Stapleton, Director Planning & Heritage Practice), West Gippsland Catchment Management Authority, and GLaWAC as the register aboriginal party for the area;
 - 6 notification letters (emails where available) were sent to Ministers and local members of parliament believed to be materially affected by the Amendment prescribed under the Act;
 - Notice appeared in the Victorian Government Gazette on 21 November 2024;
 - Notice appeared in the Latrobe Valley Express on 20 November 2024 and 4 December 2024;
 - Displayed on Latrobe City Council's website and Have Your Say page;
 - Hard copies available to be viewed at all Latrobe City Council Service Centers; and
 - Displayed on the DTP website.
- 175 Two drop in sessions were held. Notice of these sessions was made available on Council's webpage and Have Your Say page.

- Yallourn Golf Club, Golf Links Road, Newborough – 3 December 2024 - 1pm - 7pm
- Morwell Headquarters, 141 Commercial Road, Morwell - 5 December 2024 10am - 6pm

176 As a result of the exhibition process Latrobe City Council received:

- 10 landowner telephone and/or front counter enquiries at Latrobe City Council office;
- 7 submissions to Amendment C143;
- 3 people attended the consultation sessions held on 3 December 2024 and 5 December 2024;
- 2 meetings were organised outside consultation sessions with interested parties; and

177 Council received 83 visits to the Have Your Say page and 44 visits to the council webpage for Amendment.

5.5 Submissions

178 A total of 7 submissions (including 2 late submissions) have been received in relation to the Amendment. There were:

- 3 from agencies/authorities;
- 2 from landowners; and
- 2 from interested parties.

All submissions were considered at the 24 February 2025 Council Meeting.

179 The submissions have been summarised as follows and also in Table 4:

- 3 submissions which support the Amendment;
- 2 submission which object to the Amendment or request changes which cannot be supported; and
- 2 submissions which provided comment on the amendment but do not oppose the Amendment.

Table 4: Summary of Submission Received

Amendment C143 Submissions	
Support	3
Requests changes (not supported)	1
Object	1
Comment	2
Total Submissions	7

180 The key issues raised in the submissions are detailed in section 5.6 of the report. A copy of all submissions received and Council officer's response to submissions is provided at **Attachment 7** and **8**.

5.6 Key issues raised in submissions

181 The key themes raised in submissions are as follows:

- a) The location, size or area of where the PAO was proposed on a property;
- b) The age of the Morwell North West Development Plan and Development Contributions Plan and the associated drainage reports which inform this DP and DCP;
- c) That the application of the PAO would interfere or delay a permit holders' ability to come to their own 'commercial arrangements' to acquire land identified to have the PAO; and
- d) That the application of the PAO would give confidence that acquisition would occur in a timely manner to the benefit of the precinct.

182 Theme a) was raised by submissions 1, 4 and 5. Council officers were able to resolve submission 1 concerns through advising that the PAO is based on the specifications of the DP and associated drainage reports and that any additional land required can be negotiated through the compulsory acquisition process. Similar advice was provided to submissions 4 and 5 but they were unable to be resolved.

183 Theme b) was raised by submissions 4 and 5. Council officers were unable to resolve these concerns.

184 Theme c) was raised by submissions 1 and 5. Submission 1 concerns were resolved through council officers advising the acquisition of land for WR-04 in Morwell NW was a low priority and that acquisition would only occur if the development industry advised Council that they were unable to acquire the land and want Council to compulsorily acquire the land. Submission 5 was unable to be resolved with this advice.

185 Theme d) appeared in submissions 2 and 7 which support the amendment and did not require resolving.

5.7 Proposed changes in response to submissions

186 No changes have been made in response to the submissions. No post exhibition changes have been made.

6. Other strategic material relevant to the Amendment

6.2 Council Plan and Community Vision

6.2.1 Community Vision

187 The community vision sets out the challenge for the Council Plan. Latrobe City Councils community vision is:

In 2031 Latrobe City will be known for being smart, creative, healthy, sustainable and connected. It will be the most liveable regional city and at the forefront of innovation. Working together we are a diverse, connected and resilient community, supporting the equitable diversification of our economic base and transition towards a low emissions future. We are known as a community that is equitable, liveable and sustainable, with a continued focus on healthy lifestyles supported by high quality recreational and cultural facilities and a natural environment that is nurtured and respected.

188 The Amendment is consistent with the vision as applying PAO2 and PAO3 as proposed by the Amendment. It will allow Latrobe City Council to efficiently acquire land for projects which have been identified as being of public benefit through their inclusion in Council adopted DCPs. These projects range in their purpose, but overall, they assist in ensuring these growth areas have the infrastructure they need to allow residential development to occur while minimise the negative impacts of uncoordinated development.

6.2.2 Council Plan

189 The Council Plan is structured around five themes. The five themes are Smart, Creative, Healthy, Sustainable and Connected. The Connected theme relates to Amendment C143latr, in particular the following strategy:

Facilitate appropriate urban growth, industry diversification, liveability and connectivity throughout Latrobe City.

190 The Amendment proposes to facilitate appropriate urban growth by giving Latrobe City Council the means to compulsorily acquire land from properties with no development intentions but that have land which has been identified for a DCP project. This means the planned critical infrastructure can be provided maximising liveability and ensuring connectivity to the rest of Latrobe.

7. Conclusion

- 191 The Amendment applies the Public Acquisition Overlay to facilitate the acquisition of land by Latrobe City Council where Council has identified that certain DCP projects are at risk of not being delivered due to the landowner development intentions.
- 192 It is considered that the Amendment has significant strategic justification through the Site Assessments prepared for PAO2 (Road Projects) and PAO3 (Open Space and Drainage Reserves) and is supported by the Development Contribution Plans for Lake Narracan, Morwell North West and Traralgon North growth areas.
- 193 The Amendment is considered to be consistent with the objectives of the Planning Policy Framework and Municipal Planning Strategy contained within the Latrobe Planning Scheme.
- 194 The Amendment ensures that the scheme is updated correctly to reserve land as required by the *Land Acquisition and Compensation Act 1986* before compulsory acquisition can occur.
- 195 Latrobe City Council respectfully requests that the Planning Panel support Planning Scheme Amendment C143latr as exhibited.
- 196 This completes the Part A submission for the Planning Authority.



Stewart Saunders
Latrobe City Council