

LATROBE PLANNING SCHEME

AMENDMENT C114

PLANNING PERMIT APPLICATION 2018/94 and 2019/163

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of NBA Group Pty Ltd

Land affected by the Amendment

The amendment applies to:

1. 50 Glendale Road, Traralgon (Lot 1 PS329021).
2. 110A Marshalls Road, Traralgon (Lot 2 PS329021).
3. Traralgon Maffra Road, Traralgon (Lot B PS729261).

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

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987* (the Act).

The planning permit applications applies to three parcels of land;

1. 50 Glendale Road, Traralgon (Lot 1 PS329021) (2019/163).
2. 110A Marshalls Road, Traralgon (Lot 2 PS329021) (2019/163).
3. Traralgon Maffra Road, Traralgon (Lot B PS729261) (2018/94).

Figure 1 shows the subject site which is a strip of land shaded in green across the three titles shown. The strip is approximately 54 metres in width.

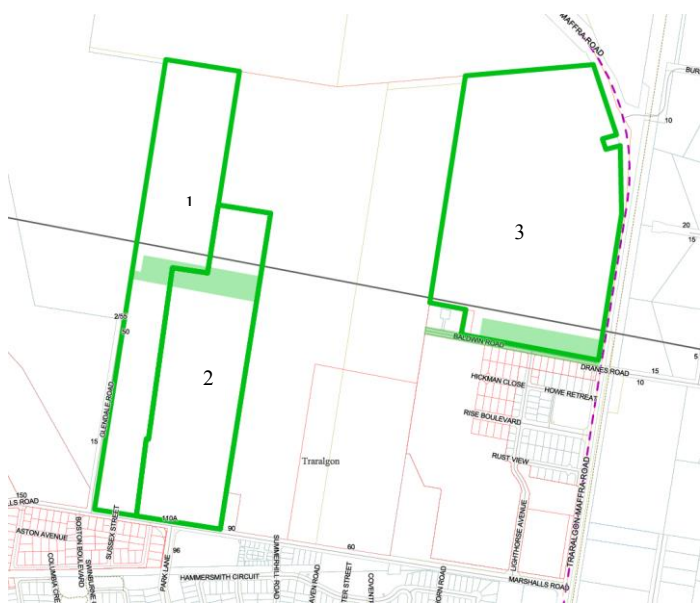


Figure 1: Three affected titles outlined and land affected by the amendment ('the site') shaded.

Source: Council Intramaps

The site is located immediately north of the approved Traralgon North Development Plan (TNDP). The TNDP encompasses an area of 118.6 hectares bounded by Traralgon-Maffra Road to the east, Marshalls Road to the south, the Traralgon Creek floodplain to the west, and a Design and Development Overlay associated with a high pressure oil pipeline buffer to the north. The TNDP provides for the development of approximately 1,077 residential lots, community facilities, public open space and a neighbourhood activity centre along with associated infrastructure.

What the amendment does

The amendment proposes to rezone the land from Farming Zone (FZ) to General Residential Zone – Schedule 1 (GRZ1) (proposed GRZ3 under Amendment C105) and to apply the Development Plan Overlay Schedule 7 (DPO7) to support further residential subdivision of the land in accordance with the Traralgon Town Structure Plan (TTSP) and the TNDP (as amended).

The amendment seeks to:

- Amend Clause 21.09-4 to update the Traralgon Town Structure Plan to show the land as residential;
- Amend Planning Scheme Map 63DPO; and
- Amend Planning Scheme Zone Map 63.

The amendment is made under section 96A of the Act to facilitate consideration of the combined planning permit applications that will subsequently lead to further subdivision of the rezoned land into smaller residential parcels of land.

The planning permit applications seek approval to:

- Re-subdivide the land at Traralgon-Maffra Road, Traralgon (Lot B PS729261) into two lots; and
- Re-subdivide the land at 50 Glendale Road, Traralgon (Lot 1 PS329021) and 110A Marshalls Road, Traralgon (Lot 2 PS329021) into five lots.

Strategic assessment of the Amendment

Why is the Amendment required?

The purpose of the amendment is to allow the subject site to be developed for residential use. The amendment seeks to apply the appropriate planning controls to the land which will:

- Allow the residential subdivision and development of the site under the General Residential Zone Schedule 1 (proposed GRZ3 under Amendment C105); and
- Allow the site to be developed in accordance with the TNDP under the Development Plan Overlay Schedule 7.

The amendment will facilitate development in accordance with the existing TTSP whereby the subject land is identified as Area 9 'Future Residential'. The TTSP supports the amendment with the following notable objective:

In the medium-term, facilitate the orderly planning of TTSP Areas 9 and 10 for residential development with an appropriate interface with the Major Gas Pipeline and buffer to industrial zoned land.

While the Traralgon Growth Areas Review (TGAR), which introduced this objective, saw this land develop longer term, the proposal is being undertaken in an orderly way to ensure the future planning of Area 9. It is considered appropriate to move this sequencing forward as it will facilitate the development of the land identified on the TTSP as being existing residential. It also supports the strategic direction of Area 3 (currently TNDP area) as it supports the development of the existing residential in the short term. In addition, the remainder of the land in Area 9 has yet to be rezoned and further demand for residential land will need to be demonstrated prior to the remainder of the land being rezoned. The planning permits have been conditioned by ESSO to ensure an appropriate interface with the Major Gas Pipeline is achieved.

The Traralgon North area is identified as existing residential opportunities on the TTSP. The goal of the amendment is to financially support the delivery of the TNDP precinct through the creation of additional residential land whilst not compromising the future medium term growth identified for this area. The release of these lots will enable the funding of key infrastructure items to support the ongoing development of the precinct.

The Latrobe Planning Scheme requires Council to maintain a 15 year residential land supply. Current supply data indicates Traralgon is currently sitting at 18 years for residential land. Within Traralgon, across the five approved Development Plan areas, a total lot yield of 2,332 lots can be provided at full development scenario. This includes Traralgon North, Franklin Place, Erin Park, Cross's Road and the recently approved Ellavale East. These figures are based on the Residential Capacity Assessment undertaken as part of Live Work Latrobe. Of the 2,332 lots provided by our Development Plan areas in Traralgon, 218 lots are currently subject to certification and Statement of Compliance, 424 lots have been created with titles, leaving 1,690 lots to be created across the Traralgon Development Plan areas.

Across the wider municipality there is an additional nine approved Development Plan areas including an approximate lot yield of 7,813. Of the 7,813 lots that have been approved by a Development Plan, a trend can be seen in terms of what the potential yield is and what has eventuated on the ground. Across other Development Plan areas, only 223 lots have been created and 130 lots waiting on certification and Statement of Compliance. However these areas also include the large development fronts of Lake Narracan, Morwell West and Morwell North West. Like Traralgon North, our main growth fronts face significant infrastructure barriers which require pioneer developers to bring forward the required infrastructure. This means that while the lot yield appears to be high and able to meet our demand, infrastructure constraints has meant that lots have not been able to make it to the market.

Based on current 2019 Victoria in Future data, Latrobe is expected to grow to 83,190 residents by 2036 from 75,210 in 2018. This is a growth rate of 0.58% annually. To meet this future demand, we need to have available to market 198 lots per annum across the municipality. For Latrobe City, Traralgon is our most populated centre and previous trends show that Traralgon is growing faster than our other centre. In order to continue to meet projected demands, Council need to facilitate the ability to release land within these growth fronts/Development Plan areas.

This amendment will support the release of limited lots in the short term while providing funding for critical infrastructure to progress the TNDP long term.

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

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

The relevant objectives of section 4 of the Act include (*inter alia*):

- *S.4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land;*
- *S.4(1)(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *S.4(1)(e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- *S.4(1)(f) to facilitate development in accordance with the objectives set out in paragraph (a)(c) and (e).*

The amendment implements the objectives of planning in Victoria by providing for and facilitating the fair, orderly, sustainable and economic development of residential land in a strategic location.

The site also benefits from its location within an undeveloped growth area (north of the TNDP), allowing the site to be planned in an orderly manner to achieve a desirable land use and development outcome. This will be achieved with a future amendment to the TNDP which will ensure that the living and recreational needs of future residents are provided for in a coordinated way.

The amendment recognises the importance of the high pressure oil pipeline within the vicinity of the site and provides for its protection through the retention of appropriate planning mechanisms to control development, being the Design and Development Overlay Schedule 1. Future development of the rezoned land will need to appropriately consider and respond to the location of the pipeline and views of the relevant authorities.

The planning permits associated with this application will ensure that no split zones are created as a result of this application. All three applications are re-subdivision applications splitting the General Residential zoned land from the Farming Zone.

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

Environmental Impacts

The rezoning of the land should not have an impact on the environmental values of the site. The original TNDP included the preparation of a Flora & Fauna Assessment (Ecology & Heritage Partners March 2012) that concluded that the TNDP land is highly modified by past agricultural land practices. Ecology & Heritage Partners have been engaged to review the amended site as part of the TNDP review.

The land is identified on the TTSP for future residential development. Accordingly, urban development has already been contemplated for the site and as such the amendment would not impact viable farming land.

Social & Economic Impacts

The amendment will have a net community benefit through the implementation of planning controls to facilitate future development of land to support the TNDP area. The development of the TNDP provides additional housing and community infrastructure in a planned location. The development of the precinct will see significant investment in the local economy including the creation of local employment opportunities to benefit the community.

The Gippsland Regional Growth Plan seeks to promote the Traralgon area as part of the Latrobe Regional City. The objectives of Clause 21.02 Housing and Settlement of the Latrobe Planning Scheme is to facilitate development in accordance with the Traralgon-Morwell Growth Framework Plan. The objectives of the framework plan aims to encourage logical expansion of urban settlements in accordance with staging guidance of the framework plan. Figure 2 below highlights that the proposed urban expansion area is within the 1st stage of future residential. 1st stage also includes other growth fronts across Traralgon and Morwell.

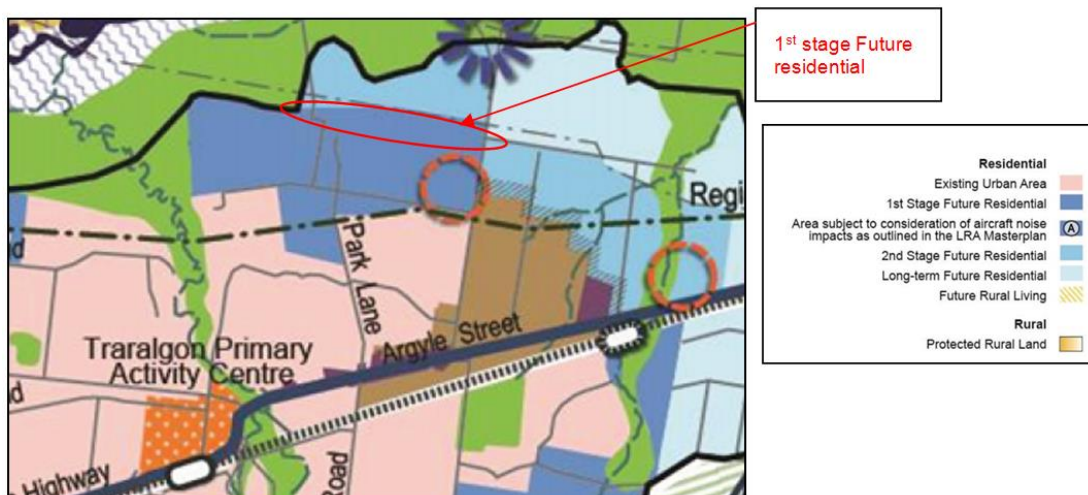


Figure 2 - Traralgon-Morwell Growth Framework Plan (extract)

Both the Traralgon Structure Plan (2010) currently forming part of the planning scheme (Clause 21.09-4) and the Traralgon Growth Areas Review (August 2013), adopted by Council in April 2014, identify a future neighbourhood and local activity centre respectively within the 'future residential' area in Traralgon North.

Clause 21.09 Local Areas of the Local Planning Policy Framework, specifically Clause 21.09-4 Traralgon implements the Traralgon Town Structure Plan. The structure plan identifies the amendment area as a 'future residential' area. Figure 3 below refers to Area 9, which is identified as medium term and to facilitate the orderly planning of TTSP for residential development with an appropriate interface with the Major Gas Pipeline and buffer to industrial zoned land. As mentioned earlier, it is considered appropriate to allow this area to be brought forward as it is supported through its designation as 1st stage future residential and supports the development of the area currently identified on the structure plan as Area 3 which supports the development of this area in the short term.

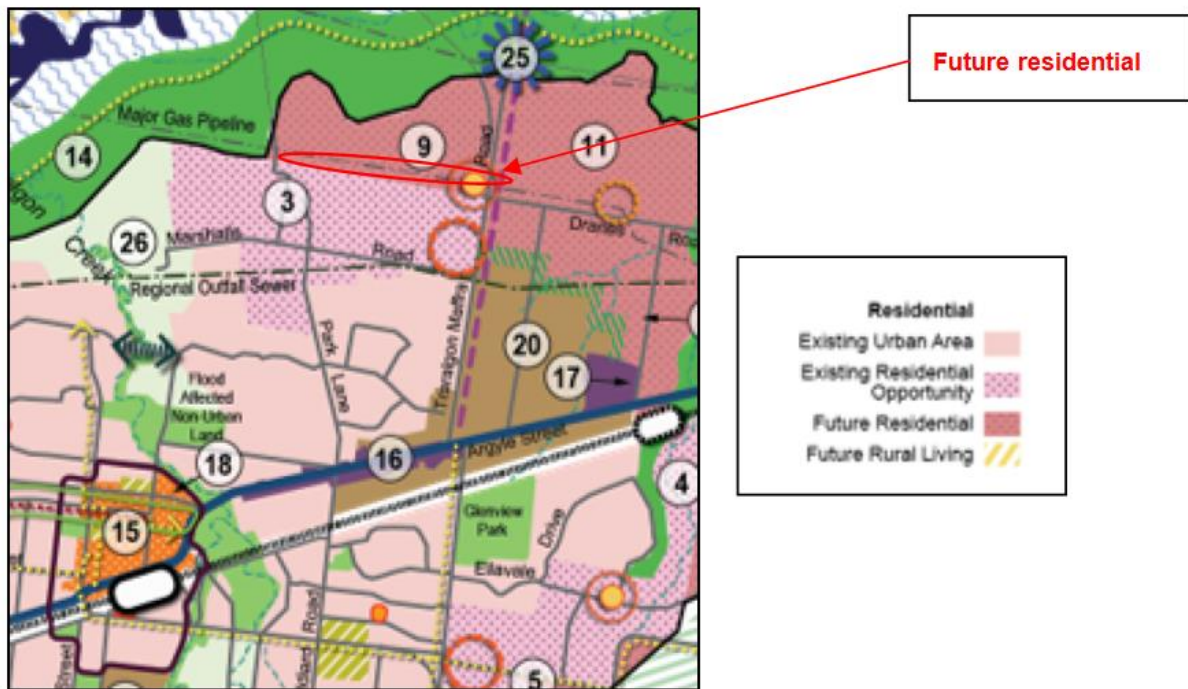


Figure 3 – Traralgon Structure Plan (extract)

TGAR intends to provide a growth strategy that identifies areas for future urban development around Traralgon, the Traralgon-Morwell Corridor, Glengarry and Tyers up to the year 2051. Planning Scheme Amendment C87, which has been exhibited and a Planning Panel hearing conducted, proposes to implement the recommendations of TGAR into the scheme. Further discussion on this is provided later in this Explanatory Report in relation to the MSS.

Does the Amendment address relevant bushfire risk?

Latrobe City Council has engaged Millar Merrigan to prepare a Bushfire Assessment in accordance with Clause 13.02 of the Latrobe Planning Scheme. It concludes that Integrated Decision Making (Clause 71.02-3) requires planning and responsible authorities to prioritise the protection of human life over all other policy considerations in bushfire affected areas. Bushfire Planning (Clause 13.02) outlines the objective to be achieved and this seeks to strengthen the resilience of settlements and communities to bushfire risk based planning that prioritises protection of human life.

The landscape risk can be mitigated to an acceptable level as a result of the proposed rezoning and the subject site benefits from the existing BAL-LOW areas of Traralgon. Credible shelter options are available in close proximity to the land and provide for an important feature in the aim to protect life. Access to these areas is readily available and there are no biodiversity issues.

The site assessment determines that the land to be rezoned can be developed to BAL-12.5 requirements in accordance with Clause 13.02.

The location of the proposed rezoning is consistent with the Traralgon-Morwell Growth Area Framework Plan and there are no alternative locations identified that are considered to have a reduced bushfire risk.

The report recommends that Council proceed with the planning scheme amendment and given the minor nature of rezoning and limited amount of additional housing that would result, there are no

recommendations to incorporate any additional planning scheme controls in relation to bushfire protection.

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

- The amendment is consistent with the Minister's Direction on the *Form and Content of Planning Schemes* under section 7(5) of the Act.
- The amendment is affected by and complies with, Minister's Direction 1 *Contaminated Land* as set out in this Explanatory Report and in accordance with section 12(2) of the Act.
- The amendment is affected by and complies with, Minister's Direction 11 *Strategic Assessment of Amendments* as set out in this Explanatory Report and in accordance with section 12(2) of the Act.
- The amendment is affected by and complies with, Minister's Direction 15 *The Planning Scheme Amendment Process* under section 12(2) of the Act.
- The amendment is affected by and complies with, Minister's Direction 19 *Preparation and Content of Amendments that may significantly impact the environment, amenity and human health* as set out in this Explanatory Report and in accordance with section 12(2) of the Act.

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

The amendment supports the Planning Policy Framework by providing for the orderly development of the subject land, consistent with the following policies:

Clause 11 Settlement

The proposal addresses Clause 11.01-1R Settlement – Gippsland as it supports the urban growth of Latrobe City which promotes it as Gippsland's regional city. It also provides support to new urban growth fronts in Traralgon where natural hazards and environmental risks are able to be avoided or managed. Clause 11.02-1S Supply of Urban Land seeks to ensure that a sufficient supply of land is available for residential, commercial, retail, industrial recreational, institutional and other community uses. The proposed amendment would create additional residential land supply in an area that has been identified for future growth. The land to be rezoned would be located close to transport corridors and services and would be able to be efficiently and effectively connected to existing and proposed infrastructure. It would not impact on primary production, major sources of raw materials or valued environment areas.

The amendment supports the *Gippsland Regional Growth Plan* and its objectives of *strengthening community resilience, providing for sustainable growth and delivering timely and accessible infrastructure*, by providing zoned land available for development to support the provision of infrastructure and therefore future development of the wider TNDP area.

Clause 12 Environmental and Landscape Values

The amendment is consistent with Clause 12 Environmental and Landscape Values including the objective under Clause 12.01-2S Protection of biodiversity by ensuring *no net loss to biodiversity* as the land to be rezoned is highly modified. No vegetation removal is proposed as part of the amendment.

Clause 13 Environmental Risks and Amenity

The amendment is consistent with Clause 13 Environmental Risks and Amenity, particularly Objective 13.02-1 Bushfire Planning by directing growth and development to a low risk location where the risk to life and property can be managed to an acceptable level. An analysis of bushfire risk has been considered within this report.

Clause 16 Housing

The amendment is supported by Clause 16.01-2S Location of Residential Development by providing zoned and serviceable land ready for residential development. The rezoning of the land will facilitate

residential development that is cost effective in infrastructure provision and use as it will connect with the TNDP existing and proposed infrastructure.

Clause 19 Infrastructure

Clause 19.01-3S Pipeline Infrastructure seeks to ensure that gas, oil and other substances are safely delivered to users and to from port terminals at minimal risk to people, other critical infrastructure and the environment. The proposed amendment recognises the existing high pressure oil pipeline located adjacent to the land to be rezoned. Appropriate measures will be put in place to protect the operations and safety of the pipeline via a Safety Management Plan which will be developed in conjunction with the pipeline operator following rezoning of the land.

The proposed amendment will contribute to ensuring the financial viability of the TNDP precinct through the release of additional residential lots. The sale of the additional lots will assist in the delivery of key infrastructure such as, but not limited to intersection upgrades, storm water retarding basins and a sewer pump station required to service the entire TNDP precinct. This accords with the objectives and strategies of Clause 19.03-1S Development and infrastructure contributions plans which require the timely and efficient provision of cost-effective development infrastructure through development contributions. As part of the review of the TNDP, the Development Contributions Plan was updated to include the strip rezoning area.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is generally consistent with Council's MSS in facilitating development that supports the strategic growth of Traralgon as part of a 'networked city'. In particular, the amendment addresses the following key issues:

Clause 21.02-1 Key issue - Urban growth (proposed Clause 21.02-4 under Amendment C105)

Latrobe City currently has approximately 73,650 residents, and is forecast to grow by approximately 8,560 to 82,460 people by 2030 (Essential Economics, 2016). Traralgon is expected to accommodate the majority of the growth, followed by Churchill and Moe. This growing population will require an additional 5,000 new houses to be provided through infill and greenfield development, meaning the construction of 330 new dwellings each year for the next 15 years. The proposed amendment would assist in meeting this target through the creation of additional residential land.

Clause 21.02-2 Key issue - Main towns and Growth Corridors (proposed Clause 21.09-1 under Amendment C105)

The proposed amendment would facilitate development in accordance with the Traralgon-Morwell Growth Framework Plan as it would rezone land that is identified as being '1st Stage Future Residential' land from Farming Zone to General Residential Zone. It would also support the following strategies of the clause:

- *Encourage a logical expansion of urban settlements in accordance with staging guidance included in Structure Plans and the Traralgon-Morwell Growth Framework Plan*
- *Contain new residential subdivision within residential areas shown on the Structure Plans and the Traralgon-Morwell Growth Framework Plan.*

Clause 21.08-3 Key issue - Development infrastructure (proposed Clause 21.08-7 under Amendment C105)

A coordinated strategic approach to the cost, maintenance and provision of new key shared infrastructure is required for new development fronts in urban areas. The land proposed to be rezoned would readily connect into infrastructure already provided or proposed to be provided by the TNDP. In addition the TNDP is expected to be amended to include the land proposed to be rezoned. The land will therefore be included in any infrastructure provision and the collection of any development contributions. This will ensure the land is fully serviced in a coordinated way.

As part of the review of the Traralgon North Development Plan, the area subject to the strip rezoning has been included in the Development Contributions Plan.

Clause 21.09-4 Traralgon (proposed Clause 21.09-6 under Amendment C105)

This clause recognises a higher population growth in Traralgon than the other towns in Latrobe City and expects this trend to continue. The TTSP shows the subject site within Area 9 where medium term residential development with an appropriate interface with the Major Gas Pipeline and buffer to industrial zoned land is encouraged. The amendment implements the objectives of the TTSP in this regard.

It is noted that the TTSP shows a potential school in the south-eastern corner of Lot B PS 729261. The school is not proposed to be provided for as part of the rezoning and will be considered as part of a new development plan that would encompass the remainder of the land in Area 9 (refer to figure 3).

Addendum to the Traralgon North Development Plan

The TNDP is being amended to update maps and tables to include the additional land that is proposed to be rezoned as well as to review the development contributions tables. The updated maps will also identify changes that have occurred since the Development Plan was approved. Supporting documentation including a bushfire assessment, flora and fauna review, and preliminary servicing report have been prepared to include the additional land.

A review of the costings of infrastructure items in the development contributions tables has been undertaken and a general overall check has been done on how the Development Plan has been performing following the issue of permits and their implementation to date within the precinct.

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

The amendment makes proper use of the Victorian Planning Provisions through the application of the General Residential Zone and Development Plan Overlay to land that is fully serviceable and situated within a growth area. Amendment C105 (Live Work Latrobe) will amend the zone currently being applied and will instead apply the General Residential Zone Schedule 3 (New Estates). Both zones are considered appropriate for the site; the difference between the current zone and the proposed schedule is the front and side setback requirements. Applying the Development Plan Overlay Schedule 7 will ensure the ongoing orderly planning of the Traralgon North area.

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

Consultation has been held with relevant agencies and the planning permits have been referred to the following agencies for draft conditions from ESSO (Exxon Mobil), APA Group, Regional Roads Victoria, West Gippsland Catchment Management Authority, and Energy Safe Victoria.

The same agencies have been contacted during the preparation of this amendment. Preliminary referrals indicate that they either support, have no comment or will provide conditions as part of the planning permits.

In accordance with Ministerial Direction 19, the views of the EPA have been sought. No issues were raised from the advice received from the EPA.

Consultation has been held with the owner of the land within the TNDP situated between the two sections of land affected by this proposal. The land owner does not oppose the proposed amendment but does not wish for their land to be included in a rezoning at this point in time. A letter of support has been provided to Council.

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

The proposed amendment would create additional residential land comprising approximately 34 lots that would utilise the existing and proposed road network of the TNDP. It is considered that the proposed amendment would not have an impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*. The proposal has also been referred for preliminary comments to Regional Roads Victoria to ensure there are no issues with the proposal.

Resource and administrative costs

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

The amendment will not have any significant financial implications for the responsible authority.

The amendment would create an additional 34 (approx.) residential lots. The existing Design and Development Overlay Schedule 1 (Major Pipeline Infrastructure) that covers the subject site will remain in place and will trigger permits for all buildings and works including a fence if it is within three metres of any pipeline.

Permits for dwellings will be triggered on any lot less than 500sq.m. under the proposed new General Residential Zone Schedule 3. Under the Design and Development Overlay Schedule 1 which already affects the land, a permit is required for buildings and works, including a dwelling, a swimming pool or if any of the fences happen to be within 3m of the pipeline easement.

Where you may inspect this Amendment

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

Latrobe City Council

Corporate Headquarters

141 Commercial Road

Morwell VIC 3840

Latrobe City Council

Moe Service Centre

1 – 29 George Street

Moe VIC 3825

Latrobe City Council

Traralgon Service Centre

34-38 Kay Street

Traralgon VIC 3844

Latrobe City Council

Churchill Service Centre

9-11 Phillip Parade

Churchill VIC 3842

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment and planning permits may make a submission to the planning authority. Submissions about the Amendment and planning permits must be received by 5pm Monday 23 December 2019.

A submission must be sent to:

Latrobe City Council

Corporate Headquarters

141 Commercial Road

MORWELL VIC 3840

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in the week of Monday 2 March 2020
- panel hearing: To commence in the week of Monday 30 March 2020

ATTACHMENT 1 – Mapping Reference Table

Location	Land/Area Affected	Mapping Reference
Traralgon North	Part 50 Glendale Road (Lot 1 PS329021), part 110 Marshalls Road (Lot 2 PS329021) and part Traralgon Maffra Road (proposed Lot C PS821062Y (currently Lot B PS729261)	63

Traralgon North	Part 50 Glendale Road (Lot 1 PS329021), part 110 Marshalls Road (Lot 2 PS329021) and part Traralgon Maffra Road (proposed Lot C PS821062Y (currently Lot B PS729261)	63DPO
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