

Planning and Environment Act 1987

Panel Report

Latrobe Planning Scheme Amendment C105

Live Work Latrobe

15 March 2019

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Panel Report pursuant to section 25 of the Act

Latrobe Planning Scheme Amendment C105

Live Work Latrobe

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Lester Townsend, Chair



John Ginivan, Member



Dawn Bray, Member

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Procedural issues.....	3
1.3 Background to the proposal.....	3
1.4 Council’s proposed changes post exhibition.....	5
1.5 Summary of issues raised in submissions	6
1.6 Issues dealt with in this Report	7
2 Planning context	9
2.1 Planning Policy Framework	9
2.2 Ministerial Directions and Practice Notes.....	12
2.3 Discussion and conclusions	12
3 Bushfire	14
3.1 Bushfire and land use and development	14
4 Housing	17
4.1 Housing needs and the application of residential zones	17
4.2 Request for an increase in the maximum height in Residential Growth Zone – Schedule 3	20
4.3 Land south of Commercial Road, Morwell.....	21
4.4 Proposed Low Density Residential Zone	23
5 Coal	24
5.1 Coal, rural and urban land use	24
5.2 Submission on removal of the State Resources Overlay	26
5.3 Hydrogen energy supply chain	27
6 Industry	28
6.1 Support and requested changes	28
6.2 Sibelco lime processing facility.....	28
6.3 Land to the east of Alexander Road, Morwell	35
7 Rural living.....	37
7.1 Yinnar South	37
7.2 Request application of a Rural Living Zone to land not exhibited by the Amendment.....	40
8 Farming	45
8.1 Development in rural areas and impacts on agriculture	45
8.2 Application of Farming Zone – Schedule 1.....	45
8.3 Application of Farming Zone – Schedule 2.....	47

Appendix A Submitters to the Amendment

Appendix B Parties to the Panel Hearing

Appendix C Document list

List of Tables

	Page
Table 1 Council’s chronology for Amendment C105	4
Table 2 Local Area Plans and Proposed Zones	17

List of Figures

	Page
Figure 1 Development of Live Work Latrobe	4
Figure 2 Current zoning in Traralgon South	Error! Bookmark not defined.
Figure 3 Revised proposed zoning	39
Figure 4 Location of land subject to submission 31	40
Figure 5 Location of land subject to submissions 13, 28 and 30	41
Figure 6 Location of land subject to submission 120	42
Figure 7 Location of land subject to submission 123	43
Figure 8 Exhibited Callignee Farming Zone – Schedule 2 precinct with dwelling locations.....	48

List of Abbreviations

the Act	Planning and Environment Act 1987
BAL	Bushfire Attack Level
BMO	Bushfire Management Overlay
CFA	Country Fire Authority
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
DJPR	Department of Jobs, Precincts and Regions (formerly DEDJTR)
DSDBI	Department of State Development, Business and Innovation
EPA	Environment Protection Authority
ESO1	Environment Significance Overlay 1
FZ1	Farming Zone – Schedule 1
FZ2	Farming Zone – Schedule 2
GRGP	Gippsland Regional Growth Plan
GRZ	General Residential Zone
HVP	Hancock Victorian Plantations
IDO	Brown Coal Interim Development Order
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
PPF	Planning Policy Framework
RGZ	Residential Growth Zone
RLZ1	Rural Living Zone 1
SPPF	State Planning Policy Framework
SRO	State Resource Overlay (Coal)
The Housing Strategy	Live Work Latrobe Housing Strategy 2017
The Industrial and Employment Strategy	Live Work Latrobe Industrial and Employment Strategy 2017
The Rural Land Use Strategy	Live Work Latrobe Rural Land Use Strategy 2017
The Urban Design Guidelines	Latrobe City Council Urban Design Guidelines 2017
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Latrobe Planning Scheme Amendment C105
Common name	Live Work Latrobe
Brief description	The Amendment seeks to implement key recommendations of Live Work Latrobe, comprising the Live Work Latrobe Housing Strategy 2017, Live Work Latrobe Industrial and Employment Strategy 2017 and Live Work Latrobe Rural Land Use Strategy 2017.
Subject land	The Amendment applies to the majority of land within the municipality, particularly land in a Residential Zone, Rural Living Zone, Farming Zone, Industrial Zone or land subject to Development Plan Overlay Schedules 5 and 6.
The Proponent	Latrobe City Council
Planning Authority	Latrobe City Council
Authorisation	1 February 2018 revised on 2 March 2018
Exhibition	22 March to 11 May 2018
Submissions	Number of Submissions: Submissions included 26 in support, 35 submissions of support with proposed changes, 9 objections with proposed changes, 4 general submissions and 86 submissions of objection.

Panel process

The Panel	Lester Townsend John Ginivan Dawn Bray – Ms Bray did not attend the Hearing but assisted in preparing this report
Directions Hearing	5 October 2018
Panel Hearing	12 to 20 November 2018 at the Churchill Football Netball Club
Site inspections	Sibelco Ltd plant site – Accompanied, 15 November 2018 Other relevant sites – unaccompanied during the course of the Hearing
Appearances	Refer to Appendix B
Citation	Latrobe PSA C105 [2019] PPV
Date of this Report	15 March 2019

Executive summary

(i) Summary

Latrobe Amendment C105 seeks to implement key recommendations from the *Live Work Latrobe* project, comprised of a *Housing Strategy*, *Industrial and Employment Strategy* and *Rural Land Use Strategy* prepared in 2017.

The Amendment proposes widespread changes to the policies, zones and schedules applying to residential, farming and industrial land in response to the significant demographic and structural economic changes affecting the locality.

Key issues raised in submissions included:

- the proposed 'back zoning'¹ existing rural living zoning particularly at Yinnar South
- the impact of current and proposed planning controls on the existing and future operation of the Sibelco lime plant at Traralgon South
- the consequence of residential development near plantation forestry areas
- the impact of changes to rural zone minimum subdivision sizes and development permit requirements, including adverse impacts for existing farming operations from increased housing development in rural areas, including at Callignee
- site specific issues generally relating to future development expectations
- a range of relatively localised or isolated instances where on the ground circumstances appeared to present anomalies.

This is a comprehensive Amendment. The Council proposed a number of post-exhibition changes in response to submissions and the Panel has based its report on that version of the Amendment. Council has been responsive to submissions and the Panel supports the proposed post-exhibition changes.

The Panel has considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

Broadly the Panel concludes that:

- the Amendment presents a well-founded overall strategic approach for a municipality experiencing significant economic and transformational changes
- the application of zones, schedules and controls is in the main logical and supports the strategic intent
- the process of exhibition of the Amendment and subsequent engagement through submissions and other processes has illuminated a range of opportunities for the Council to further refine the Amendment and many of these were presented during the Panel process and supported.

The key issue where the Panel departs from Council's position is in relation to the Janette Street industrial precinct, where the Panel concludes that the current Council objectives are

¹ Rezoning land to a more restrictive zone than currently applies.

fundamentally flawed and unrealisable. The Panel concludes that an alternative approach is warranted for this location and makes recommendations to that effect.

The post-exhibition proposal by Council to defer future rural living zonings until after further analysis of bushfire risk is appropriate and supported. It is unfortunate that the proposed analysis was not undertaken before the Amendment was exhibited. While it is true that state planning policy has been clarified while the Amendment was on exhibition, the fundamental principles of using the planning system to avoid enabling urban development and intensification in areas exposed to high fire risk has been mainstream now for at least 10 years.

The issue of development in high fire risk locations, including the general requirement by the State for planning authorities to plan for at least 10 years' supply for rural living development, was raised by the Council as being unsustainable in landscapes with broad vegetation cover and identified fire risk.

The overall approach to bushfire risk in the post exhibition version of the Amendment is sound and consistent with state policy and objectives. The location of any future rural living areas will require careful analysis to ensure that future development is not enabled in areas that have an unacceptable level of bushfire risk and where objectives relating to the primacy of human life cannot be achieved. The Panel notes that this work and assessment is underway.

The Panel broadly supports the approach taken by the Council in applying the suite of residential zones as it closely aligns with the approach recommended through planning practice notes and other guidance. The Panel agrees with Council that the opportunity to significantly increase housing density south of Commercial Road should be deferred until mine fire risk and related matters of mine rehabilitation are resolved.

The Panel considers that the identification of intensive agricultural precincts in areas impacted by the SRO should proceed, but notes that changes to the SRO as part of the Amendment would be beyond what was authorised and exhibited. The Panel agrees with Council and does not see a need to change the Amendment in relation to hydrogen energy supply chain proposals.

The Panel agrees that retention of the Farming Zone on land to the east of Alexander Road, Traralgon in the vicinity of the airport is appropriate until such time as land supply demand warrants the rezoning of the site in accordance with directions outlined by the Industrial Framework Plan. The Panel notes that the land owner appears keen to pursue a mixed use development. Possible land zoning is an expected outcome of the Morwell–Traralgon Corridor project.

The Panel supports the application of the Farming Zone - Schedule 1 and Schedule 2. The Panel agrees that the role of agriculture is likely to increase in Latrobe and the zone provides the appropriate control to facilitate this.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Latrobe Planning Scheme Amendment C105 be adopted as proposed by Council in the post-exhibition changes, presented in Document 61, subject to the following:

1. Retain the General Residential Zone Schedule 1 on land in Oswald Street and Lodge Drive, Traralgon.
2. Review the character statements in the residential zone schedules to harmonise language where appropriate.
3. Review the content of the residential zone schedules to ensure compliance with the *Ministerial Direction – The form and content of Planning Schemes* and clarify the reference to combined side and rear setbacks.
4. Change the planning scheme and supporting strategies to support the ongoing operation of Sibelco and abandon strategies to transition the area, specifically:
 - a) At clause 21.09-6 residential – delete reference to investigating the transition of land uses in Traralgon South Structure Plan area 8a and replace with *“manage urban development and urban renewal in existing residential or mixed use zones within the 500 m buffer of the Sibelco facility to mitigate potential noise impacts from continuing operation of the Sibelco site.”*
 - b) At clause 21.09-6 residential – insert *“Avoid conversion of farming zoned land south of the Janette Street Industrial Precinct (Traralgon South Structure Plan area 8b) to urban use while the Industrial 1 Zone applying to the precinct remains in the planning scheme.”*
 - c) At clause 21.09-6 industrial – delete references to encouraging the transition of industrial uses in the southern parts of the transit city precinct and area 8a.
 - d) At clause 21.09-6 industrial – Insert *“Plan for the ongoing operation of the Sibelco Lime facility within the Janette Street Industrial Precinct (Traralgon Structure Plan area 8a) and support light industrial and other compatible uses within the precinct as a development buffer between the Sibelco plant and nearby residential and mixed uses”*.
 - e) Delete all references to the Traralgon South Precinct Masterplan.
 - f) Further explore the need for a permit trigger or policy to allow Council to consider the need for noise attenuation in new sensitive use developments.
 - g) Remove all references to transitioning the Janette Street Industrial Precinct to residential including updating the relevant diagrams in each document to remove or adjust symbols and other notations and markings that point to the transition of the area from the *Housing Strategy 2017* and the *Industrial Land Use and Employment Strategy 2017*.

1 Introduction

1.1 The Amendment

(i) Amendment description

Three strategies form the basis of Amendment C105:

- Live Work Latrobe Housing Strategy 2017 (the *Housing Strategy*)
- Live Work Latrobe Industrial and Employment Strategy 2017 (the *Industrial and Employment Strategy*)
- Live Work Latrobe Rural Land Use Strategy 2017 (the *Rural Land Use Strategy*).²

Based on the recommendations from these three strategies the Amendment seeks to amend a wide range of clauses including the Municipal Strategic Statement, the Local Planning Policy Framework, zoning of land and the introduction of new schedules affecting all Farming Zone, Rural Living and Residential Zones, along with amendments to the Development Plan Overlay.

More specifically, the Amendment seeks to revise clause 21 Municipal Strategic Statement by replacing existing Clauses 21.01 to 21.10 with the following new clauses:

- Clause 21.01 Municipal profile
- Clause 21.02 Built environment and settlement
- Clause 21.03 Environmental and landscape values
- Clause 21.04 Environmental risk
- Clause 21.05 Natural resource management
- Clause 21.06 Urban design, heritage and character
- Clause 21.07 Economic development
- Clause 21.08 Transport and infrastructure
- Clause 21.09 Local area growth plans
- Clause 21.10 Implementation.

Clause 22 Local Planning Policy Framework is amended through the introduction of three new local policies:

- Clause 22.01 Intensive agriculture
- Clause 22.02 Rural dwellings and subdivision in the Farming Zone
- Clause 22.03 Rural tourism in the Farming Zone.

Changes to the zoning provisions of the majority of land within the municipality are also sought (in the post exhibition version) by:

- rezoning all land within the Farming Zone to either Farming Zone Schedule 1 – Commercial Agriculture (FZ1) or Farming Zone Schedule 2 – Mixed Use Farming (FZ2)
- rezoning land from Farming Zone to Public Conservation and Resource Zone where land is not in private ownership and is either recognised State Forest or a conservation area

2 The strategies were prepared by MacroPlan Dimasi, RMCG and Planisphere

- rezoning all residential land in accordance with the Housing Framework Plans in the *Housing Strategy* identifying areas for substantial change, incremental change, limited change and minimal change through the application of the Residential Growth Zone (four new schedules), the General Residential Zone (four new schedules) and the Neighbourhood Residential Zone (three new schedules)
- amending existing Development Plan Overlay Schedules 5 and 6 to align with the recommendations of the *Housing Strategy*
- rationalising the existing Rural Living Zone Schedules 1 to 6 down to three new schedules
- rezoning Lot 1 Plan of Subdivision 339021 and Lot 1 Plan of Subdivision 412581 from the Farming Zone to Industrial 1 Zone
- correcting a number of zoning and overlay mapping anomalies and errors
- amending various zone maps and inserting new Development Plan Overlay maps to reflect the changes in zone provisions.

Two exhibited changes are not now sought to be pursued by Council:

- rezoning additional land as Rural Living with a Development Plan Overlay Schedule 8 to address land fragmentation
- rezoning around 1,275 hectares in Yinnar South from Rural Living Zone Schedules 4 to 6 to Farming Zone Schedule 2 – Mixed Use Farming.

(ii) Purpose of the Amendment

Council has undertaken the Live Work Latrobe Project over the past two years as a means of adopting a ‘whole of city’ approach to land use and development across the municipality. This work has been the means of responding to significant demographic changes, in the form of a rapidly ageing population and declines in younger age cohorts, along with fundamental changes to the structure of the municipality’s economy primarily due to the decline in the coal mining, power production and manufacturing industries.

The three strategies under the Live Work Latrobe banner aim to be complementary land use strategies to identify competitive strengths within the local economy, promote integrated planning policy to promote new industries and to provide for a range of housing styles and densities to cater for a growing and more diverse population. Population growth to around 100,000 residents is predicted over the next 30 years.

The *Industrial and Employment Strategy* seeks to underline and promote Latrobe City’s role as one of four of Victoria’s Major Regional Cities and Gippsland’s only regional city. The strategy seeks to strengthen Latrobe’s role as a regional service hub while promoting growth in sectors such as the food processing, engineering and forestry industries. One of the key recommendations is for the land between Morwell and Traralgon to be progressively developed for commercial, residential and industrial uses over time.

The settlement hierarchy outlined by the *Housing Strategy* aims to focus growth in and around existing town centres and transport hubs while identifying areas for incremental, limited and minimal change in response to infrastructure provision, access to services, environmental risks and neighbourhood character. Liveability and high levels of amenity are

identified as key objectives for new and existing residential areas. Additional rural living areas play a role in meeting demand for 'lifestyle' blocks.

The *Rural Land Use Strategy* seeks to underline the importance of agriculture to Latrobe's economy and identifies areas for new intensive agricultural activities to support the area's role in food production. New policies focus on minimising future land fragmentation and the intensification of residential uses in the Farming Zone. The importance of the forestry sector is also highlighted and sought to be reinforced through avoiding land use conflicts within productive forestry areas.

(iii) The subject land

The Amendment applies to the majority of land within the municipality.

1.2 Procedural issues

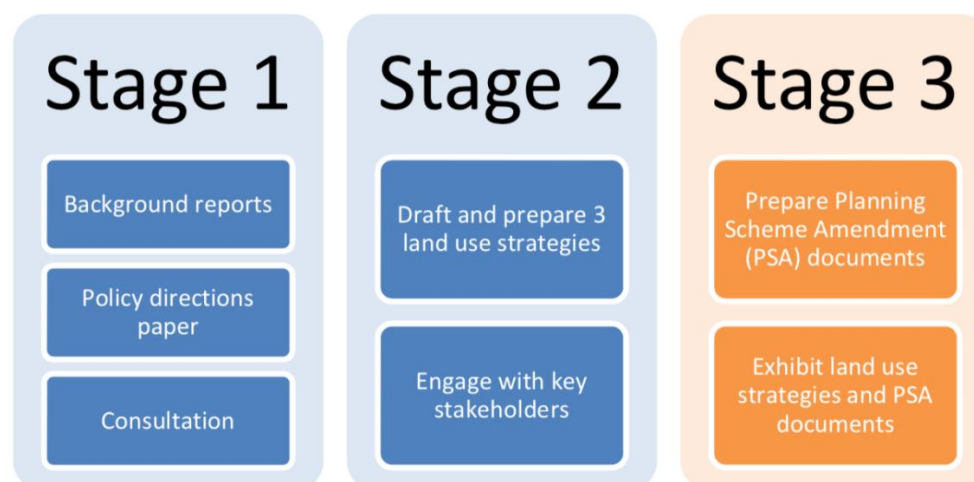
During exhibition of the Amendment a state wide amendment changed the format of the State Planning Policy Framework (SPPF). At the Directions Hearing, Council proposed that discussion of submissions and any revisions to the Amendment should continue using the format and references prevailing at the time of exhibition. Subject to conclusion of the Amendment it will be translated into the new format requirements in a neutral manner by the Department of Environment, Land, Water and Planning (DELWP). The Panel supports this course of action.

Council also advised the Panel that as a consequence of Amendment VC140 (bushfire planning), Council had committed to undertaking further strategic assessment of bushfire risk in areas proposed to be identified future rural living development. The Council stated that it intended to provide further information on proposed future rural living areas in its Part B submission.

At the Directions Hearing, submitter Tony Hanning questioned the validity of the Amendment as it referenced rural living areas at Yinnar South for effective back zoning, that appeared not to have been specifically mentioned in previous decisions of the Council. After deliberation the Panel concluded that the Amendment process appeared to be sound in that the notice of the Amendment was clear in its description of what the Amendment sought to do and the areas of the municipality that it affected. Formal notice of the Amendment was given and an opportunity provided for persons to consider the Amendment and make submission – many residents from Yinnar South have done this.

1.3 Background to the proposal

Council's Part A submission explained that the Live Work Latrobe project was undertaken in three stages:

Figure 1 Development of Live Work Latrobe

Council summarised the chronology of events as follows:

Table 1 Council's chronology for Amendment C105

Date	Event
August 2015 – May 2016	Stage 1 commences with the appointment of consultant team comprising of Meinhardt, Capire and Essential Economics Pty Ltd to undertake a review of Latrobe City, focusing on the three themes of housing, industry and employment and rural land use and included extensive community consultation, culminating in the Stage 1 Community Consultation Report, Background Report and Policy Directions Report.
23 May 2016	Council endorses the Live Work Latrobe Stage 1 Background Report, Community Consultation Report and Policy Directions Report.
October 2016 – July 2017	Stage 2 commences with the appointment of a consultant team comprising of Planisphere, RMCG Consulting and MacroPlan Dimasi.
21 August 2017	Council endorse the draft Live Work Latrobe Housing, Rural, Industrial and Employment Land Use Strategies for exhibition as part of a planning scheme amendment; and Requests authorisation from the Minister for Planning to prepare and exhibit the draft Live Work Latrobe Land Use Strategies and associated amendments to the Latrobe Planning Scheme.
18 October 2017	Stage 3 commences with Latrobe City Council formally requesting Ministerial authorisation to prepare and exhibit the Amendment.
25 October 2017	Further information requested by DEWLP regarding proposed changes to coal related planning provisions.
1 February 2018	Authorisation received from DELWP.
13 February 2018	Council officers request DELWP to revise a condition of the previous authorisation in relation to amending the <i>Industrial and Employment Strategy</i> exhibition draft.

2 March 2018	Revised authorisation issued by DELWP subject to conditions.
21 March – 11 May 2018	Public exhibition of the Amendment.
12 June 2018	Request lodged with DELWP seeking exemption from Ministerial Direction No 15 to extend the time to request the appointment of a Panel under Part 8 of the Act within 40 business days of the closing date for submissions.
27 June 2018	Request for exemption from Ministerial Direction No 15 granted.
16 July 2018	Submitter presentations to a Special Meeting of Council.
30 July 2018	Special Meeting of Council to defer consideration of submissions from 6 August 2018 to 3 September 2018.
3 September 2018	Council resolves to request the Minister for Planning appoint a Planning Panel.

1.4 Council's proposed changes post exhibition

Following its consideration of submissions, Council's Part B submission identifies a number of proposed changes to the Amendment, including:

- clause 21.01, 21.02, 21.03, 21.04, 21.05, 21.07, 21.08, 21.09 and 21.10 Municipal Strategic Statement
- clause 22.01 Intensive agriculture
- clause 22.02 Rural dwellings and subdivision in the Farming Zone
- clause 22.03 Rural tourism in the Farming Zone
- clause 32.07 Residential Growth Zone Schedules 1 - 4
- clause 32.08 General Residential Zone Schedules 1, 2 and 4
- clause 32.09 Neighbourhood Residential Zone Schedules 2 and 4
- clause 35.07 Farming Zone Schedule 2
- clause 61.03 What does this Scheme consist of? (Now Clause 72.03 in the new format scheme)
- edits to the *Housing Strategy*, *Rural Land Use Strategy* and *Industrial and Employment Strategy*
- various zoning and map changes.

These changes have been reflected in revised Amendment documentation appended to Council's Part B submission.³ The Panel refers to this material as Council's final version of the Amendment to distinguish it from the exhibited Amendment.

During the Hearing Council also proposed a number of additional refinements. The Panel supports these changes unless express recommendations to the contrary are made in this Report.

3 Attachments 9, 10 and 11

1.5 Summary of issues raised in submissions

Issues raised in the submissions included:

- general support for the implementation of the *Housing Strategy*, *Rural Land Use Strategy* and *Industrial and Employment Strategy*
- objections to increased residential densities close to the Mid-Valley Shopping Precinct
- requests to increase the maximum height of 12 metres to 13.5 metres in Residential Growth Zone – Schedule 3 (Moe)
- objections to rezoning of land from General Residential Zone to Neighbourhood Residential Zone – Schedule 4 (Morwell)
- requests to alter ‘coal overlay provisions’ (the State Resource Overlay) to facilitate development and subdivision
- objections to the policy direction for the transition of industrial land south of the Traralgon Activity Centre (Janette Street) and north of Morwell (Latrobe Road)
- support for the application of Farming Zone Schedule 2 to various locations (Callignee, Yallourn North and Moe South) but balanced by objections to the application of Farming Zone Schedule 2 in Callignee
- requests for the application of Farming Zone Schedule 2 to additional land not included in the exhibited Amendment (Koornalla, Toongabbie, Glengarry and Tyers)
- support for, and objections to, the application of a Rural Living Zone (Churchill, Moe South and Toongabbie)
- requests for the application of a Rural Living Zone to additional land not included in the exhibited Amendment (Moe South, Tanjil South, Callignee, Tyers, Traralgon East and Boolarra)
- support for, and objections to, the application of Farming Zone Schedule 1
- support for, and objections to, the rezoning of land in Yinnar South from Rural Living Zone to Farming Zone
- support for greater recognition for rural and nature based tourism
- support for the inclusion of policy direction for greater recognition of biodiversity values, including the Strzelecki – Alpine bio link
- the need for further assessment of bushfire risk.

The key issues by submitters were:

- the proposed back zoning of existing rural living land to Farming Zone at Yinnar South
- the impact of current and proposed planning instruments on the existing and future operation of the Sibelco lime plant at Traralgon
- the consequence of residential development near plantation forestry areas
- the impact of changes to rural zone minimum subdivision sizes and development permit requirements, including adverse impacts for existing farming operations of increased housing development in rural areas, including at Callignee
- site specific proposals generally relating to facilitating a particular development and land use outcome

- a range of relatively localised or isolated instances where on ground circumstances appeared to present what could be best described as anomalies.

The key issues for the Department of Economic Development, Jobs and Resources (DEDJTR), now the Department of Jobs, Precincts and Regions (DJPR) were:

- potential impact of proposals to enable more intensive agricultural activities in some areas affected by the SRO (Coal)
- ongoing investigation of future coal and other resource utilisation and the impact on future land use and development
- ongoing investigation into existing coal mine land stability and the impact that may have for development at east Traralgon.

The key issues raised by the Country Fire Authority (CFA) were:

- the appropriateness of proposals in the Amendment to create new future rural living areas.

In the context of Amendment VC140 and the decision by the Council to undertake further strategic assessment of these proposals, the core issues identified by the CFA are being addressed, noting that CFA would be yet to form any view about the outcome of these further investigations.

In the main, many submissions were able to be addressed by the Council by:

- deferring of proposed future rural living areas pending completion of further strategic analysis
- maintaining the existing Rural Living Zoning at Yinnar South and other areas where there is limited future development or subdivision potential
- more detailed post exhibition analysis that allowed Council to resolve the issues raised in the submission.

The Panel commends Council for its thorough and thoughtful response to resolving the issues in such a complex Amendment. The critical unresolved issues relate to the Sibelco and the DEDJTR submission in relation to more intensive agricultural uses in some areas of the SRO.

The Panel also notes the number of submissions received in support of the Amendment. The Panel would like to specifically acknowledge the positive submission in support of the inclusion of policy and directions for greater recognition of Latrobe City's biodiversity values including proposed establishment of the Strzelecki–Alpine bio link.

1.6 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, verbal submissions, evidence and other material presented to it during the Hearing.

The Panel has reviewed a large volume of material and as such, the Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- bushfire
- housing
- coal
- industry
- rural living
- farming.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report and its Part A submission.

The Panel has reviewed Council's response and the policy context of the Amendment and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

The Panel has considered the background to the Amendment and the information provided by the Council in its Part A and B Submissions and notes that the municipality is impacted by a number of significant factors that affect strategic planning land use including:

- very extensive areas preserved for future potential coal extraction through State sponsored State Resource Overlay (SRO)
- existing coal mines – in use or being rehabilitated
- rivers, flooding and floodplains
- extensive forested areas to the north and south of major settlements
- extensive plantation forestry operations, including regionally located processing facilities
- significant bushfire risks associated with terrain and fuel types.

The Panel notes that the municipality is in a period of major economic adjustment and that the Amendment is seeking to establish a framework that responds to that adjustment, creates direction for the future, enable new opportunities that build on regional strengths to be realised and responds to changing natural threats including bushfire.

2.1 Planning Policy Framework

(i) State planning policies

Council submitted that the Amendment is supported by the following clauses in the SPPF:

- Clause 11 Settlement – because it establishes policy direction, zones and overlays to encourage increased housing diversity and densities. A priority of the *Housing Strategy* is to ensure urban renewal and the majority of growth occur in locations with good access to activity centres and transport hubs. A variety of housing types are encouraged in large and small townships commensurate to their role in the settlement hierarchy.
- Clause 12 Environmental and landscape values – as policies and zones seek to protect biodiversity through identifying and conserving areas of environmental value, including new policy direction to protect areas of importance such as the habitat for the genetically important Strzelecki Koala via a biolink corridor between the Strzelecki bioregion and Alpine areas. Policy guidance underlines the need for protection and enhancement of natural environmental values and assets, which greatly contribute to the amenity, liveability and character of the municipality.
- Clause 13 Environmental risks and amenity – as the proposed settlement hierarchy and Structure Plans respond to environmental risks such as bushfire, mine fire, flood, contaminated land, odour and air quality. The *Housing Strategy* and *Rural*

Land Use Strategy provide policy direction and zoning provisions to ensure future housing growth avoids area of high bushfire risk and that urban areas subject to the Bushfire Management Overlay (BMO) are subject to limited growth.

- Clause 14 Natural resource management – given the protection of agricultural, forestry and timber production, water resources and resource exploration and extraction were considered in the development of the *Rural Land Use Strategy*. New local policies and zones seek to direct urban activities and new housing development into existing settlements, while discouraging dwellings and small lot subdivisions in the Farming Zone. Two new Farming Zone schedules support the preservation of productive agricultural land and seek to encourage rural productivity and investment in agriculture and forestry.
- Clause 15 Built environment and heritage – as the need to ensure all land use and development appropriately responds to surrounding landscape and neighbourhood character informed the development of new schedules to the Residential Growth, General Residential and Neighbourhood Residential Zones. The introduction of the *Urban Design Guidelines* as a reference document also supports this clause.
- Clause 16 Housing – as new local policies, zones and overlays are designed to encourage greater diversity of housing types catering for people in all stages of life. The development of affordable and social housing is supported. The introduction of the *Urban Design Guidelines* as a reference document also supports this clause.
- Clause 17 Economic development – because the policy and land use framework supports the achievement of a strong and innovative economy that is diverse, with particular emphasis on growing the provision of regional services to Gippsland. The introduction of the *Urban Design Guidelines* supports the improvement of the appearance and function of commercial and industrial areas.

Given the extent of changes proposed under the Amendment, the majority of policies in the Planning Policy Framework are relevant and must be considered.

Council submitted that the Amendment supports the following regional planning objectives:

- Clause 11.01-1R Settlement Gippsland – as the three Live Work Latrobe strategies align with the Gippsland Regional Growth Plan (GRGP). The GRGP recognises Latrobe City's importance to Gippsland as its only regional centre and supports the 'networked city' approach. The Plan promotes continued growth for the networked City, focusing on Traralgon, Moe, Morwell and Churchill.
- Clause 14.01-1R Protection of Agricultural land Gippsland – because new local policies and amended Farming Zone schedules provide direction to advance productive and innovative agriculture, forestry and fisheries sectors, with a focus on export markets and local food processing. The GRGP recognises that Latrobe's economy must diversify from coal mining to technologies focused on low emissions and value adding to local agricultural produce.

The Amendment reinforces the networked city approach between the key urban centres, focusses urban development and renewal opportunities to strengthen urban centres, creates the ongoing strategic settings for progressive urban development in the longer term between Traralgon and Morwell, sets strategic and permit requirements to foster and support agricultural land use into the future and establishes policy and statutory

requirements that will facilitate tourism uses in appropriate areas. Policy and statutory provisions are aligned with the objective of fostering development of new and innovative industrial land uses in identified precincts.

The Panel supports the analysis undertaken by the Council and agrees that the overall the strategic directions proposed is consistent with relevant regional planning policies.

(ii) Local planning policies

Council submitted that the Amendment supports the following local planning objectives:

- Clause 21.01 Municipal profile – as it seeks to strengthen the unique physical attributes of Latrobe and support growth in the City’s regional service role, forestry and agriculture. The role of the four key towns that comprise the ‘networked city’ are reinforced through the direction of urban renewal and increased density in Traralgon, Morwell, Moe and Churchill in particular.
- Clause 21.03 Environmental and landscape values – as new policy direction and zone provisions seek to protect significant landscape and areas of environmental value. The Amendment aims to strike a balance between environmental sustainability and economic growth.
- Clause 21.04-2 Settlement overview (revised by Amendment C97 to form Clause 21.01-1 and 21.09) – given the revised settlement hierarchy puts the ‘networked city’ concept at the forefront of policy guidance, recognising each town’s unique role and strengths. Smaller settlements are recognised as playing an important role in the diversity of housing and lifestyle. Housing growth and diversity in dwelling types are encouraged in localities close to activity centres and transport hubs.
- Clause 21.05 Main towns (revised by Amendment C97 to form Clause 21.02-2 and 21.09) – as it clarifies the role, functions and growth prospects of each town, focussing growth into the Traralgon–Morwell corridor, supported by Moe–Newborough and Churchill.
- Clause 21.06 Small towns (revised by Amendment C97 to form Clause 21.02-3 and 21.09) – because it recognises the lifestyle opportunities provided by outlying townships. Housing growth and development within local commercial centres are to be guided through the preparation of structure plans.
- Clause 21.07 Economic development – as it seeks to aid the transition of the local economy from energy and manufacturing to a broader base of sectors including services, forestry, agriculture and food processing.
- Clause 21.07-3 Industry – because it recognises the importance of coal to the local economy but provides new policy direction as to how land above these natural resources can be better utilised. The development of new industry and infrastructure is encouraged to secure the future social and economic wellbeing of the City.
- Clause 21.08 Transport and infrastructure – as policy direction and the application of new zone provisions aim to promote the provision of the services, facilities and infrastructure the growing population and a more diverse economy requires. *Urban Design Guidelines* seek to improve accessibility, amenity and a sense of place.

The Amendment responds to the core issues raised through the strategic analysis undertaken and the various views raised during the engagement process leading up to the exhibition of the Amendment.

(iii) Other planning strategies or policies used in formulating the Amendment

Council's Part A submission identified a number of State, regional and local strategies and policy direction that informed the Amendment:

- Plan Melbourne Metropolitan Planning Strategy May 2014
- Latrobe Valley Economic Growth Zone Project
- Latrobe Valley Industry and Employment Roadmap 2012
- Gippsland Regional Plan 2015 – 2020
- Gippsland Regional Growth Plan 2014
- Latrobe Valley Regional Rehabilitation Strategy Program Summary February 2018
- Statement on Future Uses of Brown Coal 2017
- Coal Planning Provisions Review 2017
- Latrobe 2026 – Community Vision
- Latrobe City Council Plan 2013 – 2017 and 2017 – 2021
- Latrobe Transit Centred Precincts 2006
- Traralgon Growth Areas Review 2013
- Traralgon Inner South Precinct Master Plan 2011
- Residential Capacity Assessment
- Latrobe Planning Studies – Economic Analysis 2016.

The Panel accepts Council's submissions that the Amendment is broadly consistent with these strategies and policies.

2.2 Ministerial Directions and Practice Notes

Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act – referred to as Ministerial Direction 7(5) in this report
- Ministerial Direction 15 (The Planning Scheme Amendment Process).

The Panel notes that Ministerial Direction No 1 – Potentially Contaminated Land is also relevant to this Amendment.

2.3 Discussion and conclusions

The *Live Work Latrobe* project is an ambitious and comprehensive strategic project aimed at reframing and reconsidering Latrobe City's assets, land use and development potential to position the City for a prosperous future. The Panel thinks that the Council has (with some exceptions) been successful in achieving this aim.

The *Housing Strategy* will support a diverse range of housing opportunities and types that cater for changing population and housing needs (including social and supported housing), and ensures a long term capacity for growth.

The *Rural Land Use Strategy* will protect and enhance rural land assets, biodiversity, amenity to leverage new employment generating uses and development. Council has responded to the criticism made in relation to Rural residential development.

The *Industrial and Employment Strategy* has the potential to unlock industry investment and employment opportunities across Latrobe City. With the exception of the treatment of the areas containing the Sibelco land the Panel supports the strategy

The *Urban Design Guidelines* prepared in association with the *Live Work Latrobe* project provide direction to residential, commercial and industrial building design and streetscapes.

The Amendment moves beyond strategy and policy to planning scheme implementation in a comprehensive way.

The Panel supports Council's efforts to establish a 'whole of city', municipal-wide approach to land use planning to provide the basis for statutory planning controls and a framework for growth, targeting investment and collaborative action with businesses, community agencies and authorities.

The Panel has some concerns with the drafting of policies, in particular the strategies that refer to external strategies. The Panel thinks that these issues are best dealt with when the LPPF is translated into the Planning Policy Framework (PPF) framework.

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to the post-exhibition changes proposed by Council and the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends:

Adopt Latrobe Planning Scheme Amendment C105 as proposed by Council in the post-exhibition changes subject to the changes recommended in this report.

3 Bushfire

3.1 Bushfire and land use and development

(i) The issue

Latrobe has a history of bushfire and coal mine fires that have impacted settlements and communities.

The threat of landscape scale bushfire reflects the presence of large forested areas, including plantations, the Strzelecki Ranges, and the lower slopes of the alpine ranges to the north. Grassland fires have the potential to carry fire between these vegetated areas. There is an existing mixed pattern of subdivided allotments and spread of development across the landscape, with proposals for future development being considered on merit.

(ii) Evidence and submissions

The Amendment was exhibited with new rural living areas identified in addition to current areas. It also:

- proposed additional decision guidance to assist council planners assess development proposals, including tourism proposals, in areas with fire risk
- proposed changes to the Farming Zone to reduce the potential for housing development.

During exhibition of the Amendment the Government gazetted Amendment VC140 which clarified that planning scheme amendments and decisions should not create future development potential in areas where the ensuing bushfire attack level (BAL) exceeds 12.5. As a result of this, the Council resolved that it was postponing any consideration of future rural living areas pending further strategic analysis to determine whether or not those proposals were capable of meeting the essential test set out in VC140.

As is the case for most municipalities in Victoria, the municipality is a declared Bushfire Prone Area for the purposes of the Building Regulations. This triggers a minimum construction standard for development in areas of lesser bushfire risk, primarily designed to mitigate the impact of ember attack on structures.

For higher risk locations the BMO applies and triggers:

- a higher level of landscape scale assessment in addition to site specific assessment of bushfire risk to inform whether or not a land use or development ought to be permitted
- a consideration of what specific land management, design approaches or building construction standards are required to respond to the assessed level of bushfire hazard.

Graeme Taylor of Fire Risk Consultants gave evidence for the Council that the municipality has a history of significant fires with potential for one-day fires, and multi-day campaign fires. He said that primacy of life was paramount, and that taking a 'tenure blind' approach to managing bushfire risk was essential. His evidence was that the overall approach being

taken by the Council was positive and sought to address bushfire risk holistically, by seeking to:

- reduce development in high risk areas
- plan to avoid creating new development potential in inappropriate locations
- have appropriate consideration of development applications.

He supported the deferral of designating future rural living areas, two of which he had assessed as being of very high fire risk exposure – Tyers and Glengarry north.

Hamish Allen of Terramatrix Consultants gave evidence for the Council that if the Amendment did not proceed, the risk from bushfire impact would probably increase. He said that the changes proposed by the Council were positive and improved how bushfire risk was comprehensively dealt with in the planning scheme. He agreed that deferral of future rural living areas was sensible pending more comprehensive risk analysis.

Mr Allen advocated that for development on existing allotments, the objective should be to achieve siting or design solutions that do not require a construction standard greater than BAL 29. He said ideally development ought to achieve a siting footprint of BAL 12.5 and implement a construction response of BAL 29 as that probably represented the most resilient outcome for the majority of development.

During evidence and discussion a number of submitters noted variations between the Victorian Fire Risk Register, Phoenix modelling and other hazard assessments. The Panel noted this but also observed that, in the main, the various assessment of risk aligned at a strategic scale, and that by the very nature of their evolution and inputs, it is inevitable that there will, from time to time, be variations in how landscape scale risk is modelled and described. It is for this reason that the current planning and building systems require a single site assessment to determine a BAL to inform decision making for planning permits where required, and for the appropriate construction standard under the building regulations.

Bushfire risk is the greatest threat to the operations of Hancock Victorian Plantations (HVP). Evidence by HVP outlined the extensive nature of plantation forestry in the municipality and region generally. They described a model where on a 25 or so year cycle, trees are harvested from different plantation areas. The history of fire impact leading to a reduction in overall timber supply was noted in the HVP submission.

Because of the extensive landholdings, their assets are often at threat from illegal dumping, deliberate fires and other activities. The long rotation cycle can often result in land use changes and development near plantation areas, where newer residents who move into the area may not even be aware that they are near a plantation logging area, until the logging commences.

Fundamentally the HVP submission seeks proactive intervention in the planning system to avoid potential for increase in the urban or semi urban interface near plantation areas. They seek to avoid creation of opportunity for increasing the number of neighbours they need to interface with and therefor mitigate future impact when timber harvesting does occur.

In response to policy changes introduced to the Planning Scheme by Amendment VC140 in December 2017, Council sought further independent investigation of bushfire risk. This has

included the completion of detailed Bushfire Risk Assessment being completed for the exhibited Rural Living precincts and Farming Zone – Schedule 2.

In consultation with CFA, a number of post exhibition changes are now proposed to the Amendment as a result of this work.

(iii) Discussion

The evidence before the Panel confirmed that the region has a history of bushfire impact and that the risk of bushfire will continue to exist. The evidence called by Council and submission by the CFA is that the approach being taken by the Council is integrated and provides a framework to assess bushfire risk at a strategic level and also in respect to individual land use and development proposals.

Given that the Council is now undertaking further analysis of possible future rural living areas, it is opportune to take measures to also avoid locating any new rural living or urban style development in areas close to plantation forestry holdings.

The changes recommended by Terramatrix and embraced by the Council make good sense. The post exhibition version of the Amendment as updated by Council is consistent with recommendations by Terramatrix and should, therefore, be adopted.

(iv) Conclusions and recommendations

The Panel concludes:

- The overall approach to bushfire risk in the post exhibition version of the Amendment is sound and consistent with state policy and objectives.
- The location of any future rural living areas will require careful analysis to ensure that future development is not enabled in areas that have an unacceptable level of bushfire risk and where objectives relating to the primacy of human life cannot be achieved. The Panel notes that this work and assessment is underway.

4 Housing

4.1 Housing needs and the application of residential zones

(i) The issue

A number of submissions (2, 21, 37, 147 and 152) made explicit comments of support for the *Housing Strategy*. In contrast:

- some submissions (3, 17 and 20) objected to increased residential density in close proximity to Mid-Valley Shopping Precinct in Morwell
- submission 79 raised concerns about the application of the Neighbourhood Residential Zone (NRZ)
- submission 95 did not support changes to the current General Residential Zone (GRZ) or the proposed NRZ being applied to their land
- submission 61A sought a different zoning to NRZ4 for land adjacent to the Golf Course fronting Oswald Street.

(ii) Evidence and submissions

Council submitted that it was appropriate to identify existing residential land within about 400 metres of the Mid Valley Shopping Centre for higher density development. The land, in common with other land within 400 metres of an Activity Centre, is identified for 'Substantial Change' in the *Housing Strategy*.

A central objective of the *Housing Strategy* is to provide direction to future medium density development (including townhouse and unit developments), ensuring that they are located in planned locations with good access to activity centres and public transport.

The exhibited *Housing Strategy* identifies submitter 95's land in an area of limited growth. The application of the NRZ was undertaken as a translation of existing GRZ land, in order to give effect to the objectives of the *Housing Strategy*. Council agreed that the predominant development pattern and lack of sewer infrastructure suggests that a Low Density Residential Zone is appropriate. Council advised that this will be considered during the preparation of a Yallourn North Small Town Structure Plan, identified for commencement during the 2018–19 financial year.

Table 2 shows the variations proposed in the schedules.

Table 2 Local Area Plans and Proposed Zones

Proposed Zone Schedule	Variations	Proposed Zone Schedule	Variations
RGZ1 – Traralgon Transit City Precinct	Minimum street setback Landscaping Front fence height	RGZ2 – Compact Living with Special Character	Minimum street setback Landscaping Maximum building height – 12m
RGZ3 – Morwell and Moe Transit City Minimum	Landscaping Front fence height	RGZ4 – Churchill Activity Centre Minimum street	Landscaping Front fence height

Proposed Zone Schedule	Variations	Proposed Zone Schedule	Variations
street setback	Maximum building height – 12m	setback	Maximum building height – 12m
GRZ1 – Incremental Change (Five Minute Neighbourhoods)	Minimum street setback Landscaping Side and rear setbacks Front fence heights	GRZ2 – Incremental Change (Traralgon Garden Suburb)	Minimum street setback Landscaping Side and rear setbacks Walls on boundaries Front fence heights
GRZ3 – New Estates	Minimum street setback Landscaping Side and rear setbacks Walls on boundaries	GRZ4 – District Towns	Minimum street setback Landscaping Side and rear setbacks Walls on boundaries Front fence height
NRZ2 – Bush Garden Neighbourhood	Minimum lot size = 900sqm Minimum street setback Site coverage Permeability Landscaping Side and rear setbacks Walls on boundaries Front fence height	NRZ3 – Lifestyle Suburban	Minimum lot size = 1,500sqm Minimum street setback Site coverage Permeability Landscaping Side and rear setbacks Front fence height
NRZ4 – Regional Suburbs	Minimum street setback Site coverage Landscaping Side and rear setbacks Walls on boundaries		

Source: Evidence of James Reid, Ethos Urban

James Reid from Ethos Urban gave evidence that the proposed zones and schedules have been applied in a manner that is generally consistent with the proposed housing framework plan in each locality.

He observed:

- ... the landscaping standards included in the RGZ schedules require ‘One canopy tree in front setback per dwelling facing the street’. My observation is that this is unlikely to be achievable for apartment developments that have multiple dwellings facing the street. [66]

Mr Reid recommended:

- Reviewing the proposed reduced minimum front setback standards in the Neighbourhood Residential zones as these appear to contradict the intent of these schedules.

Submitter 61 argued that the land adjacent to the Golf Course fronting Oswald Street was a very small (about 9,000 square metres) in-fill site that has been for sale for over two and a half years. It was said that there was a lack of developer interest due to the small number of lots that can be created and the proposed NRZ4 would reduce that number further.

(iii) Discussion

In the main, the *Housing Strategy* and the consequential application of zoning or updated zoning to reflect the *Housing Strategy* attracted little attention or comment in submissions, with the exception of some site specific instances where alternate residential zoning is warranted.

The Latrobe Shire has a future forecast population of around 100,000 persons mainly housed in a network of cities and towns. The main urban centres are Traralgon, Morwell and Moe, with Churchill starting to expand and intensify. The strategic approach is to plan for the bulk of future urban development in Traralgon and Morwell and aim for a joined up urban corridor between these two major settlements.

The Panel notes that 76 per cent of all new households in the next 15 years will be lone persons or couples without children and only 14 per cent of the existing housing stock is not detached housing; the diversification of housing stock in areas close to transport, services and community facilities is, in the Panel's view, imperative to redress the imbalance between housing diversity supply and demand.

The Panel also notes that an increased supply of housing for people with disabilities or ageing residents in need of high end care is also likely to be needed.

The Panel notes that the Council agreed to adjust a number of diagrams in the *Housing Strategy* that refer to change areas to ensure that the diagrams align to cadastral boundaries that will be used to guide the application of planning scheme zones.

The Panel has some questions as to whether or not the neighbourhood character assessment undertaken as part of the Housing Strategy is sufficient in all cases to justify the application of the NRZ, as is recommended under the Minimal Change typology, noting that only Traralgon, Churchill and Moe have been thoroughly surveyed. However, on balance, the Panel accepts the application of the NRZ is appropriate in the context of Latrobe and with the application of other policy to encourage change in specific areas.

The Panel also notes Mr Reid's observations in relation to front setbacks but is reluctant to make recommendation in relation to this, given:

- the interlocking and comprehensive nature of what the Amendment proposes;
- the fact that the Amendment was authorised and so presumably has been determined to be consistent with state policy; and
- the lack of submissions in relation to these issues.

It is not clear to the Panel what the wording "*combined setback of no less than 3 metres*" in GRZ Schedule 4 means and whether this wording meets departmental guidance on drafting residential schedules.

Further, the wording of the neighbourhood character objectives throughout all of the residential schedules use what appears to be different terminology for the same thing, for example in relation to upper levels setbacks to minimise dominance within the streetscape.

Some of the design detail dot points in the Urban Design Guide border on being overly prescriptive – for example the avoidance of narrow windows. It is unclear what objectives such prescriptive controls are trying to achieve.

In relation to Submitter 61's concerns the Panel agrees land adjacent to the Golf Course fronting Oswald Street is part of a discrete pocket containing a motel, service station and funeral parlour and could support in-fill development at a higher density than proposed in the Amendment.

In relation to Submitter 40's concerns, covenants will not be removed by the rezoning of the land. A covenant can only be removed by:

- a planning permit
- a planning scheme amendment
- an application to the Supreme Court.

(iv) Conclusion and recommendations

The Panel broadly supports the approach taken by the Council in applying the suite of residential zones as it closely aligns with the approach recommended through planning practice notes and other guidance.

The Panel recommends that Council:

Retain the General Residential Zone Schedule 1 on land in Oswald Street and Lodge Drive, Traralgon.

Review the character statements in the Residential Zone Schedules to harmonise language where appropriate.

Review the content of the Residential Zone Schedules to ensure compliance with the Ministerial Direction – The form and content of Planning Schemes and clarify the reference to combined side and rear setbacks.

4.2 Request for an increase in the maximum height in Residential Growth Zone – Schedule 3

Submission 5 requested an increase in the maximum height of 12 metres to 13.5 metres in the Residential Growth Zone – Schedule 3 (Clause 32.07-3) in Moe.

The land is currently located within the RGZ – Schedule 1 (Transit Cities). No maximum building height is currently identified.

In response to the submission Council proposed to include, as a decision guideline, the ability for discretion in the application of the maximum building height (that is, to accommodate plant and other equipment).

Council submitted that a 12 metre height limitation has been applied in three out of four schedules to the RGZ. Traralgon's RGZ allows for a 15 metre maximum building height.

Council considered the 12 metre height was appropriate and generally allowed for development up to four storeys.

Mr Reid gave evidence for Council. He observed:

- *... the RGZ schedules include maximum height provisions that are based on a maximum height of 3 metres per storey (that is RGZ1 seeks to accommodate 5 storeys within 15 metres; RGZ2 to 4 provide for 4 storeys within 12 metres). In my view some additional flexibility should be provided to accommodate lift overruns, architectural features, parapets and services. On this basis heights of 16.5 metres and 13.5 metres would be preferable. [67]*

Mr Reid recommended:

- *Increasing the proposed maximum height in RGZ1 to 16.5 metres (equivalent to 5 storeys) and in RGZ2-4 to 13.5 metres (equivalent to 4 storeys).*

The Panel agrees with the evidence of Mr Reid. To accommodate 5 storeys in the RGZ1, and 4 storeys in RGZ2 additional flexibility should be provided to accommodate lift overruns, architectural features, parapets and services.

Council proposes to amend maximum heights as follows:

- increase maximum height of 12 metres to 13.5 metres (equivalent to 4 storeys)
- increase maximum height of 15 metres to 16.5 metres (equivalent to 5 storeys).

The Panel supports these changes.

4.3 Land south of Commercial Road, Morwell

(i) The issue

Submitters 69 and 79 objected to the rezoning of land from a General Residential Zone to a Neighbourhood Residential Zone – Schedule 4 in Morwell.

(ii) Relevant policies, strategies and studies

Residential zoned land to south of Commercial Road, Morwell is shown for future 'Incremental Change' on the exhibited Housing Framework. This opportunity is to be deferred until fire risk matters are resolved as follows:

Exhibited Clause 21.09-5:

Discourage increased housing densities south of Commercial Road (Area 13), until the completion of rehabilitation works to northern batter of the Hazelwood mine.

The need to protect the urban areas from amenity and adverse impacts associated with the coal industry is recognised in the Latrobe Planning Scheme through the Environmental Significant Overlay – Schedule 1 (ESO1).

The purpose of the ESO1 is as follows:

The coal industry is of national and State importance due to its use as the primary energy source for the electricity generating industry in Victoria. The impact on the environment is radical. Buffers protect those elements of the Coal Buffers Policy Area such as urban settlements from the impact of the radical change to the environment from the coal industry.

The intended extent of the ESO1 (being 1 kilometre) immediately south of the Morwell urban area is significantly compromised.

(iii) Submissions

Council submitted that a further assessment of this precinct and a site inspection of the Hazelwood Mine northern batter had been undertaken. Council sought advice from (the then) DEDJTR regarding identified risks associated with the Hazelwood mine (including mine fire).

From this assessment and advice, Council considered it necessary to defer increased housing density south of Commercial Road, Morwell. This is to be achieved by applying the NRZ – Schedule 4 (Clause 32.09-4).

Council received advice from DEDJTR dated 26 September 2018 regarding the status of the Hazelwood mine rehabilitation in the context of the *Morwell Housing Framework Plan* and matters raised by submissions 69 and 79. DEDJTR later advised that rehabilitation of the Hazelwood Mine and its batters has not been completed.

(iv) Discussion

The Panel understands that discouraging significant increases in housing density is consistent with previous advice provided by the then Department of State Development Business and Innovation (DSDBI), during the application⁴ of the new residential zones in 2014. In its submission to the Panel considering the new zones it objected to the RGZ being applied to the full extent of the Transit City boundary, south of Commercial Road.

The submission says in part:

In 2011 the northern batters of the Hazelwood Mine experienced movement which resulted in cracks on the surface of the Princes Freeway and the immediately adjoining area.

...

The potential for adverse impacts as a result of movement, within the immediate area of the mine, and events such as fire is significantly increased due to the proximity of community to the mine boundary. Although mine stability is being actively managed it should be recognised that the mine can potentially influence the immediately surrounding area.

⁴ Implemented by Amendment C84

An increase in development density, in the area south of Commercial Road, effectively raises the potential consequences associated with the mine's influence.

(v) Conclusions

The Panel agrees with Council that the opportunity to significantly increase housing density south of Commercial Road should be deferred until mine fire risk and related matters of mine rehabilitation are resolved.

4.4 Proposed Low Density Residential Zone

Submission 101 requested the rezoning of land to the east of Traralgon from a Rural Living Zone to a Low Density Residential Zone.

The current Traralgon – Morwell Growth Framework Plan included in the Planning Scheme identifies the long-term transition of the precinct for future residential development. The density of development in this precinct is intended to be standard residential density and not low density.

The Traralgon–Morwell Growth Framework Plan leading objective is to ensure that planning decisions do not prejudice the ultimate long term growth potential of Traralgon. The *Traralgon Growth Area Review – Background Report* (2013), provides the following commentary relevant to the submission:

It's often easier to readjust and rezone large parcels of land with limited ownership. Retaining large lots and avoiding subdivision will provide maximum opportunity for residential development. It is considered that sites suitable for re-adjustment are typically located in the inner precincts, along the highway frontages, and on the fringe of the urban areas. (page 53)

The exhibited amendment does not identify a change to the current zoning of the subject land and surrounds. Any such rezoning would need to be progressed through a separate amendment process.

5 Coal

5.1 Coal, rural and urban land use

(i) The issue

Whether the identification of the intensive agriculture precincts in the area covered by the SRO is appropriate.

(ii) Relevant policies, strategies and studies

Extensive areas in the Latrobe Shire have been protected for many years for potential future brown coal extraction. The SRO is the primary identifier in the planning scheme of areas protected for future coal extraction. Given the long term existence of strategies and planning controls protecting coal, the SRO has worked to keep land not used for coal purposes in the SRO in an open rural land use. The strategic outlook for coal extraction is assessed by DEDJTR who have identified:

- Category A: current use
- Category B: 2017–2047 possible use
- Category C: 2047+ possible use.

(iii) Evidence and submissions

Under the SRO a range of land uses are permitted where they do not pose a strategic threat or limitation to future coal use. DEDJTR is a referral authority for a range of planning decisions for development applications in the SRO.

The *Rural land Use Strategy* identifies the potential for possible new intensive agricultural land use precincts in the parts of the SRO identified as Category C. It does so as a mechanism to support agriculture and rural industry growth as part of economic transformation.

DEDJTR opposed the identification of the precincts and argued that it is premature without:

- further strategic analysis of both coal and stone resource requirements currently being undertaken by DEDJTR
- clarity about cost apportionment should any permitted land uses be required to relocate in the future.

DEDJTR also raised particular concerns in relation to a change to the Traralgon Growth Framework Plan at clause 21:09 that identifies land east of Minniedale Road changing from future industrial to future residential, arguing this is premature in the context of unresolved coal mine buffers and the impact of the Traralgon bypass route.

The DEDJTR submission in response to the exhibited Amendment was generally supportive of the overall amendment and supporting strategies noting the specific reference to the Minniedale Road area noted above.

At the Hearing DEDJTR opposed the identification of the intensive agriculture precincts, and now said they were premature in the context of

- current reviews of future coal use

- lack of determination of how large scale intensive agricultural uses might be required to relocate in the future if coal is required
- determination of methods for assessing and determining proposals that may emerge.

DEDJTR put it to the Panel that the Amendment goes beyond what was authorised as it is not policy neutral in relation to coal. Trevor Ludeman, a consultant to DEDJTR, said that he had read the Amendment with fresh eyes and concluded that DEDJTR could no longer support what was proposed in the Amendment.

The Council was, as might be expected, somewhat taken aback by the apparent change in stance by DEDJTR and informed the Panel that there had been extensive discussion with DEDJTR during development of the strategies and the Amendment itself through the steering committee arrangements and targeted meetings on these issues. The Council provided dates and notes from a series of these meetings in its closing submission.

DEDJTR advised the Panel that it is currently undertaking the 2017 Coal Protection Provision Review project – review of coal areas and that it expected this review to be completed by June 2019. DEDJTR advised the Panel that the first stage of the review had been completed and that resulted in removal of coal protection overlays from areas now identified as future industrial precincts and given effect to in Amendment C111.

(iv) Discussion

Council's strategic objective to enable a broader range of intensive agricultural uses in non urban areas, within the SRO, has merit and should be progressed. One of the outcomes of the SRO is that it has largely preserved non urban areas and resulted in limited housing development across the landscape within the SRO. This creates potentially suitable starting conditions for a range of non urban uses that require reasonable clear areas around them or need to be located away from urban uses.

The challenge is one of timing given the current work being undertaken by DEDJTR to assess likely future coal and other resource needs.

In the main the areas or precincts identified by the Council to support agricultural uses are in locations previously identified for very long term future coal utilisation. So the strategy being promoted by the Council has no potential adverse impact on coal utilisation in the foreseeable future.

The Panel believes that the proposition put by the Council is warranted and proceeding with it in the Amendment will not prejudice current work being undertaken by DEDJTR, nor preclude the opportunity to further refine the broad precincts identified by the Council in a future amendment, if required, after the DEDJTR review is concluded.

Whilst DEDJTR legitimately raise the question of matters that currently require formal referral to DEDJTR as a referral authority, and that many agricultural uses would not require referral, it would not be beyond the realms of possibility for the Council and DEDJTR to liaise closely on planning or development proposals for intensive agricultural uses within the proposed precincts, until such time as there is resolution for the DEDJTR coal utilisation review.

(v) Conclusions and recommendations

The Panel considers that the identification of intensive agricultural precincts in areas impacted by the SRO should proceed.

The Panel considers that Council should establish a referral arrangement with DEDJTR to facilitate informed decision making on any applications in the proposed precincts, between when the precincts are introduced in the planning scheme, and when the DEDJTR coal utilisation review is concluded. This could also extend to discussion of any particular conditions or performance bond requirements should it be foreseeable that a land use that may be permitted will be required to relocate in the future to enable coal utilisation (unlikely given the locations of the precincts).

Mechanisms such as Section 173 agreements could be used to reinforce any particular transitional requirements that may be important of any proposals that emerge in the near future.

5.2 Submission on removal of the State Resources Overlay

Submissions 1, 1A, 19, 135 and 137 requested a change to SRO provisions to enable development or subdivision of land.

Each of the Live Work Latrobe land use strategies acknowledge SRO, and in some instances seek their removal – for example, existing Industrial Zoned land south of Morwell.

However, Council considered that changes to coal related policy and planning controls as requested by the listed submissions was beyond the scope of the exhibited amendment and is contrary to authorisation conditions.

The significance of coal resources within the Latrobe Valley have long been recognised. In 1978 State Government introduced the Brown Coal Interim Development Order (IDO), which restricted land use and development on land over brown coal reserves.

Existing Clause 21.05-8 includes extensive discussion of the importance of coal resources and associated land management considerations.

Clause 21.05-11 provide further direction to ensure that the use and development of land overlying the coal resources does not compromise its eventual utilisation.

Clause 21.05-12 provides the following direction:

To ensure that the use and development of land overlying the coal resources recognises the need to conserve and utilise the coal resource in the context of overall resources, having regard to social, environmental, physical and economic considerations in order to ensure a high quality of life for residents.

Prior advice from DELWP confirms that any changes would not be supported without the consent of Department of Economic Development, Jobs, Transport and Resources (DEDJTR). This position is reflected in the conditions of authorisation to exhibit the Amendment.

Previous permit applications and the experience of potential investors and landowners indicate that finding uses which meet these requirements of current planning policy for the protection of coal is difficult. It is acknowledged that this particularly challenging for land

owners who are located on land within the identified coal resource areas, but who have limited certainty as to the timing of extraction.

The Panel understands that DJPR is currently reviewing coal related policies and associated overlay controls, with Stage 1 changes recently gazetted by Amendment C111 to the Latrobe Planning Scheme on 27 September 2018.

Further changes to the extent of current policy or coal related overlays will be determined by Stage 2 of the DJPR review. The Panel notes that Council will remain an active participant in inquiries and investigations into coal resource planning undertaken by this process.

Changes to the SRO as part of the Amendment would be beyond what was authorised and exhibited.

5.3 Hydrogen energy supply chain

Submission 51 noted a number of issues and opportunities which require further consideration with the Amendment as follows:

- the recently announced Hydrogen Energy Supply Chain (HESC) 1, to which AGL is a consortium partner. If feasible, the commercial phase of this project may see coal demand transition from coal-to-power to coal-to-hydrogen. This will underpin economic development within Latrobe Valley and should be a priority within the Amendment.
- AGL maintains that a precautionary approach should be taken to development around AGL Loy Yang mine to ensure adequate and substantial buffers are maintained between the mine and residential/road development.
- the Amendment should also give preference to Environmental Protection Authority (EPA) Inquiry Recommendation 10.3:

Develop, as a priority, strengthened land use planning mechanisms that establish and maintain buffers to separate conflicting land uses, avoid encroachment problems, help manage health, safety and amenity impacts, and ensure integration with EPA regulatory requirements.

- the Amendment should allow for flexibility to respond to the Latrobe Valley Regional Rehabilitation Study.

Council submitted that existing and emergent opportunities for the use of coal resources are well covered in the Latrobe Planning Scheme and are not altered by the Amendment.

Changes to the policy provisions needs the express consent of DEDJTR.

The Panel agrees with Council and does not see a need to change the Amendment in relation to hydrogen energy supply chain proposals.

6 Industry

6.1 Support and requested changes

Two submissions (152 and 156) supported the implementation of the *Industrial and Employment Strategy* and associated Planning Scheme changes. The support from Gippsland Water and Australian Paper at Maryvale are noted.

Submission 37 requested that residential development and mixed use opportunities be enabled at the 19-27 Bubb Street, Moe property (currently IN3Z). The rezoning of the property at Bubb Street is not identified by the exhibited *Industrial and Employment Strategy*. Council noted, that the type of use and development the submitter 37 refers to may be considered under the current Industrial Zone applying to the land.

6.2 Sibelco lime processing facility

(i) The issue

The key issues are:

- the appropriateness of the Sibelco lime processing facility in the context of longer term residential development in the vicinity
- the appropriateness of both the current and proposed planning controls in the context of the existence of the facility
- the effective management of land use in the buffer to the facility and the general use and maintenance of abutting industrial and business zoned land.

Related to this is an apparent lack of consistency and clarity about what policy intent applies to what area and why.

The Sibelco site is located south of the Traralgon Railway station off Janette Street. It is an existing lime processing business located on Industrial 1 Zoned (IN1Z) land. The current and proposed strategic planning envisages eventual transition of the site to urban use. The owner and operator of the facility says the facility has a viable life of at least 30 years. There is a current planning permit and all other necessary approvals to allow Sibelco to implement various site improvements and to increase the facility throughput. The current zoning of the land is consistent with the current and proposed continuing use.

The Janette Street precinct includes a number of land parcels with a range of land uses including some dwellings, light industry businesses, horse agistment and a mix of run down or derelict structures. The inspection undertaken by the Panel confirmed the general description of the Janette Street precinct given by the Council and Sibelco representatives.

The Sibelco site is wholly within an IN1Z that abuts Mixed Use, Residential Growth, Neighbourhood Residential or General Residential zones to the north, public land and urban floodway zone to the east, predominantly Farm Zone to the south and public use zones to the west. Sibelco is in the south east corner of the IN1Z area.

Figure 2 **Error! Reference source not found.** shows current planning zoning with development at 2017 overlaid.



The Council submitted that it had not changed the zoning of the land in the precinct in Amendment C105, and that it sought only to identify the long term potential for transition to occur in the future through policy to that effect. The Council said that most of the

residential development to the north existed prior to Sibelco purchasing the plant and that only a limited number of infill dwellings had occurred since.

Mr Peake for Sibelco said the facility has existed on the site for 70 years and operated originally as a concrete facility. He said the site and has been owned by Sibelco since the 1990's and has operated as a lime processing facility since. He said the plant is there and it is the heavy industry anchor in the heavy industry IN1Z.

He said it is contrary to the purpose of state planning policy to entertain the notion of either rezoning the IN1Z land whilst the plant exists, or to countenance actions that facilitate further encroachment of incompatible uses closer to the plant within the buffer to the plant. He said the existence of new industrial precincts in other locations is not relevant to this site and this existing use.

He stated that Sibelco had identified a cost of about \$131 million to relocate the facility, and that Sibelco would not rebuild it.

Mr Peake said that there has never been a comprehensive assessment of net community benefit to substantiate the policy direction the Council has been pursuing, nor the feasibility of it, and that the current and proposed planning policy and controls are causing deliberate planning blight. He said alternate strategies may be more suitable given the existence of the plant.

He referred to previous amendments affecting the area and particularly the C62 Panel Report (2009) which he says is the first time the Council sought to promote transition of the area to residential or other uses.

Mr Peake referred the Panel to the conclusions of the C62 Panel that:

... in the absence of an industry strategy that supports cessation of industry at Area 3, the justification for transition to residential use at this location has not been established.

The C62 Panel went on to say that:

... in addition to a broad industrial strategy, a detailed analysis of the nett community benefit of this proposal, including consideration of possible contamination and consequential remediation costs needs to be undertaken in close consultation with all relevant parties including existing industrialists in the Dunbar Road/Janette street locality to provide support for future transition.

Mr Peake submitted that the analysis recommended by the Panel in amendment C62 has never been undertaken to date. He submitted that it is inappropriate to incorporate the Traralgon Inner South Masterplan, the 2017 *Housing Strategy* and the 2017 *Industrial and Employment Strategy* unless and until reference to transition of the Janette Street precinct has been removed from them.

Evidence by Ms Kinsman (Lay Witness) – Operations Manager at the Sibelco plant, was that the facility was purchased by Sibelco in 1993 and has a current throughput of 65,000 tonnes per annum. The facility processes limestone from a quarry owned by Sibelco at Buchan. Sibelco employ 17 full time employees at the Traralgon facility, and 8 at the Buchan Quarry.

She said the plant produced high grade quicklime and other lime products with low impurity levels that is in limited supply in Victoria and is best suited to high standard industrial processes. She noted Sibelco was the only producer of this grade of lime product in Victoria and that the nature of the products meant that a supply buffer could not readily be maintained.

Ms Kinsman said that the plant operated 24 hours a day 7 days per week and noted that Sibelco voluntarily did not operate some part of the plant equipment at night to mitigate possible noise from elevated equipment.

She said that users of Sibelco products often required urgent delivery when industrial processes malfunctioned, such as at Australian Paper Mills, and that truck movement occurred at all hours as lime products were dispatched, and also returned if they could not be utilised. She said that Quicklime was required to be stored in nonreactive storage facilities and that if a load could not be used for a given job because of weather or other circumstances, then it was returned to the plant at Traralgon for storage.

Ms Kinsman stated the facility sourced the raw limestone from its Quarry at Buchan that has a licensed approval capacity for at least another 31 years. She said that the quarry had other extensive high grade limestone reserves but excavation of those would be subject to future mining approval applications.

She said the plant employs local people in both of its site operations.

Ms Kinsman's view was that the Traralgon facility could not be relocated because the limestone kilns at the core of the facility are bespoke units built in-situ that could not be moved. She said they would have to be completely destroyed and remade to order if the plant was ever relocated and said that it was cost prohibitive to do so. She identified a cost of \$131 million to move the plant. She said that if the facility was forced to close, the quarry at Buchan would also be closed.

She said that the maintenance of the buffer around the plant from encroachment of incompatible uses was vital and said that the buffer played an important role when there are plant or equipment malfunctions that usually result in release of lime dust into the atmosphere – for example when dust collection bags in the dust control system burst. She said that the plant had received very low levels of complaint from neighbours and that complaints that had been received had generally related to noise from elevated bits of equipment that Sibelco voluntarily no longer operates at night.

She outlined investments proposed by Sibelco at the plant which have current approvals to proceed, that will further improve overall operations at the facility, further reduce noise from trucks and front end loaders, and further contain lime dust.

She said that uncertainty about the longer term future for the plant raised by language in the Amendment did create uncertainty for Sibelco as well as impacting worker morale and job security.

Evidence by John Henshall for Sibelco was that the plant had a jobs multiplier of 6.6. He said that Traralgon had 17 – 22 years urban land supply and that the Janette Street precinct has a potential yield of 400 lots – about 1.5 years supply. He said that because of the underlying

land values and general location, any likely future urban use would be traditional low density residential.

He said that whilst land to the north of the Sibelco site had been zoned Mixed Use Zone for about 20 years, there had been not effective development of higher density outcomes in that time. He said the area does not have the underlying land values to justify the real world development of mixed use or higher density urban uses. He said that developers will select land that has higher amenity value to begin with and that the market for renewal is likely to favour areas north of the railway line first.

Mr Henshall's evidence was that there are a range of non- residential uses that could co-locate near the Sibelco site and would represent a better land use outcome.

Mr Ramsey, PJ Ramsey and Associates for Sibelco said that the improvements proposed by Sibelco will result in improved environmental performance including improved dust control and filtration during normal operations. He said that EPA recommended buffers are there as a safeguard for when pollution source controls break down. He said that about 10 per cent of the 500 metre buffer has houses on it. He said that in his experience encroachment usually leads to closure of the industrial use over time. He said you cannot engineer out the need for the buffer.

David Crowder from Ratio Consultants said that the Industrial land use strategy was good but that it did not include any cost benefit or net community benefit analysis of the impact of the proposed council strategic direction on Sibelco. He said there had been no real world analysis of the likelihood of Sibelco moving nor of the regional benefits of Sibelco versus the costs if they close or the facility is moved out.

He said that Sibelco was a large entrenched industrial use and that it was premature to include policy or other language in the planning scheme that would lead to potential for incompatible uses to develop near the Sibelco plant.

He said that originally the Planning Scheme had sought to transition uses close to the edge of the activity centre near the railway line, but the most recent proposal in the Amendment and including post exhibition redrafting had broadened the geographic scope and now actively sought to transition land uses on the Sibelco site. He said fundamentally the Council strategic intent is for the industrial precinct to disappear and that each layer of policy compounded that intent.

He said that Sibelco is an existing use and that it would be better strategic planning to recognize that it exists, and actively plan for uses that are compatible with that. He said that policy should embrace Sibelco, buffer the site with more suitable zoning and uses around the periphery, specifically discourage further residential development south of Janette Street and not provide for residential development to the south of Sibelco.

Graeme Campbell, SLR Acoustics for Sibelco, said that modelling he had undertaken showed that the proposed plant upgrades will allow throughput to increase with noise impacts remaining about the same as they are now. He said that any future increases in sensitive receptors within the 500 metre buffer to the plant would increase non-compliance. He said any residential use to the south of the plant, currently zoned farm zone, would increase non-compliance. The modelling he had undertaken demonstrated the effect existing structure in

the precinct had on mitigating noise propagation near the ground, particularly to the north of the site. He noted that most noise complaints had resulted from elevated machinery.

(iii) Discussion

There is no doubt the Dunbar Road/Janette Street precinct presents a planning challenge. In an ideal world, an industry precinct of this sort would not be located where it is in the context of current and future urban development.

The alternative industrial precincts that have been identified and are now zoned for development represent a sound approach for new industrial land use location.

However, the Panel accepts that the Sibelco lime plant does exist and on the basis of evidence to the panel is successfully operating and will continue to do so for many years. There appears to be no disputing that the lime products produced by Sibelco are significant to the regional economy and for industrial processes undertaken by businesses in the region and beyond. The evidence before the Panel is that site is well run and that Sibelco has worked effectively to address a very low number of noise or other complaints when they have occurred.

The Panel has not seen any evidence during this hearing to demonstrate that there has ever been any thorough net community benefit or feasibility analysis undertaken, as recommended by the Panel in the C62 Amendment, to confirm or scope the practical realities of transitioning land in the area to residential or other urban uses.

The evidence before this Panel is that the area in general is unlikely to have any significant potential for development other than for traditional residential uses – and if so the practical costs and underlying land values, should site contamination be a major issue, is likely to preclude it ever occurring. The Panel notes data tabled by the Council on planning permits for higher density development issued for areas just south of the railway line, and that the development permitted has never been built to date even after various permit extensions.

During the course of the hearing, the Panel was also informed on the general status of planning for the Traralgon Bypass which will be located to the south of the Sibelco site and is likely to offer future potential alternative truck access to the Sibelco site and this precinct in general. During the DEDJTR submission hearing, the Panel did ask DEDJTR whether or not it had any view on the role or significance of the Sibelco facility and was advised that the DEDJTR submission was only focussed on coal and stone resource issues.

The inspection undertaken of the area did confirm that the area has a varying mix of existing land uses and a general feel of neglect. The Panel is persuaded by the view put by Mr Peake and Mr Henshall that the current strategy being pursued by the Council is causing an effective planning blight, and in all probability is causing some landowners to just do nothing on their land on the presumption that at some stage the land use zoning will change.

The issue of buffers is complex in that it is rare that a buffer is ever solely contained within the site of the land use that the buffer applies to. And that is the case here. The Panel heard that buffers are essential for instances when normal operations breakdown or malfunction. The Panel heard that the processes at the Sibelco plant that need to halt when malfunctions occur can be shut down quickly. The evidence before the Panel is that development has

occurred historically on most if not all of the residential zoned land within the buffer of the plant. It is noted that further development change within the existing Mixed Use zoned area is likely over time. The potential development intensification around the precinct is relatively limited under current settings in the absence of deliberate actions to intensify the potential.

Notwithstanding this, effective mechanisms to ensure that future development takes account of the existence of the Sibelco facility will be needed if the Sibelco plant continues as Sibelco say for at least another 30 years. This is particularly the case where sensitive uses are permitted as of right due to the underlying zoning.

(iv) Conclusions and recommendations

The Panel concludes:

- That the current strategy being pursued by the Council to promote transition of the Janette Street precinct and Sibelco site is fundamentally flawed whilst the Sibelco facility exists.
- A more pragmatic planning response would be for Council to recognise that the Sibelco facility exists and actively use the planning system to facilitate land uses that are compatible with it as a neighbour in the precinct.
- There has been no analysis undertaken to date that demonstrates that the current Council objective is realistic in the context of current zoning, existing uses and market forces.
- The current strategy appears to have been perpetuated through successive reviews and emerging strategy documents in the absence of a pragmatic first principles analysis of what is actually feasible and what the impacts and benefits are.
- Should the Sibelco facility close or be relocated in the future, then there is nothing to prevent the Council undertaking whatever analysis and or rezoning at the time to either retain the area as an employment hub close to the central Traralgon, or to pursue other land use outcomes. There is sufficient history on this site through various amendments and panel reports to help inform future decision making.
- The current proposals reflected in C105 as exhibited and including post exhibition changes proposed by the Council will have the effect of making it increasingly difficult for Sibelco to continue to operate. Notwithstanding that Sibelco has existing use rights, the successive layering of policy statements proposed to be reinforced through the C105 Amendment are likely to make it increasingly difficult for Sibelco or the Council for that matter to make future decisions that support Sibelco's continued operation.
- Sibelco has foreshadowed investment to improve the plant operations and throughput and has current approvals to implement that investment. The Panel notes that the proposed investment has been subject to other competing investment decisions by Sibelco and uncertainty created by the strategy being pursued by Council supporting transition of the area.

The Panel recommends:

Change the planning scheme and supporting strategies to support the ongoing operation of Sibelco and abandon strategies to transition the area, specifically:

- a) At clause 21.09-6 – delete reference to investigating the transition of land uses in Traralgon Structure Plan area 8a and replace with *“manage urban development and urban renewal in existing residential or mixed use zones within the 500 metre buffer of the Sibelco facility to mitigate potential noise impacts from continuing operation of the Sibelco site.”*
- b) At clause 21.09-6 residential – insert *“Avoid conversion of farm zone land south of the Janette Street Industrial Precinct (Traralgon Structure Plan area 8b) to urban use whilst the Industrial 1 Zone applying to the precinct remains in the planning scheme.”*
- c) At clause 21.09-6 industrial – delete references to encouraging the transition of industrial uses in the southern parts of the transit city precinct and area 8a.
- d) At clause 21.09-6 industrial – Insert *“Plan for the ongoing operation of the Sibelco Lime facility within the Janette Street Industrial Precinct (Traralgon Structure Plan area 8a) and support light industrial and other compatible uses within the precinct as a development buffer between the Sibelco plant and nearby residential and mixed uses”*.
- e) Delete references to the Traralgon South Precinct Masterplan.
- f) Further explore the need for a permit trigger or policy to allow Council to consider the need for noise attenuation in new sensitive use developments.
- g) Remove all references to transitioning the Janette Street Industrial Precinct to residential including updating the relevant diagrams in each document to remove or adjust symbols and other notations and markings that point to the transition of the area from the *Housing Strategy 2017* and the *Industrial Land Use and Employment Strategy 2017*.

6.3 Land to the east of Alexander Road, Morwell

Submission 53 referred primarily to land to the east of Alexander Road (Lot 1 TP 173536) and 20 National Road, Morwell.

The submission notes a range of strategic directions and recommended actions affecting the land as follows:

- Industrial Framework Plan (included in the exhibited *Industrial and Employment Strategy*)
- Morwell–Traralgon Growth corridor planning.

The *Rural Land Use Strategy* appears to counter directions identified for the land by applying Farming Zone – Schedule 1. The Farming Zone is also prohibitive to ‘added commercial entities to support the Latrobe Regional Airport.’

The submission supported opportunities identified by the *Industrial Framework Plan and Morwell–Traralgon Corridor* project. The submission however notes that the retention of the Farming Zone on the land is contrary to these objectives.

Council submitted that:

- The land is presently zoned Farming and is proposed to be located in Farming Zone – Schedule 1.

- The Industrial Framework Plan (included in the exhibited *Industrial and Employment Strategy*) identifies future opportunities to target health and aviation.
- The land is also under consideration as part of a Traralgon – Morwell corridor master planning project, presently being undertaken.

The Panel agrees that retention of the Farming Zone on land to the east of Alexander Road is appropriate until such time as land supply demand warrants the rezoning of the site in accordance with directions outlined by the Industrial Framework Plan.

Possible land zoning is also an expected outcome of the Morwell–Traralgon Corridor project.

Timeframes in which land is rezoned will be dependent on an assessment of demand and supply.

7 Rural living

7.1 Yinnar South

(i) The issue

The *Rural Land Use strategy* identified areas of existing small lot subdivision and recommended that they be zoned to reduce potential for future intensification of development in the context of bushfire risk and impact on other land uses including agriculture and forestry. This proposition attracted the highest number of submissions of any single issue and in the main was focussed on an existing rural living zoned area at Yinnar South. Yinnar South has a mix of smaller lots along roadways with a number of larger farm allotments currently zoned rural living. Many lots have existing dwellings on them.

(ii) Evidence and submissions

In the main, the 44 submitters from Yinnar South said that they were surprised that the Amendment sought to change the zoning of their land. They said that it was not a topic of specific discussion in the lead in to the Amendment, and this was not helped by inconsistent descriptions of areas to be rezoned in the *rural land use strategy* – all areas affected were shown, but inconsistently labelled.

Submitter Tony Hanning argued in his submission that Council minutes show that Council had resolved to back zone rural living areas at Jeeralang, and that back zoning Yinnar South had never been contemplated.

Notwithstanding the history, the Amendment proceeded to exhibition with the endorsement of the Council and as authorised with the intent of back zoning existing rural living zoned land to Farming Zone in whole or in part.

In the main, submitters said that Yinnar South was a popular rural living precinct with good access to Churchill and Morwell. They said that the community managed the interaction with the plantation forestry sector when forestry operations were necessary on nearby land. Submitters argued that the area had low fire bushfire risk and had not experienced a major bushfire.

Evidence by Graeme Taylor from Fire Risk Consultants, on behalf of Council, was that bushfire was a credible risk, and that in the event of a significant scale fire event, of the type that impacted Callignee in recent years, the forested landscape to the south west and east of Yinnar South posed a significant fire threat.

Notwithstanding the presence of forest in the landscape, the area subdivided into smaller rural living allotments and generally developed for rural living use is moderately sloping and has good access to the north generally through lightly vegetated landscapes. Whilst egress to the north is not ideal in the event of a fire front being driven north east by a south westerly wind change, it ought to be feasible for residents of Yinnar South to evacuate the area on high fire risk days or prior to a fire front impacting nearby forested landscapes.

The land area currently zoned Rural Living is significant with the bulk of existing rural living smaller lots and development generally to the north of the zoned area. The fundamental

question is whether or not it is appropriate to continue to allow opportunity for significant future rural living development in an area with acknowledged bushfire risk, abutting extensive forested landscapes to the south.

Submission 94 referred to a 117 hectare parcel that has a mix of cleared land and heavily vegetated areas. It argued the owner's long term intention had been to subdivide the parcel to create rural living allotments. Under the current proposal by the Council, the land would be rezoned Farming Zone 2.

Submissions 41 and 84 related to the same land, which is subdivided into eight titles. The owners' expectations are to be able to re-subdivide into five new parcels that, by their assessment, could achieve BAL 12.5 development outcomes if structures were set back from bush areas generally in the range of 22 metres to 60 metres. The proposed parcels requiring a 60 metre setback to achieve a BAL 12.5 radiant heat exposure are indicative of the bushfire risk the nearby bushed landscape presents.

Submission 92 argued that the provision for rural living development has preceded the establishment of the HPV plantation industry and that in fact HPV were simply seeking to limit rural living development to benefit their operations.

Submission 131 related to a 60 hectare property in four titles. The argument was that back zoning existing rural living zoned land to Farming Zone 2 did not respond to known demand and that in the main for larger lots to the north of the precinct that were generally flat with good access. The submission was that there was no rigorous analysis of the logic for proposing to back zone.

(iii) Discussion

The Council resolved, following consideration of submissions, to retain the existing rural living zoning on existing developed small allotments where there is little or no further subdivision potential, with existing large parcels being rezoned to FZ2.

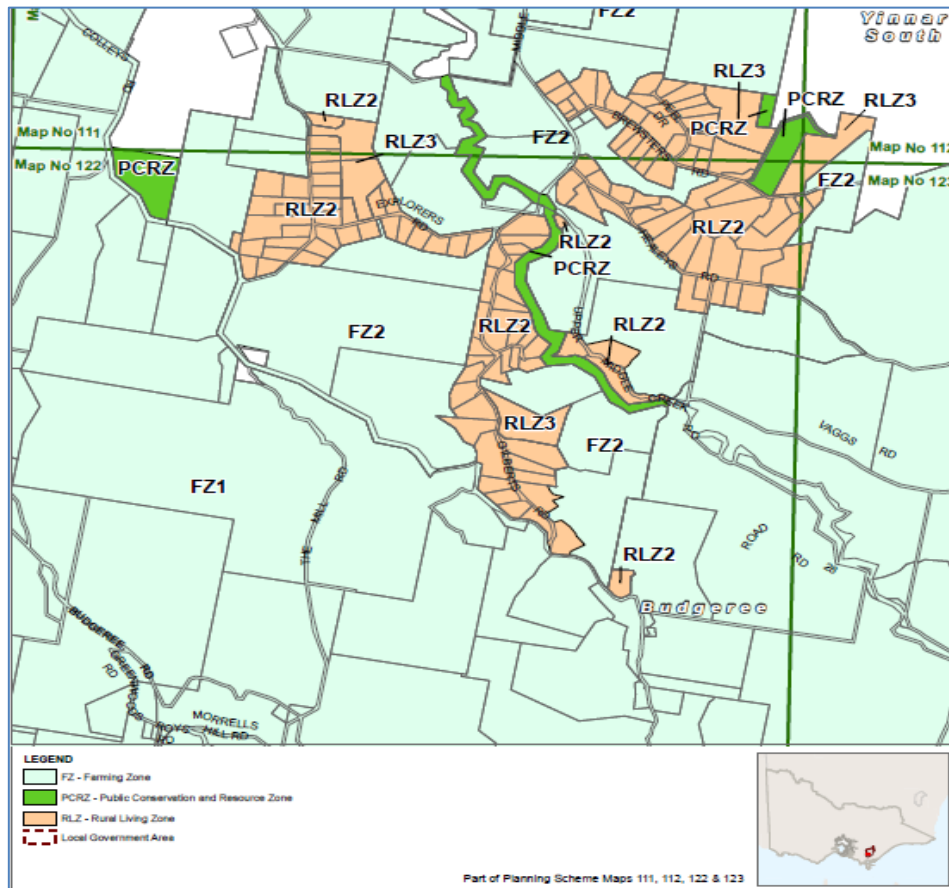
The Panel notes that whilst this is a pragmatic response having regard to existing development and future potential for development, it is likely to lead to ongoing and perhaps increasing conflicts between farming uses and residential uses. Notwithstanding this the pragmatic approach proposed by Council is in effect current reality where in the main adjoining land holders have coexisted.

The Panel notes the submissions for the larger sites with subdivision potential to remain in the Rural Living Zone. The concern the Panel has is that even if the Panel accepts that the fire risk is acceptable with the current landscape, rural residential use will increase exposure to fire risk and potentially increase the risk in the landscape as areas become more vegetated with rural residential use. There is no evidence before the Panel to refute the evidence provided by experienced bushfire consultants, that the vegetated landscapes to the immediate south, east and west of the current rural living zoned area present a real potential for significant bushfire impact. The Panel notes the recent fires in the area and expresses its sympathy for all those affected.

The post exhibition proposition by the Council to retain existing rural living zoning on smaller allotments at Yinnar South is supported, as is the intention to apply the FZ2 to areas at

Yinnar South that have significant further subdivision and development potential under the current planning scheme zoning.

Figure 3 Revised proposed zoning



(iv) Conclusions

The Panel concludes that the Council changes to the amendment in response to the submissions are practical in the context of existing development, the nature of the area and the general pattern of land use, and the objectives of landholders who wish to continue farming on larger lots.

The Panel notes that further development potential is limited and that existing planning overlays and requirements allow for bushfire risk to be considered in the context of future development proposals.

The Panel also acknowledges the views raised by some submitters that conflict between rural land uses and residential uses is likely to increase over time as a result of the pragmatic approach being taken by the Council. Notwithstanding this, the Panel concludes, and based on submissions, that the proposition now being put by the Council is not an unreasonable approach.

Submission 31 related to land at 925 Hazelwood Road, Hazelwood North and requested that the land be rezoned to Rural Living 1 zone (RLZ1).

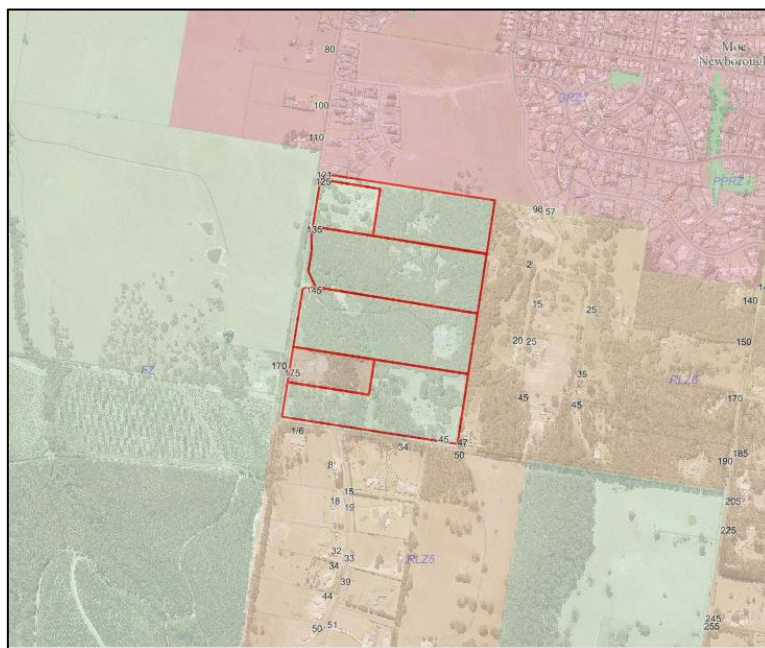
The map shows the Church Road extension project area. The proposed 100-foot wide right-of-way is highlighted in pink, and the area to be acquired is outlined in red. The map includes property lines, lot numbers, and street names: Church Road, Cornwell Crescent, and Black Duck Drive. The proposed right-of-way is highlighted in pink, and the area to be acquired is outlined in red.

Council proposes to revise *Rural Framework Plan* to identify the subject land for future investigation and inclusion within a RLZ. This would enable the creation of an additional 7 lots.

(ii) **Submission 62A (Tyers)**

Advice from Earth Resources Division (DEDJTR) regarding the former quarry site indicated that they do not support the inclusion of the subject land within a RLZ. The Farming Zone was also discussed as a possible zone to apply to the subject land, due to the large amount of earth works undertaken and earth fill placed on the subject land.

Council submitted that it planned further discussions would be needed once it had reviewed the above documents, to confirm the most appropriate zone to apply. The Panel supports Council's approach.

(iii) Submissions 13, 28 and 30 (Moe South)**Figure 5 Location of land subject to submissions 13, 28 and 30**

Due to recent advice from the CFA, regarding the consideration of bushfire risk and the requirements of the policy introduced by Amendment VC140, and subsequent investigation of bushfire risk in Moe South, the requested rezoning of land to RLZ by submissions 13, 28 and 30 was not supported by Council.

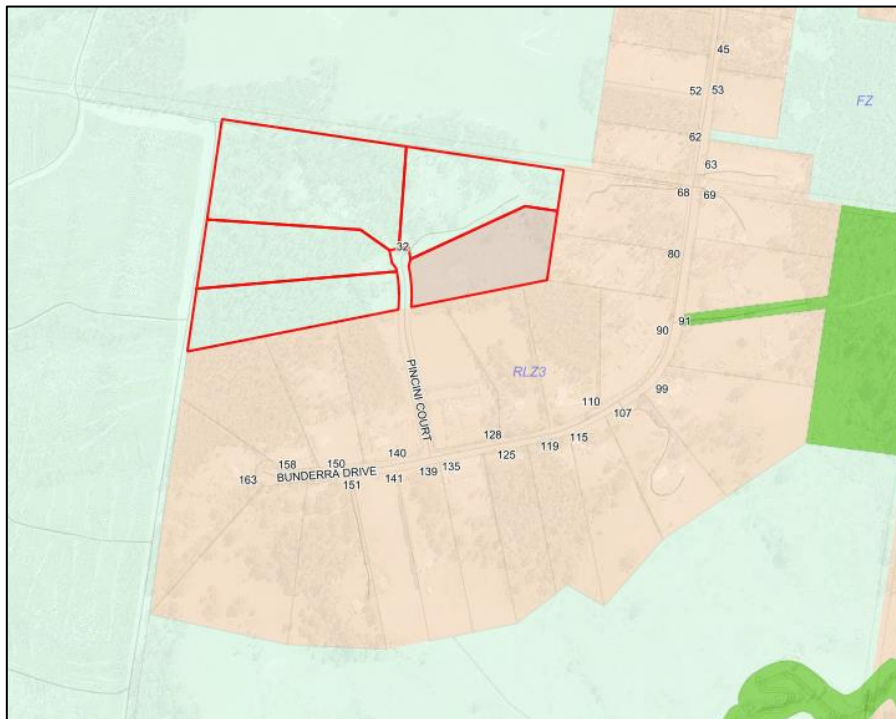
The Panel supports Council's approach.

(iv) Submissions 25 and 26 (Callignee)

The Amendment identifies the subject land for inclusion with a Farming Zone – Schedule 1 (Commercial Agriculture).

The township boundary was established and future land for rezoning to a residential zone is established by Amendment C87, which introduced the Traralgon–Morwell Growth Framework Plan. This plan identifies the subject land as 'Protected Rural Land'.

Council submitted that it was not appropriate to apply a RLZ to the subject land. The precinct is also identified as being appropriate for intensive agriculture (see exhibited Clause 22.03). The Panel supports Council's approach.

(vi) Submission 123 (Boolara)**Figure 7: Location of land subject to submission 123**

The land shown was previously zoned Rural B Zone for Rural Residential development in 1977. In the New Format Planning Scheme of 2000, the land is zoned Rural Zone which was translated to the current Farming Zone. No further zone changes have occurred since 2000.

While the Amendment exhibited the land as Farming Zone 1, the rezoning to a RLZ is considered appropriate because the lot is two hectares, it cannot be further subdivided and cannot be consolidated with other farming land due to it being surrounded by small lots developed with dwellings.

It is considered appropriate to amend the exhibited Rural Framework Plan to identify the subject property and surrounds for future investigation and possible inclusion within a Rural Living Zone.

Due to the residential development in this location being unlikely to adversely impact agricultural productivity in the surrounding area.

The subject land has been included within the revised *Rural Land Use Strategy* for future investigation an inclusion within a Rural Living Zone.

The Panel supports Council's approach.

(vii) Submission 58 (Glengarry)

The subject land and surrounds are identified as a future Rural Living Precinct by the exhibited *Rural Framework Plan*. The rezoning of the land was not included in the proposed rezonings because of land supply issues.

Council submitted that given the likely deferral and removal of other proposed rural living locations exhibited by the Amendment because of the changed bushfire risk requirements, it may be considered appropriate to progress with the rezoning of the subject site and surrounds to a RLZ.

Council proposed to progress further assessment of the proposed Rural Living Zone to the land as part of a separate and future rural living study. A planning scheme amendment may also be initiated independently. The Panel supports Council's approach.

(viii) Submission 59 (Traralgon East)

Submission 59 requested the rezoning of areas 19 and 21 (as shown on the current Traralgon Structure Plan) to RLZ.

Council agreed that the constrained nature of where Traralgon can grow means higher densities should be encouraged within the settlement boundary.

Council submitted that due to possible horizontal and vertical land movements from Loy Yang, any rezoning would require council to seek the views of the Minister administering the *Mineral Resources (Sustainable Development) Act* for land within 2,000 metres of the mine crest. This property is within the 2,000 metre threshold.

Further consultation and advice from State Government would therefore be required prior to progressing the rezoning of land in this precinct.

The Panel supports Council's approach look to at this area as part of any further assessment of proposed Rural Living Precincts as part of a separate and future rural living study.

8 Farming

8.1 Development in rural areas and impacts on agriculture

Latrobe has some very productive rural land. The *Rural Land Use Strategy* points to agriculture playing an increasingly important part in a diversified economy. In its submission to the Panel the Council noted the good water certainty in the area which offers a strategic benefit.

The *Rural Land Use Strategy* and some submissions pointed to the challenges faced by non-urban land uses posed by changes in nearby land use, particularly where it results in housing intensification. Introducing non rural uses into a productive usually results in pressure being applied to the non-urban land use through concerns about noise, sprays, stock on roads, traffic volume increases and so on.

Submitters also raised the challenge of what to do, and what is their future, when surrounding land uses have changed to the point where their previous farming operations are no longer achievable or viable due to external land use influences.

In the main the outcome of the *Rural Land Use Strategy* is to support the application of the farming zone with two schedules. The Farming Zone 1 schedule proposes a subdivision minimum of 80 hectares and a 40 hectare minimum for a dwelling, and the Farming Zone 2 schedule setting a 40 hectare minimum for subdivision and an as of right use for a dwelling.

Submissions therefore tended to focus on the geographic application of the two farming zone schedules, and the relevance where there were localised circumstances that were identified. Submissions also went to the appropriateness of allowing tourism and other uses in the FZ2 areas and questioned the impact of that in terms of impacts on non urban land uses and also impact from fire.

The Council submission was that the FZ1 was applied in non urban areas that were less fragmented and where many existing farming enterprises continued to operate. This aligned with the overall findings from the land capability and other analysis presented in the *Rural Land Use Strategy*.

The Council said that the application of FZ1 would reduce subdivision potential over some 22,000 hectares. The Panel notes the observation made by Terramatrix, that the reduction in future development potential, whilst not totally quantifiable, did contribute to less overall consequential risk from future impacts of bushfire through a reduction in development potential.

8.2 Application of Farming Zone – Schedule 1

(i) The issue

A number of submissions (154 and 155) explicitly supported the application of the Farming Zone – Schedule 1. Others (64, 67, 96, 102, 125 and 140) objected to its application.

The preservation of land for agricultural uses is a key objective of the exhibited *Rural Land Use Strategy* which seeks to provide clear direction to Council and the community regarding

locations where productive agricultural land is located, should be protected and commercial agriculture is to be the primary land use.

(ii) Submissions

Council considered that the application of FZ1 will support this objective.

Council submitted that because agriculture has historically made a small contribution to the City's economy, the protection of rural land for agriculture has not previously been a primary concern. The preservation of rural land has therefore occurred more often from the need to retain buffer areas from heavy industry and preservation of coal reserves. The *Rural Land Use Strategy* proposes to provide greater recognition and protection of agriculture, aiding efforts to diversify the local and regional economy, stating:

Agriculture is a relatively small, but vibrant element of the Latrobe City economy, containing areas of valuable or high class agricultural land. This, coupled with the possible expansion of irrigation, underpins the continued importance of agriculture to the local economy and landscape. Live Work Latrobe identifies locations where commercial scale agriculture, including intensive agriculture, can be sustained and protected as the primary land use in the future by protecting such areas from encroachment and fragmentation.

The *Rural Land Use Strategy* (page 25) identifies a number of key strengths that underpin future growth opportunities in agriculture, including:

- strategically Gippsland is well located to access national and international markets via road, rail and air
- fertile soils, a moderate climate, high rainfall and access to supplementary water resources provide a strong foundation for food production
- Gippsland is considered to be less severely affected by climate change than other Australian regions and its resilience to climate change is strengthened with access to supplementary water resources
- Gippsland is already home to a diverse range of renowned products and production systems which help the food system be sustainable and resilient.

Council submitted that the application of FZ1 was necessary to provided further protection of rural areas for existing and future agricultural land uses and responds the trend of increasing farm size, as noted in the Productivity Commission Research Report – *Trends in Australian Agriculture (2005)*.

In response to matters raised by submission 125 regarding the proposed FZ1, Council submitted:

The proposed minimum lot size of 100 hectares does not relate to farm size but to ensuring Council has ability to assess whether a dwelling is genuinely required for an agricultural purpose and responds to the trend of increasing farm sizes.

(iii) Conclusions

The Panel supports the application of the Farming Zone - Schedule 1. The Panel agrees that the role of agriculture is likely to increase in Latrobe and the zone provides the appropriate control to facilitate this.

8.3 Application of Farming Zone – Schedule 2

8.3.1 The issue

Submissions 26, 32, 63,65, 77, 78, 86, 89, 90, 119, 141, 142 and 146 supported the application of Farming Zone – Schedule 2 in the locations exhibited (including Callignee, Yallourn North and Moe South). Other submissions (98 and 125) objected to the application of FZ2 in Callignee.

8.3.2 Callignee

The exhibited *Rural Land Use Strategy* identifies the Callignee area for inclusion within the FZ2, where mixed use farming, niche or hobby farming and rural tourism opportunities may be supported alongside rural living land, acknowledging that identified precincts may support non-traditional farming investment and development.

The minimum subdivision area and lot size in which a permit is required for a dwelling is maintained.

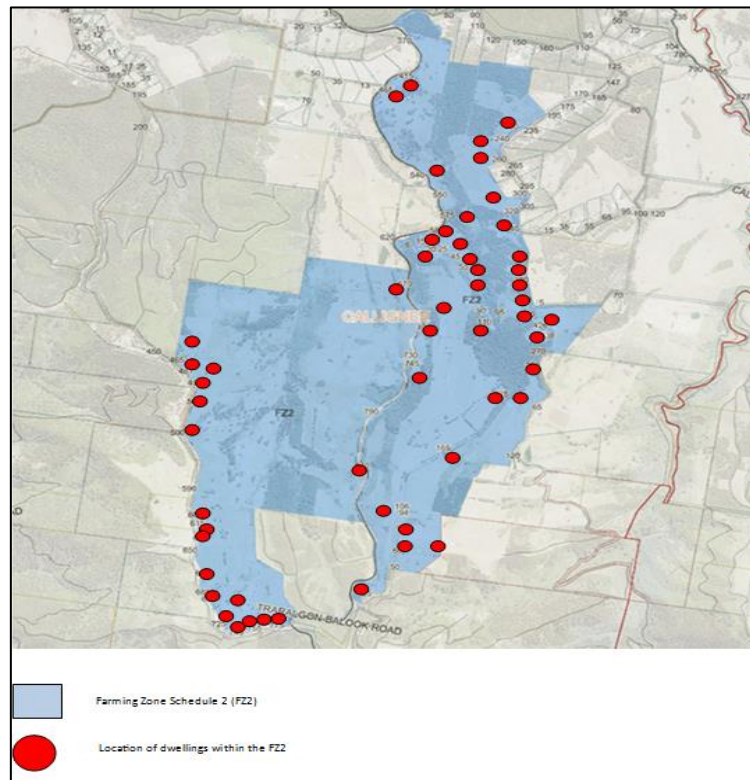
Submitter 125 argued that the change would “*decrease the economic capacity of the district to contribute to the Latrobe Valley economy*” by allowing more dwellings in productive agricultural areas.

Council submitted that the application of FZ2 in Callignee is appropriate. This was determined considering a range of factors including existing development, subdivision pattern and land use opportunity.

Council submitted that the Callignee precinct was not considered to be suited for inclusion in the proposed FZ1 (Commercial Agriculture), because the precinct represents a closer alignment with the proposed FZ2 (Mixed Farming).

In response to matters raised regarding bushfire risk, Council completed further assessments. It was proposed to amend exhibited Clause 22.02 to ensure consideration of bushfire risk.

The Amendment was considered by Council to deliver a good planning outcome in terms of enabling new investment and certainty for rural land use and development, providing direction for diversification of agricultural enterprise and providing net benefit to the Latrobe City community.

Figure 8 Exhibited Callignee Farming Zone – Schedule 2 precinct with dwelling locations

The Panel supports Council's analysis and submission that the application of the FZ2 is appropriate in the Callignee district considering:

- current land use and the desirability to provide for agriculture at a range of scales and compatible tourism uses
- those areas will retain the current minimum lot size of 40 hectares for subdivision and permit requirement for a dwelling
- the land is not considered to be the best agricultural land in the shire – there are pockets of good quality land but the area lacks access to a reliable irrigation supply and if, as Submission 125 points out, the dams do not hold water, there is limited scope for developing an irrigated enterprise
- the area may continue to support agriculture businesses, however this precinct is not considered to be an area where new commercial, broad or intensive scale business will establish due to lot size, topography, limited water availability and established settlement pattern
- existing and future outcomes in the precinct are likely to support a mix of agricultural scales (commercial, hobby, large and small).

Landslip is identified by submission 125, and due to the steep topography in parts of the precinct, this would appear likely.

The Panel supports the application of Farming Zone – Schedule 2 in Callignee.

8.3.3 Other submissions requesting Farming Zone – Schedule 2

A number of submissions (7,63, 64, 70, 71, 76, 77, 78, 81, 119, 124, 125, 134, 135, 136, 138, 141 and 142) requested that FZ2 be applied to land not exhibited by the Amendment. The majority of these submissions point towards the inclusion of the Koornalla township, recognising the existing subdivision, development pattern and land use.

The location of new proposed FZ2 precincts is shown on the revised *Rural Framework Plan* at Clause 21.05- 2 and are described within the revised draft *Rural Land Use Strategy* (November 2018).

Council considered that the rezoning of new precincts to FZ2 is beyond the scope of the exhibited Amendment and therefore would need to be assessed and progressed by a separate planning scheme amendment and exhibited accordingly.

Proposed locations identified by submissions that are to be further assessed are shown on the revised draft Rural Framework Plan, which is proposed to be included within the Planning Scheme as a post exhibition change. This comprises two locations being the 'Cowwarr Special Water Catchment' area and 'Koornalla' precinct (see pages 94 and 95 of the revised draft *Rural Land Use Strategy*).

Locations requested by submissions 7 and 135 were not included for future investigation, due to the presence of coal related planning overlays. Council has referred these submissions to DEDJTR.

Council proposed to amend the exhibited *Rural Land Use Strategy* and Rural Framework Plan to identify locations for investigation and possible inclusion within the FZ2. The Panel supports Council's approach.

Appendix A Submitters to the Amendment

No.	Submitter
1, 1A & 1B	Mr and Mrs Tanti
2	Mr and Mrs Gordon
3	Mr Lawrence
4	Ms S Burgan, Ms A Burgan, Mr G Burgan and Ms Flenley
5	Mr Schwab
6 & 6A	Ms Kanavan
7	Mr Perry
8	Mr and Ms Brooker
9 & 9A	Mr Wolfenden
10	Mr and Mrs Drewett
11	Make Moe Glow Committee Inc
12	Ms Lamb
13 & 13A	Mr Sabrinskas and Mr Keene
14	Mr Lont
15	Ms Evans
16	Ms Coupe
17	Ms Fletcher
18	Mr and Ms Smyth
19	Mr and Mrs Neocleous and Mr and Mrs Maselli
20	Mr and Mrs Kilpatrick
21	Mr Tripp
22	Mr and Ms McGrath
23 & 23A	Mr and Mrs Lawless
24	Mr de Beer
25	Mr and Mrs Sanders
26	Mr Hackett
27	Ms Cabion
28	Mr Faltum
29	Mr Forbes
30	Mr and Mrs Lawler
31	Mr Martin
32	Mr and Mrs Manestar
33	Mr and Mrs Algie - Submission later withdrawn

No.	Submitter
34	Ms Auld
35	Mr Auld
36	Ms Hammer
37	Mr Wyke
38	Mr and Mrs Gardner
39	Mr Twomey
40	Mr and Ms Samson
41	Ms D Walker
42	Mr N Walker
43	Mr R and Ms D Walker
44	Mr Stickney and Ms Drysdale
45 & 45A	Mr and Ms Reggardo
46	Mr Hammer
47	Mr Walker and P Barry
48	Mr and Ms Moore
49	Federation University of Australia
50	Beveridge Williams & Co Pty Ltd
51	AGL Loy Yang
52	West Gippsland Catchment Management Authority
53	Kasam Suleman Pty Ltd, Bujar Pty Ltd and The Original Virgin Flowers Pty Ltd
54	Ms Ritter
55	Ms Caldwell
56	Baw Shire Council
57	Mr and Ms Dubelaar
58	Mr Burns
59	Mr Mifsud
60	Department of Economic Development, Jobs, Transport and Resources
61 & 61A	Addison Real Estate
62 & 62A	Mr Fullerton
63	Mr Lee
64	Ms Sutton
65	Mr Zimmer
66	Energy Australia Yallourn
67	Mr Piper

No.	Submitter
68	Mr and McCulloch
69	Mr Reid
70	Ms and Mr Cockran
71	Mr and Ms Werner
72	Mr Hill
73	APA VTS Australia (Operations) Pty Ltd
74	Hancock Victorian Plantations (HVP)
75	Mr and Ms Unthank
76	Mr C Madsen
77	Ms Squires
78	Mr D Madsen
79	Ms Saxby
80	Sibelco Lime (Victoria) Pty Ltd
81	Mr and Ms Stewart
82	Mr and Ms Mitchell
83	Mr Bishoff
84	Mr R Walker
85	Mr J Walker
86	Mr Rainer
87	Mr and Ms Penington
88	Mr A and Ms A Walker
89	Mr McKay
90	Mr Dyall
91	Mr MacGregor
92	Dr Hanning
93	Tambry Developments
94 & 94A	D & G Neville and D & H Harrington
95	Mr Nation
96	Ms Spriggs
97	Mr Rohner
98	Ms Sykes
99	Mr and Mrs Munn
100	Ms McKenzie and Mr Cummins
101	Mr Macpherson

No.	Submitter
102	Mr Rieniets
103	Mr Giraud and Ms Slattery
104	Dr Pinkster
105	Mr Garden
106	Ms Jelleff
107	Mr and Ms Peachey
108	Ms Orr
109	Mr Saulle
110	Mr Martin
111	Ms Rogalsky
112	Ms Mery
113	Toongabbie Township Group
114	Mr Mubaraki
115	Mr DiSisto
116	Mr and Ms Heppleston
117	Mr Uber
118	Ms Zent
118A	Friends of Gippsland Bush Inc
119	Mr Just
120	Mr G, Ms S and Mr D Somerville
121	Mr M and Mr J Moore
122	Mr and Mrs Tavner
123	Mr Stewart and Ms MacGregor
124	Mr and Ms McNaught
125	Mr Strachan
126	Ms Close
127	Mr Pasquill
128	Mr Shaw
129	Ms Sterrick
130	Mr and Ms Hourigan
131	Mr and Ms Albutt
132	Mr Thompson
133	Mr Farley
134	Mr Brown

No.	Submitter
135	Ms Groves
136	Ms Woodward
137	Mandikos Haulage Contractors Pty Ltd
138	Mr Lade
139	Mr Calabrese
140	Mr Rieniets
141	Mr Olorenshaw
142	Mr Radford
143	Mr and Ms Deppeler
144	Environment Protection Authority
145	Mr Dorward
146	Ms Charles
147	Ms Gaulton
148	Latrobe Valley Field Naturalists Club
149	Mr Scherell
150	Ms Ahlgren
151	Department of Environment, Land, Water and Planning
152	Gippsland Water
153	Latrobe Valley Drafting
154	Victorian Farmers Federation
155	Country Fire Authority
156	Australian Paper
157	Manthos family
158	Mr Peter
159	AKZ Reinforcing Pty Ltd
–	Mr Tresider (late submission)
–	Mr Hutchinson (late submission)

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Latrobe City Council	Nathan Misiurka and Lorrae Dukes, who called the following expert witnesses: <ul style="list-style-type: none"> - James Reid, Planning, Ethos Urban - Graeme Taylor, Fire Risk Mitigation and Management, Fire Risk Consultants - Hamish Allen, Bushfire Planning and Design, Terramatrix
Country Fire Authority	Anne Coxon
Sibelco Lime (Victoria) Pty Ltd	Graeme Peake of Counsel instructed by Jack Kraan of Focus CDS Consultants, who called the following expert witnesses: <ul style="list-style-type: none"> - Tara Kingsman, Operations, Sibelco Lime (Victoria) Pty Ltd - David Crowder, Planning, Ratio Consultants - John Henshall, Economic Impacts, Essential Economics - Peter Ramsay, Air Environment, PJ Ramsay & Associates - Graeme Campbell, Acoustics, SLR Consulting Australia
Department of Economic Development, Jobs, Transport and Resources (DEDJTR)	- Trevor Ludeman and Helen Crawford
Human Habitats	Jarrah Lukjanov
Grand Ridge Plantations Pty Ltd	Simon Gatt
William Macpherson	
Ted Addison	
Stuart Strachan	
David and Gayle Neville and Des and Helen Harrington	Linda Sahhar
Dianne and Robert Walker	
Dr Tony Hanning	
Norman Albutt	
Ronald and Violet Munn	Ronald Munn
Jim and Judy Lawless	
Leanne Sutton	Peter Dell
Chris Madsen	
Ralph Douglas Brown	

Geoffrey Somerville

David and Shannon Somerville

Deirdre Groves

Leonard Rainer

Tristan Stewart

Robert and Wendy Neocleous and Phil
and Maria Maselli

Robert Neocleous

Brendan Keene and Vic Sabrinskas

Kevin and Patricia Hourigan

Graemme Zimmer

Appendix C Document list

No.	Date	Description	Presented by
1	12/11/18	Latrobe City Council Part B submission	Nathan Misiurka
2	12/11/18	Late Submission by Len Tresider (tabled)	Nathan Misiurka
3	12/11/18	Copy of MOU titled Planning in the Economic Growth Zone	Nathan Misiurka
4	12/11/18	Amendment C105 Authorisation letter dated 1/2/18	Nathan Misiurka
5	12/11/18	Amendment C105 Final Authorisation letter dated 2/3/2018	Nathan Misiurka
6	12/11/18	On farm Drivers (also at P46 of Part B submission)	Nathan Misiurka
7	12/11/18	Table – Expenditure on logging roads	Nathan Misiurka
8	12/11/18	Council minutes 19/10/2009 (CM305)	Nathan Misiurka
9	12/11/18	Council Minutes 5/11/2015 (CM449)	Nathan Misiurka
10	12/11/18	Diagram – Houses lost or defended in Callignee 2009	Anne Coxon
11	13/11/18	CFA Submission dated 13/11/2018	Anne Coxon
12	13/11/18	CFA Submission Attachment 1 – 13/11/2018	Anne Coxon
13	13/11/18	Copy of email from Latrobe City Coordinator Economic Development dated 9/11/2018	Nathan Misiurka
14	14/11/18	Copy of current planning scheme provisions	Graeme Peake
15	14/11/18	Late submission from Peter Hutchinson	Nathan Misiurka
16	14/11/18	Table 1A – EPA Designation of types of zones and reservations	Graeme Peake
17	14/11/18	Sibelco Lime Pty Ltd submission to amendment C105	Graeme Peake
18	14/11/18	Sibelco Planning permit no 2011/272	Graeme Peake
19	14/11/18	Sibelco Endorsed plans to permit 2011/272	Graeme Peake
20	14/11/18	Focus CDS Consultants letter seeking time extension of permit 2011/272	Graeme Peake
21	15/11/18	Copy of Council Officers report on Sibelco 2012 permit application	Graeme Peake
22	15/11/18	Copy of zoning affecting Sibelco at 1999 – New Format Planning Scheme	Graeme Peake
23	15/11/18	Copy of zoning affecting Sibelco at 2009	Graeme Peake
24	15/11/18	Copy of current zoning affecting Sibelco site at Sept 26 2018	Graeme Peake
25	15/11/18	Copy of C62 Panel Report	Graeme Peake

No.	Date	Description	Presented by
26	15/11/18	Copy of planning ordinance post C62 amendment at 14/1/2010	Graeme Peake
27	15/11/18	Copy of C87 Panel Report	Graeme Peake
28	15/11/18	Copy of C97 Panel Report	Graeme Peake
29	15/11/18	Copy of Mr Kraan's evidence to C97 Panel	Graeme Peake
30	15/11/18	Copy of EPA recommended separation distances for industrial residual air emissions	Graeme Peake
31	16/11/18	Dept Economic Development, Jobs, Transport and Resources submission	Trevor Ludeman and Helen Crawford
32	16/11/18	Dept Economic Development, Jobs, Transport and Resources submission Attachments	Trevor Ludeman and Helen Crawford
33	16/11/18	Dept Economic Development, Jobs, Transport and Resources submission – PowerPoint slides	Trevor Ludeman and Helen Crawford
34	16/11/18	Submission by Stuart Strachan	Stuart Strachan
35	16/11/18	Submission by Human Habitats	Jarrah Lukjanov
36	16/11/18	Submission by HVP Plantations	Simon Gatt
37	16/11/18	Submission by Ted Addison	Ted Addison
38	19/11/18	Submission on behalf of D&G Neville and D&H Harrington	Linda Sahhar
39	19/11/18	Submission by Robert and Dianne Walker	Robert and Dianne Walker
40	19/11/18	Submission by Anthony Hanning	Anthony Hanning
41	19/11/18	Submission by Norman Albutt	Norman Albutt
42	19/11/18	Copy of zoning plan	Norman Albutt
43	19/11/18	Yinnar South Newsletter	Norman Albutt
44	19/11/18	Submission by JM & JP Lawless - maps	J Lawless
45	19/11/18	Submission by Leanne Sutton	Peter Dell
46	19/11/18	Submission by David Sommerville	David Somerville
47	19/11/18	Submission by Deirdre Groves	Deirdre Groves
48	20/11/18	DEDJTR – Additional submission	Helen Crawford
49	20/11/18	Submission by Graeme Zimmer – short intro to hydroponics	Graeme Zimmer

No.	Date	Description	Presented by
50	20/11/18	Submission by Graeme Zimmer – copy of letter to Red Tape Commissioner	Graeme Zimmer
51	20/11/18	Submission by Graeme Zimmer – copy of letter to Latrobe City Council	Graeme Zimmer
52	20/11/18	Submission by Graeme Zimmer – How rezoning destroyed out dreams	Graeme Zimmer
53	20/11/18	Submission by Graeme Zimmer – hardship caused by property rezoning	Graeme Zimmer
54	20/11/18	Submission by Kevin and Pat Hourigan	Kevin Hourigan
55	20/11/18	Council – table of planning permits for infill development near Traralgon railway precinct	Nathan Misiurka
56	20/11/18	Agenda for meeting 16/2/17 – Council, DEDJTR, DELWP relating to coal overlays	Nathan Misiurka
57	20/11/18	File Note – record of meeting of DELWP, Council, DEDJTR on 6/2/18 in relation to coal overlays	Nathan Misiurka
58	20/11/18	Copy of email dated 16/11/18 confirming DELWP comfort that authorisation conditions were met	Nathan Misiurka
59	20/11/18	Latrobe City intensive agriculture scoping study	Nathan Misiurka
60	20/11/18	Copy of email – Ethos Urban – backzoning of Yinnar South	Nathan Misiurka
61	4/12/18	Council final preferred version of the controls sent by email at 30 November 2018 05:19 PM	Nathan Misiurka