

LATROBE CITY COUNCIL

LATROBE PLANNING SCHEME

PLANNING SCHEME REVIEW REPORT

APRIL 2008

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1.0 INTRODUCTION

1.1 Requirement to prepare a “Review Report”.

This report constitutes the formal “Planning Scheme Review” required under the Planning and Environment Act. The report provides an overview of the main elements of the Latrobe Planning Scheme including the Municipal Strategic Statement (MSS), zones and overlays, together with a general review of its format and content.

The report has been prepared in accordance with the Department of Sustainability and Environment (“DSE”) Review of Planning Schemes Practice Note (February 2006). The report reviews the entire Latrobe Planning Scheme (“the scheme”) as a result of changes made in the Planning and Environment (General Amendment) Act 2004.

The report provides the Latrobe City Council (“the Council”) with an overview of the performance of the scheme since its initial planning scheme review report in 2003.

The report does not identify any operational or process improvements to be undertaken as it is understood that this is being continually monitored and analysed by Council as part of its regular review programs.

The City of Latrobe was formed on 2nd December 1994 following the amalgamation of the former City and Shire of Traralgon, the City of Morwell, the City of Moe and parts of the former Shires of Rosedale and Narracan.

The Latrobe Planning Scheme was initially gazetted on the 2 March 2000 and it has been operating for eight years. Section 12B of the *Planning and Environment Act* (“the Act”) requires Council to regularly review the planning scheme. The (then) Department of Infrastructure’s October 2001 Practice Note (entitled *The MSS and Three-Year Review*) established that a “three year review report” was to be presented to Council (and ultimately the Minister for Planning) which:

- Identifies the major planning issues facing the municipality;
- Demonstrates how the Municipal Strategic Statement (“the MSS”) implements State Planning Policy;
- Assesses the strategic performance of the scheme;
- Documents the strategic work that has been completed or carried out since the approval of the scheme and any additional work required to strengthen the strategic direction of the planning scheme;
- Articulates the monitoring and review which has been carried out;
- Outlines the consultation process and its outcomes;
- Makes recommendations arising from the review including:
 - suggested changes to the objectives and strategies of the Local Planning Policy Framework.
 - suggested changes to the Victoria Planning Provisions tools to achieve the strategies and ensure the objectives and desired outcomes are being met;
 - new strategic work necessary to support future policy development or changes to the provisions of the scheme;
 - suggested changes to improve operational and process practices;

- identifying any planning application or other data that may need to be collected to inform the next review.

1.2 The Initial Latrobe Planning Scheme Panel Report (1998)

The Latrobe Planning Scheme was approved on 2 March 2000 and was accompanied by a letter of approval from the Minister for Planning which noted that there were a number of outstanding matters that required further action to be undertaken by Council. Furthermore, the Independent Panel which had assessed the initial planning scheme in November 1998 identified 100 matters which also needed to be addressed. As a priority, the following actions were highlighted in the Panel report:

- a review of the *Latrobe Retail Policy*;
- a *Rural Living Study*;
- an *Heritage Study*; and
- an *Industrial Study*.

Lesser priorities were identified as follows:

- a review of the *Municipal Strategic Statement* prior to the 3 year review;
- introduction of a *Wildfire Management Overlay* using map information provided by the CFA;
- introduction of an *Erosion Management Overlay* in liaison with the Department of Primary Industries;
- placement of an *Environmental Significance Overlay* buffer for 1 kilometre around the Morwell National Park in conjunction with an *Environmental Rural Zone*;
- undertake a strategic assessment of College Creek to determine its environmental values and introduce appropriate controls;
- review the application of the *Land Subject to Inundation Overlay*;
- utilise the Department of Natural Resources and Environment biological significance mapping and Council's own data to identify the location and significance of the municipality's natural assets and use this data as the basis for introducing environmental and landscape overlays;
- implement the *Australia Koala Foundation 'Koala Plan of Management'*;

1.3 The First MSS Review Report (2003)

Council documented its initial MSS review and continuous improvement program in a report entitled *The Reference Guide to Strategic Land Use Projects* dated November 2003 (the '*Reference Guide*'). This guide detailed the strategic land use projects that had commenced since the introduction of the new planning scheme including some of those required by the Panel report.

The *Reference Guide* addressed the following themes in terms of the background issues, the current planning scheme response, the corporate plan context and any recommendations:

- Flooding
- Fire prevention
- Small town structure plans
- Rural living
- Stone resources
- Coal control
- Retail policy
- Rural land & land capability

- Significant trees
- Stormwater
- Heritage
- Morwell—Traralgon corridor policy
- Latrobe regional airport
- Urban residential land supply
- Main Plan Structure Plan Review
- Transit Cities
- Traralgon By-pass Study
- Planning scheme amendment requests

The *Reference Guide* was considered by Council at its meeting on 15 December 2003 and was then submitted to the Minister to meet the review requirements of the Scheme and demonstrate the continuous improvement model.

1.4 Change in requirements for Review Report

As a result of changes made in the Planning and Environment (General Amendment) Act 2004, the Minister now requires the “Review Report” to address the entire planning scheme and not just the MSS. A Review Report must specifically address (in addition to the MSS and strategic matters listed above):

- The application and performance of the zones in the scheme;
- The application and performance of the overlays in the scheme;
- The detail of the schedules in the scheme.

2.0 STATE INITIATIVES SINCE LAST REVIEW REPORT

Since the gazettal of the Latrobe Planning Scheme and the preparation of the original "Review Report" in 2003, there has been considerable change at the state level including the introduction of a new suite of rural zones, a modified native vegetation framework, and the introduction of Clause 12 into the state section addressing metropolitan strategy.

In addition, two important state government 'process' type reports have been released being the "*Cutting Red Tape*" report of 2006; and the 2007 Ministerial report "*Making Local Policy Stronger*" both of which have implications for the planning scheme and the processing of permits under the planning scheme. This Review Report has been prepared in the context of the recommendations of both of those reports. The following is a brief overview of these two reports.

2.1 Cutting Red Tape in Planning

This report was released in August 2006 and was intended to streamline planning processes in the Victorian Planning System. The report advocates a continuous improvement model based around 'monitoring' to fill identified gaps and to improve current practices.

The initial action arising from the report was Amendment VC40 which removed the need for a planning permit for various minor matters including:

- Minor works associated with a dwelling including those currently captured by the heritage provisions or the small lots provisions of the scheme;
- Minor works in business areas.

Other outcomes of the report have been a review of the Heritage Overlay and a fast track process for some planning scheme amendments.

2.2 Making Local Policy Stronger

Of critical importance has been Action 10 in the *Cutting red tape in planning* report which included a number of actions to make 'local policy' stronger. To inform the implementation of these actions the Minister for Planning appointed a 'Working Group' made up of state and local government representatives to:

- Examine the role of local planning policy in decision-making.
- Develop local policy implementation principles.
- Clarify the relationship between state and local policy.
- Promote local policy that implements local and state planning policy objectives.
- Inform a Ministerial statement on local policy.

The Working Group concluded that after ten years of operation the application of some components of the Victoria Planning Provisions need immediate clarification and action. The key issues identified were:

- The development of voluminous local policies;
- The need to clearly define and differentiate state and local interests;
- The importance of effective policies and controls to deliver strategic outcomes at both state and local level;
- The need to revise land use zones and overlays so that they better fit state and local strategic objectives; and

- The need for state and local government to work in partnership to achieve the improvements to the planning system.

The Working Group recommended the following Action Plan:

Provide more certainty by making it easier to implement policy through planning controls.

Revise the zones, overlays and particular provisions to provide more opportunity to express state and local policy outcomes. As a priority, review the residential zones and associated provisions.

Make the State Planning Policy Framework clearer about how it should be implemented at the local level.

Expedite the review of the State Planning Policy Framework recommended in Action 9 of Cutting red tape in planning.

Progressively review planning schemes to clearly express state and local strategic intentions.

*Use zones, overlays and schedules **rather than policy** to control the use and development of land where appropriate. (Emphasis added).*

Make the requirement for the four year review of planning schemes more specific and structured.

Increase the effectiveness of local policy by simplifying the way it is presented in planning schemes.

Pilot a restructure of clauses 20, 21 and 22 of planning schemes to produce a single simplified section that provides the 'local policy' section of the planning scheme, with a range of Councils.

Where direction is required in the restructured provision to guide the exercise of discretion under a planning control, the direction should be termed a 'policy guideline'.

Clarify when prescriptive provisions can be used.

Develop guidelines to clarify when prescriptive rather than performance based provisions are appropriate and how they should be expressed.

The recommendations in this "Planning Scheme Review Report" have been framed in the context of the above recommendations.

2.3 New Residential Zones for Victoria

Making local policy stronger made a number of findings in relation to the interplay (and in some cases the miss-match) between planning policies and zones. In particular, the report found that the detail of residential zones did not always reflect the strategic intentions of State and local policies. It found that:

Despite local housing strategies which might identify (for instance) areas for accelerated growth or areas for special protection, the Residential 1 Zone is the overwhelming 'zone of choice' in residential areas and provides for a mix of densities and dwelling types.

The Residential 2 Zone, which is meant to 'encourage residential development at medium or higher densities', covers only small areas and its greatest concentrations are in the outer suburbs at Frankston and Dandenong. The Residential 2 Zone is not to be found around the vibrant inner and middle ring centres, the public transport nodes or along arterial roads with tramlines which is where Melbourne 2030 suggests are the very places to 'encourage residential development at medium or higher densities.

...While some councils proactively identify 'go go' (substantial change), 'slow go' (incremental change) or 'no go' (minimal change) areas in their local planning policy framework, they do not have a suite of zones that provides a 'neat fit'. As a consequence, the issue tends to be resolved through complex and lengthy local planning policy or difficult permit application assessment processes rather than through a combination of zoning, state planning policy direction and local application.

The report recommended that, as a matter of priority, the suite of residential zones be reviewed and in February 2008, the Minister released a discussion paper on the three new residential zones as the first initiative in the Government's five point action plan (as specified above) to implement the recommendations of the *Making local policy stronger* report.

The proposed three zones are:

Substantial Change Areas

Areas that present opportunities to substantially increase the number and diversity of dwellings. The form and design of new development can be specified. Appropriate services and facilities will be (or will become) available.

Incremental Change Areas

Areas where change can continue to occur however development must respect the character of the area.

Minimal Change Areas

Areas with limited opportunity for change because of identified development constraints, including special neighbourhood character, environmental and landscape values or infrastructure capacity. In these areas the impact of new development will be limited.

The details of the three zones are included in a Discussion Paper and submissions on them will be received until April 2008 with a view to introducing the zones by late 2008.

3.0 PROGRAM OF CONTINUOUS REVIEW

Council has maintained a rolling program of reviewing the performance of its scheme. Council recognises that the dynamic nature of strategically based planning schemes requires a constant and ongoing monitoring and review. The monitoring and review since the first review in 2003 has consisted of:

- Formal planning scheme amendments
- Commissioning further strategic work
- Development of on-going strategic work program

Each of these is briefly addressed in this section of the report.

3.1 Planning Scheme Amendments

As of February 2008, the following major amendments to the scheme have been commissioned since the scheme was gazetted:

- **Amendment C8** (12 April 2001). Implements Section 48 of the *Heritage Act 1995* to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
- **Amendment C2** (5 July 2001). Corrects anomalies and technical errors which occurred with the introduction of the LaTrobe Planning Scheme.
- **Amendment C5** (16 August 2001). Rezones land at 44 North Road, Yallourn North from Residential 1 Zone to Mixed Use Zone to allow applications for retail use of this vacant former supermarket to be considered.
- **Amendment C13** (25 October 2001). Introduces the Public Acquisition Overlay to facilitate the acquisition of land required for the deviation of the Hyland Highway and includes exemption for vegetation removal for works associated with the construction of the alignment of the Hyland Highway.
- **Amendment C6** (31 January 2002). Rezones land at Commercial Road, Morwell, being Crown Grants Volume 9903 folio 227 and Volume 9904 folio 210 from Public Use Zone – transport to Business 2 Zone and applies the Design and Development Overlay to the land.
- **Amendment C20** (19 September 2002). Amends Clauses 21.01 and 21.04 of the MSS to introduce strategic justification for the Basslink Electricity Interconnector Project. Introduces an incorporated document *Basslink – Land Use and Development Controls, 2002* in clause 52.03 and clause 81 to control development of the Basslink Electricity Interconnector Project. Includes the Minister for Planning as the responsible authority for administering and enforcing the Planning Scheme in respect of the provisions of the *Basslink – Land Use and Development Controls, 2002*."
- **Amendment C19** (15 May 2003). Rezones land fronting Commercial Road, Hazelwood Road and Ann Street, Morwell from Business 2 Zone to Public Use Zone – 7 to allow the use and development of the land for the establishment of a new Police and Court Complex without a planning permit.
- **Amendment C15** (6 November 2003). Introduces the Public Acquisition Overlay to facilitate the expansion of the Latrobe Regional Airport, rezones airport land so that development and land use is in accordance with a Special Use Zone and introduces a local policy relating to the airport.

- **Amendment C22** (15 January 2004). Implements Section 48 of the *Heritage Act* 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
- **Amendment C10** (10 June 2004). To introduce the findings and facilitate the implementation of the report '*La Trobe Supply Area – Extractive Industry Interest Areas 1999*'.
- **Amendment C31** (29 July 2004). Reconfigures the break up of the Planning Scheme Maps and replaces all local provisions in the Planning Scheme to change references to 'La Trobe' to 'Latrobe' and references to 'La Trobe Shire' to 'Latrobe City'.
- **Amendment C33** (5 August 2004). Rezones land at 112-128 Princes Drive from Industrial 1 Zone to Mixed Use Zone to allow a planning application to convert a vacant restaurant into a retail liquor outlet and build a warehouse to be used as a wholesale liquor sales and distribution centre to be considered.
- **Amendment C7** (16 September 2004). To introduce the findings and facilitate the implementation of the strategic study *Latrobe Rural Living Study* as reviewed by Council's Planning Scheme Panel.
- **Amendment C4** (28 October 2004). Corrects anomalies and technical errors which occurred with the introduction of the La Trobe Planning Scheme, rezones two former education sites in Newborough, updates road zonings in accordance with VicRoads reclassifications, and introduces a gaming charter as a reference document.
- **Amendment C27 (Part 1)** (2 December 2004). Introduces the Urban Residential Land Development Policy and rezones additional land in Moe and Traralgon to Residential 1 Zone.
- **Amendment C29** (20 January 2005). Rezones land at 64, 66, 68 & 70 Argyle Street and 27 Campbell Street, Traralgon from *Residential 1 Zone* to *Business 4 Zone*.
- **Amendment C37** (31 March 2005). Makes corrections to technical errors to the ordinance and map sections of the Latrobe Planning Scheme by re-introducing the Public Acquisition Overlay 2 (PAO2) into the Planning Scheme Maps and amending the Schedule to the Rural Living Zone.
- **Amendment C28** (12 May 2005). Rezones land bounded by Church, Grey, Breed and Kay Streets, Traralgon from Business 2 Zone to Public Use Zone 6 – Local Government to apply the appropriate zoning to the Latrobe City office precinct to reflect the municipal purpose for which it is used and provide for future planning. Introduces the condition in the Schedule to the Public Use Zone that any development or use is in accordance with an adopted plan. Introduces the Traralgon Civic Precinct Plan as an incorporated document.
- **Amendment C36** (19 May 2005). Revises the formatting of the Schedule to the Rural living Zone in the map and ordinance sections of the local planning provisions of the Latrobe Planning Scheme so that it is consistent with the current format across all Victorian Planning Schemes as endorsed by the Department of Sustainability and Environment. The amendment also corrects anomalies to the Schedule to the Rural Living Zone which occurred with the adoption of Amendment C7 to the Latrobe Planning Scheme – Rural Residential Living Study.
- **Amendment C38** (2 June 2005). Rezones the eastern portion of the Morwell Grit Chamber site located on the southern side of Old Melbourne Road, Morwell, being part CP169658 in the Parish of Maryvale, County of Buln Buln, from *Rural Zone* to *Public Use Zone 1 - Service and Utility*.
- **Amendment C41** (28 July 2005). Deletes unnecessary referral requirements from Schedules 1 and 5 to Clause 37.01
- **Amendment C43** (25 January 2006). Introduces the Rural Conservation and Farming Zones into the Scheme and rezones all land in the Environmental Rural Zone to Rural

Conservation and all land in the Rural Zone to the Farming Zone. The Environmental Rural Zone and Rural Zone are deleted from the Scheme.

- **Amendment C34** (9 February 2006). Removes the Public Acquisition Overlay over the area of land required for the road acquisition for the Hyland Highway deviation and removes the Road Zone One from the old Hyland Highway location. Rezones the old road reserve of the old Hyland Highway to Residential 1, Rural and Special Use One, and rezones the road reserve of the new Hyland Highway deviation to Road Zone One.
- **Amendment C32** (9 March 2006). Rezones the Strzelecki Highway between the proposed Wilderness Creek Diversion, Driffield and Drilling Depot Road, Morwell from Road Zone Category 1 to Special Use Zone 1 - Brown Coal; Rezones Brodribb Road between Strzelecki Highway, Driffield and Yinnar Road, Hazelwood from Road Zone Category 2 to Special Use Zone 1 - Brown Coal; Deletes the Land Subject to Inundation Overlay over the existing Morwell River floodplain from where the Morwell River is being diverted; Introduces a Road Closure Overlay over a number of roads including the Strzelecki Highway, Brodribb Road, Marretts Road, Deans Road, Golden Gully Road, Amiets Road, Vinnalls Road, Homestead Road and Applegates Road; Includes a Public Acquisition Overlay (Strzelecki Highway Deviation) in favour of VicRoads over the proposed Strzelecki Highway Deviation between Morwell-Thorpdale Road, Driffield and Drilling Depot Road, Morwell.
- **Amendment C44** (22 February 2007). The amendment seeks to rezone the northern portion of the land, located at Mitchells Road, Moe, from Farming Zone and Industrial to Residential 1 Zone. The amendment proposed is combined in accordance with Section 96(A) of the Planning and Environment Act. The combined element to the application proposes the subdivision of the land into 123 residential lots. The amendment requires changes to the Latrobe's Local Planning Policy and the existing Moe Structure Plan. This is necessary to ensure consistency within Latrobe's Local Planning Policy.
- **Amendment C16** (19 April 2007). The amendment introduces a new Clause 44.06 Wildfire Management Overlay to the planning scheme ordinance and defines land affected by the Wildfire Management Overlay on new planning scheme maps in areas identified as having a high fire risk. Alterations are also made to Clause 21.04 of the Municipal Strategic Statement to acknowledge the introduction of the Wildfire Management Overlay.
- **Amendment C55** (9 August 2007). The amendment rezones Lot 1 TP188395, Morwell River Road, Grand Ridge from a Public Conservation and Resource Zone to a Farming Zone. The amendment is required since the land is in private ownership.
- **Amendment C50** (6 September 2007). To include Latrobe Transit Centred Precincts: township summaries as reference documents to the Latrobe Planning Scheme at sub Clause 21.03-3 in support of Latrobe Transit Centred Precincts.

In addition, the following current amendments are being processed and considered by Council:

- **Amendment C48** affects residential land in Morwell North West. The amendment has been exhibited and a Panel hearing is scheduled for May 2008.
- **Amendment C53** affects land of Monash University in Churchill and proposed to rezone land from Farming Zone to Public Use zone to allow the university to expand. The amendment was placed on exhibition in late February 2008.

- **Amendment C54** affects land on the corner of Grey Street and Franklin Street Traralgon and was exhibited during 2007. An Independent Panel has been appointed but a hearing date is yet to be set.

3.2 Strategic Work Program

An array of strategic research and analysis has been commissioned by Latrobe City Council since 2003 and important research includes (but is not limited to):

- Latrobe 2021 (2nd edition)
- Council Plan (2007 – 2011)
- Greening Latrobe Strategic Plan (2006-2008)
- Latrobe Structure Plans Volumes 1-6 (2007)
- Latrobe City Statistical Profile (2007)
- Economic Development Strategy (2008)
- Community Plan (2004-2008)
- Biodiversity and Native Vegetation Strategy (2002)
- Heritage Study Volumes 1 and 2 (2005)
- Central Activity Plans (2002 and 2003)
- Retail Strategy Review (2007)
- Residential Land Supply Analysis (2006)
- Transit City Master Plans (Town Summary) (2006)
- Neighbourhood Environment Improvement Plan Morwell River (2007)
- Latrobe Regional Airport Land Use Controls (2007)
- Morwell-Traralgon Residential Land Supply Analysis (2007)
- Traralgon-Morwell Corridor Social Impact Assessment (2007)
- Moe Activity Centre Plan (2007)
- Churchill Town Centre Plan (2007)
- Morwell North West Residential Precinct Plan (2006)
- Latrobe Rural Residential Strategy Study (2002)
- Rural Residential Land Use – Hazelwood North (2002)
- Lake Narracan Strategic Development Plan (2001)
- Lake Narracan Socio Economic Impact Development Study (2007)
- Lake Narracan Caravan Park and Environs Action Plan (2007)
- Airpark Development Plan (2005)
- Morwell Logistics Precinct Master Plan (2005)
- Lurgi Master Plan (2006)
- Telecommunications Strategy (2006)
- Bicycle Plan (2007)
- Municipal Domestic Waste Water Management Plan (2006)
- Public Open Space Plan (2007)
- Traralgon Outdoor Recreation Plan (2006)
- Recreation and Leisure Strategy (2005)
- Cultural and Linguistic Diversity Plan (2006)
- Disability Action Plan (2007/2008)
- Municipal Public Health Plan (2004)
- Volunteer Plan (2007)
- Childcare Plan (2006)
- Older Persons Plan (2007)

The first two of these reports are addressed in detail at Section 4. Commentary on some of the other reports is included at Section 13.

In addition to these, a number of state and regional strategies which are relevant to Latrobe have also been prepared in this period including:

- Melbourne 2030
- LV2100 (and the Council Response – February 2007)
- Traralgon By Pass Report (2004)
- Traralgon By Pass Report (2007)
- West Gippsland Catchment Management Authority Regional Strategy
- West Gippsland Catchment Management Authority Strategic Plan (2003/2008)
- Gippsland Regional Development Strategy (2006)
- Framework for the Future (1987)
- New Residential Zones for Victoria (2008)
- Natural Resources Report Card (2007)
- Strategic Planning for Gippsland Rural Areas (2007)

3.3 On-going Strategic Work Program

The Council Plan (2007-2011) has also committed to undertaking further strategic research on a variety of issues that reflect the critical themes in Latrobe 2021 including:

- Natural Environment Sustainability Strategy (NESS – Draft 2008)
- Gippsland Region Sustainable Water Strategy
- Footpath Asset Management Plan
- Management Plan for Churchill Intergenerational Hub
- Morwell Outdoor Recreation Plan
- Soccer Facilities Plan
- Tennis Facilities Plan
- Leisure Facilities Plan
- Library Marketing Plan
- Latrobe 2021 – Annual Report Card
- Positive Aging Plan

4.0 COUNCIL STRATEGIC CONTEXT

This section of the report addresses the overarching strategic and governance documents of Council.

4.1 Latrobe 2021

Latrobe 2021 is the Council and community “Vision for the Latrobe Valley”. Latrobe 2021 is a strategic document that identifies a number of strategic objectives and community outcomes based around the following four themes:

Sustainability

- *Economic*
- *Natural Environment*
- *Built Environment*

Liveability

- *Recreational*
- *Community*
- *Cultural*

Governance

- *Democratic*
- *Legislative Compliance*

Community Capacity Building

- *Advocacy and Leadership*
- *Partnerships and Inclusiveness*

In addition, Latrobe 2021 contains ‘Locality Plans’ for the following towns:

- Boolarra
- Churchill
- Glengarry
- Moe-Newborough
- Morwell
- Toongabbie
- Traralgon
- Traralgon-Morwell Corridor
- Traralgon South
- Tyers
- Yallourn North
- Yinnar

Latrobe 2021 was initially prepared in 2005, was revised in 2006 and is to be reviewed in 2008/2009.

4.2 Council Plan 2007-2011

Section 12A of the *Planning and Environment Act, 1987* requires that the Latrobe MSS be consistent with the current Corporate (Council) Plan although there is no requirement for it to be detailed in the MSS. Nevertheless, it is typically considered appropriate that Councils include relevant parts of the Council Plan as they pertain to land use planning.

The Vision included in the Council Plan is to make Latrobe:

- *A vibrant City, proud of its history and committed to environmental and economic sustainability;*
- *A caring and enterprising community sharing a lifestyle rich in choice;*
- *A harmonious community that nurtures its neighbourhoods, recognizes differences and engages and communicates with its residents;*
- *A clean, safe, secure City in which to live, learn and work.*

The Council Plan (2007 – 2011) cross references to Latrobe 2021 and it is notable that the key strategic objectives in the Council Plan directly align with those of 2021 being:

Sustainability

Economic

- By providing leadership and facilitating a vibrant and dynamic economic environment in which to do business.

Natural Environment

- By responsibly managing the natural environment, to ensure its sustainability and diversity for the community.

Built Environment

- By developing clear directions and strategies through consultation with the community ensuring sustainable and balanced development.

Liveability

Recreational

- By enriching and diversity of community life through promoting and supporting recreational services and facilities in the municipality.

Community

- By enhancing the quality of residents' lives, by encouraging positive interrelated elements including safety, health, education, quality of life, mobility and accessibility, and sense of place.

Cultural

- By supporting arts and cultural opportunities that contribute to the vibrancy and diversity of community life.

Governance

Democratic

- By representing the interests of the community and conducting its affairs openly and with integrity, reflecting the highest level of good management and governance.

Legislative Compliance

- By ensuring adherence to legislative requirements.

Community Capacity Building

Advocacy and Leadership

- By maintaining an understanding of issues of local importance, Latrobe City will provide leadership in addressing such issues. Where appropriate, the City will advocate on behalf of the community and will ensure that the community is represented.

Partnerships and Inclusiveness

- By encouraging a diversity of social, cultural and community activities that promote inclusiveness and connectiveness.

5.0 CONSULTATION

In the period since 2003, and in the preparation of this report, general and targeted consultation has taken place with the following stakeholders:

- Councillors
- Council Planning Staff
- Council Environmental Staff
- Council Management
- Council Officers
- Agencies
- Stakeholders (local developers and consultants)

The completed meeting schedule for the Planning Scheme consultation as part of this review report was as follows:

DATE	MEETING DETAILS	TIME	VENUE
Thu 31 Jan 08	All day workshop with Strategic Planning & Statutory Planning	10am – 5pm	Function Room, Traralgon Offices
Fri 1 Feb 08	Workshop with Economic Development & Transit Cities	9am – 11am	Function Room, Traralgon Offices
Fri 1 Feb 08	Workshop with Disability Reference Committee	11.30 am – 12.30pm	Function Room, Traralgon
Fri 1 Feb 08	Consultation with WGCMA	2pm – 4pm	Brataualoong Public Meeting Room, Morwell HQ
Tue 5 Feb 08	Combined Liveability & Sustainability Steering Group Meeting	9am – 11am	Nambur Wariga Meeting Room, Morwell HQ
Tue 5 Feb 08	Workshop with Agencies	2pm – 4pm	Nambur Wariga Meeting Room, Morwell HQ
Tue 5 Feb 08	Workshop with Stakeholders	5.30pm – 7.30pm	Nambur Wariga Meeting Room, Morwell HQ
Wed 6 Feb 08	Executive Team Workshop	12.30pm – 2.30pm	Nambur Wariga Meeting Room, Morwell HQ
Mon 11 Feb 08	Councillors Workshop	5.30pm – 7.30pm	Nambur Wariga Meeting Room, Morwell HQ

Apart from its internal consultation, Council also advised relevant referral and government agencies of the Planning Scheme review. Referral authorities and government agencies were invited to participate in the review phase of the scheme and a letter was forwarded to all agencies in December 2007 noting:

As part of its review process, Council sees the input from relevant stakeholders and agencies as critical. The key elements of Council's planning services that are being reviewed and which Council would appreciate your comments on include:

- *Governance Processes*
- *Application Assessment Processes*
- *Are the existing referral and notice mechanisms appropriate?*
- *Planning Scheme Review Processes especially:*
 - *Does the MSS provide the overall strategic direction that you require?*
 - *Are the local planning policies relevant or are more needed?*
 - *Are the zones and schedules appropriate?*
 - *Are the overlays and schedules appropriate?*

*In addition, issues of **Strategic Direction** which Council would appreciate advice from you include:*

- *Confirmation that the key issues and influences in the planning scheme are still relevant to you or your organisation.*
- *Identification of new factors which have emerged since the previous review including (but not limited to) Latrobe 2021, Greening Latrobe Strategic Plan, Native Vegetation Framework, Aboriginal Cultural Heritage, Town Structure Plans, Water Management, new suite of Rural Zones, Neighbourhood Character, Melbourne 2030, Medium Density Housing etc.*
- *Where are the pressure points for development or environmental sensitivity and are they adequately addressed in the scheme?*

*Council would also appreciate your advice on any further **Strategic Work** undertaken by your organization including identification of:*

- *What further work has been done?*
- *Has previously identified work been completed?*
- *Are there any agency issues relating to Section 55 referrals which Council needs to address?*

Community consultation has been on-going since the introduction of the planning scheme on the basis of:

- Formal amendments;
- Specific projects;
- Community response surveys; and
- Public forums.

As noted above there have been a number of amendments to the Latrobe Planning Scheme since 2003 and most of these have required public exhibition. Significant amendments such as Amendment C7 (Rural Residential) and the Advisory Committee for the Traralgon By-Pass have been the subject of considerable community response. Moreover, specific projects such as Transit Cities, Greening Latrobe, Latrobe 2021, the Council Plan and the Town Structure Plans for Churchill, Morwell, Moe and Traralgon have all been the subject of extensive community consultation.

6.0 OUTCOMES OF THE CONSULTATION

6.1 Councillors

An initial discussion on the Planning Scheme review took place with all Councillors of Latrobe City on 11 February 2008. The following items (among others) were discussed:

- The need to align the planning scheme with Latrobe 2021;
- Discussions arising from the 'By-pass' report including its implications for residential land supply in Traralgon;
- Implications for land supply in the four main towns;
- Retention of the 'network city' concept subject to supporting integration while allowing each of the four towns to grow in accordance with its Town Structure Plan;
- The need for further rural living opportunities;
- The future of the Morwell-Traralgon Corridor;
- The future of medium density housing in the four towns and the implications that this will have for the structure plans and land supply;
- The need to address the hills areas including Tyers, Boolara and the timber industry in the Strzelecki's;
- The degree to which the planning scheme values the environment.

As a result of this meeting a Councillor Working Group (of four Councillors) was formed to oversee the preparation of the report. The Working Group met on three occasions during the preparation phase of the report.

6.2 Council Planning Staff

A series of discussions has taken place with staff from the statutory and strategic planning departments of Council. The detailed findings of these discussions are included later in this report at Sections 7 to 12 (inclusive). These discussions looked at:

- The performance of the MSS;
- The performance of the local policies;
- The performance of the zones and schedules; and
- The performance of the overlay and schedules.

6.3 Other Council Input

A series of discussions has taken place during February 2008 with staff from other areas of Council and the following observations were made:

Economic Development/Transit Cities

- Latrobe 2021 is the guiding document but is to be reviewed during 2008/2009.
- It is important to match the themes and objectives in the MSS to 2021 and the Council Plan.
- A critical issue is the residential land supply in the four main towns.
- The MSS is stuck in thinking only about conventional residential or lower density housing (ie 800m2) yet this may be out-of-date thinking.
- The 'network city' concept may also be dated and needs to be revisited.

- Transit Cities is important although the push for higher density apartments may not be so viable (although Traralgon is considered more ready than Moe or Morwell to accommodate it).
- The most recent work in Moe is questioning the principles in Transit Cities that there is demand near the station for residential growth.
- There are demands in the rural areas for larger lots for the 'cottage in the country' but the MSS and Planning Scheme provide little direction on this.
- The Economic Development Strategy calls for the further diversification of the economy with job creation outside of coal (while still supporting coal).
- The Economic Development Strategy identifies jobs in the health, services, logistics, and retail and airport sectors.
- Coal remains very important although it is more than just about power generation.
- In terms of retailing, there is a demand for bulky goods and homemaker centres.
- The Airport is an important economic asset and its Master Plan is under review with some interim planning controls proposed.
- There are pressures on the airport especially as there is a need for more residential land.
- The airport employs about 150 people and includes a major emergency function for Country Fire Authority, Department of Sustainability and Environment etc.
- An airpark is being developed at the airport with 40 lots of which ten are developed already with aviation related businesses.
- The Airport Master Plan shows some residential development within it with hangers attached on large lots of about 0.4ha.
- The airport needs very strong protection in the MSS.
- The Traralgon Racecourse now only holds 3 race meetings a year.
- The Transit Cities Reports were adopted by Council in 2006 and are now being analysed in more detail. The first of these was the Moe Activity Centre which was adopted in October 2007. (Morwell and Traralgon are yet to be commenced).
- There is some residential development potential around water sources especially Lake Narracan and to a lesser extent around the Hazelwood pondage.
- Industrial land is reasonably addressed at present with the Lurgi area having sufficient land although there appears to be a shortage of medium to large warehousing.
- Churchill has significant potential especially with the committed development in commercial and education although there are no complementary infrastructure commitments.
- Health is an important economic driver based around the Latrobe Regional Hospital.

Liveability and Sustainability Steering Committee

- It is important that Latrobe be considered in its regional context and Gippsland Local Government Network work (Gippsland Regional Development Strategy and Gippsland Energy Policy) are relevant.
- The network city concept is dated and while linkages are important and the principles of linking remain sound, the reality is that there are four separate towns. The concept needs to be revisited.
- The MSS needs to address 'affordable housing' and this could be done by strategies seeking variable lot sizes, varied densities and more medium density housing near the town centres.
- There is considerable scope to look at lots in the 500/600m² size so long as they are balanced with greater open space and community facilities. In other words, instead of

800m2 lots with token open space, a similar number of smaller lots with much better linkages could be developed such as "The Strand" in Traralgon.

- Suggestions to address this include:
 - Development Plan Overlay to include reference to open space links and community facilities.
 - Development Plan Overlay to include some of the "healthy by design" principles especially incorporating open space needs into estate planning.
 - Development Contributions Plan Overlay to help fund these and other infrastructure requirements.
 - Development Contributions Plan Overlay as a high priority of Further Strategic Work.
- Some principles are needed for distribution of medium density housing.
- At present medium density housing is going on the large lots in the new estates which prompts community angst while also being well away from services.
- A medium density housing study (or at least some principles in the MSS around where they should and should not be located) is required.
- Council could consider placing covenants on new estates restricting medium density housing.
- Subdivision and housing in the rural areas puts pressure on Council to provide services and there is no direction on this in the MSS.
- A Rural Land Use Strategy is needed with some principles about Council's attitude to small lots and housing in rural areas.
- Water Sensitive Urban Design is not addressed at all in the planning scheme and it needs to be analysed.
- There is repeatedly conflict between some Rescode standards and some agency requirements such as Country Fire Authority or Waste Management which require larger roads for larger vehicles. Road design needs to take this into account and Council is having to 'retro fit' street furniture and traffic devices so as to slow traffic to acceptable levels.

Disability Reference Committee

- The liveability platform in Latrobe 2021 is, in part, reliant on accessible buildings and services yet this gets no mention in the MSS.
- Strategies are needed for ease of access to medium density housing.
- Even detached houses typically do not allow for wheelchair access.
- Council's community plan already has a position on this (at pages 8 and 12).
- There is a need for a statement in the MSS on support for public building access
- Accessible housing design could be addressed by regulation at the state level or by marketing or incentives at the local level.
- There is a need to look at the planning of new estates (especially footpath widths and crossovers) as typically they are on one side only and are too narrow. In addition, new estates have roads that are too tight for public transport (bus) access thereby making it harder for those with a disability.
- The MSS needs a statement that new estate planning ensure that there is sufficient width of roads and footpaths for public transport and disability access. This could be implemented by a Development Plan Overlay to address road and footpath width.
- Street trading and footpath trading has also become a problem for disability access and some guidance is needed in the MSS although this might be a 'local law' issue.
- Access through commercial car parks is also a problem and needs to be addressed.

Environment Officers

- The MSS (and Latrobe 2021) does not fit well with parts of the draft NESS especially in terms of climate change.
- The planning scheme is limited in its use as it is mainly to do with native vegetation removal especially at Clauses 52.17 and 52.18.
- There is some direction from Clause 52.17 which can be applied on a site by site basis.
- Council road crews have some guidelines for clearance based on Clause 52.17.
- The definitions in Clause 52.17 make it hard to determine as elements such as 'clearing to minimum extent necessary' is unclear. Council applies a 3m standard which is a reasonable dimension to get a tractor in. Department of Sustainability and Environment agree that this is reasonable and they have a written policy on this and it is suggested that this become a strategy in the MSS.
- Roadside mapping work has been done (by Biosis) but is outdated.
- There is no need to have a Vegetation Protection Overlay along roadsides as the road crews have clear written guidelines and this also could be included as a strategy in the MSS.
- Timber is an issue especially with applications to remove vegetation so as to access a coupe.
- Direction is needed as to where timber plantations should be developed (even though it is 'as of right' in the Farming Zone.)
- The 'Cores and Links' project affects land along the top of the Strzelecki's which is mainly owned or leased by a plantation company where the state government has offered the owners to buy it back to create a new regional reserve. Council support this initiative and it will be a great tourism and biodiversity asset. This should be promoted in the MSS.
- Gippsland Water has not specified that timber should be restricted in the water supply catchments.
- More environmental overlays are needed in the planning scheme for things like mapping of ecological communities.
- Remnant vegetation is mapped but this is not reflected in the MSS or the planning scheme.
- 'Greening Latrobe' needs MSS support.
- There is a need to include the Strategic Actions in Latrobe 2021 in the MSS.
- Need for greater understanding among planners of native vegetation applications.
- Water Sensitive Urban Design needs to be included in the MSS as a critical issue as there are no guidelines at present.
- The MSS needs to encourage low greenhouse emissions (although the NESS may elaborate further on this).

Executive Consultation

- The 'Network City' concept is perhaps more important now in principle than it ever was.
- Residents live in different 'suburbs' in the one city.
- There needs to be infrastructure commitments to match the strategies for some of the towns to grow (i.e. Churchill).
- The market bias is for Traralgon but if Traralgon is constrained then Churchill and Moe are more likely to grow. Council has received serious enquiries regarding large residential subdivisions in Churchill and Moe.

- Community infrastructure provision has not recognised the 'network city' concept with duplication of most community facilities in the four towns.
- Of all the issues that are well addressed by network city, perhaps it is industrial land supply which is the best.
- The smaller towns do not have the infrastructure to grow but provide a valuable 'support' and lifestyle role for the four major towns. They should be 'contained'.
- It is best to focus new growth in the area where there is the best infrastructure and that is along the corridor between Morwell and Traralgon.
- The town plans in Latrobe 2021 should be brought into the MSS.
- The 'corridor' is to be reviewed as the highest priority but otherwise it should not be included in this MSS.
- The MSS needs to give direction on where medium density housing should go and should provide criteria for decision.
- A Development Plan Overlay or even covenants may then implement this strategic direction.
- There is a need for Development Contributions Plan Overlay.
- Height controls are needed to encourage developers to go up especially for residential and offices in the central areas.
- The issue of what can and cannot be done in the coal buffer area needs to be clarified as does the status of LV 2100.
- An emerging issue is that of plantation timber as opposed to traditional agriculture and it is unclear in which locations (if any) that this needs to be controlled by the planning scheme.
- While agriculture is an important land use in the City, it is not as big an issue as other similar Councils as it is not the sole economic driver with coal, timber, industry being more important.
- There are no moves for the relocation of the airport which is considered to be a key strategic asset.

6.4 Agencies

Council has advised the relevant referral and other government agencies of the Planning Scheme review. As noted, an agency workshop was held at Council on 5 February 2008 and the following issues were discussed:

- The West Gippsland Catchment Management Authority is looking for synergies between the MSS and its Regional Catchment Strategy.
- The Catchment Management Authority identified that one of its main issue is the floodplain and they noted the limitations that this places on further urban development.
- The flooding constraint will mean that there are development pressures on towns like Tyers and Glengarry.
- Flood controls are out of alignment and need to be updated.
- The flood data will form a separate amendment although there is scope to include in the new MSS.
- Typically the Catchment Management Authority will not refer to MSS text and will rely on the overlays.
- There is clearly a need to update the overlay schedules and maps.
- The Catchment Management Authority consider the environment section in the MSS to be 'industry focussed' and it needs reference to natural assets.
- The Catchment Management Authority will want input into the NESS project.

- Other overlays suggested by the Catchment Management Authority as being needed include the Vegetation Protection Overlay.
- The Catchment Management Authority believes that there is an alignment between its work and Latrobe 2021.
- The Regional Catchment Strategy is due for review but is on hold pending release of a white paper on “Land and Biodiversity” (Department of Sustainability and Environment).
- The Catchment Management Authority “Strategic Plan 2007-2012” is a method for implementing the Regional Catchment Strategy.
- The Catchment Management Authority has also suggested changes are required in relation to:
 - Native vegetation (via Environment Significance Overlay and Vegetation Protection Overlay).
 - Water (via Environment Significance Overlay).
 - Flooding (via Floodway Overlay and Land Subject to Inundation Overlay).
 - Soil and Land (create Erosion Management Overlay and Salinity Management Overlay).
 - Climate Change
- Department of Primary Industries want Clause 22.02 updated to reflect the Coal Planning Provisions and when this is finalised they will forward it to Council.
- Department of Primary Industries also wants the coal resource identified and wants guidance on sensitive uses near the coal resource such as hospitals and schools.
- Department of Primary Industries want clear policy direction in the MSS with respect to coal resource development.
- Department of Primary Industries want the remaining unallocated high value coal resources to be protected for future generations.
- Department of Primary Industries want the quantity of coal that exists in the Latrobe Valley acknowledged in the MSS.
- Department of Primary Industries want a clear policy direction to protect land overlying coal resources.
- Department of Primary Industries also want clear direction for buffers between coal resource development and urban settlement.
- Department of Primary Industries believe there needs to be guidance on subdivision on land overlying coal resources.
- Department of Primary Industries believe that the Environment Significance Overlay has not worked adequately.
- Department of Primary Industries believe that the State Resources Overlay is unable to protect resources of state significance from inappropriate development.
- Department of Primary Industries requires certainty that the brown coal resource would not be compromised by residential growth such as included in the proposal at Newborough.
- Heritage Victoria encourages Council to implement the outcomes of various heritage studies dating back to 1992 by introducing the Heritage Overlay over identified properties and by numerous MSS changes.
- Gippsland Water noted that Environment Significance Overlay (ESO2) does not presently cover all Proclaimed Water Catchments and that this will need to be addressed in a subsequent zone/overlay amendment.
- Gippsland Water supports the use of a Development Plan Overlay over undeveloped residential land.

- Gippsland Water also supports the need for an MSS strategy requiring sequential residential development rather than out of sequence development and this needs to be an MSS Strategy.
- Environment Protection Authority wants to ensure that sensitive land uses are displaced properly from activities that are likely to cause amenity impacts.
- Environment Protection Authority notes the encroachment of dwellings into rural areas gives rise to nuisance issues and wants additional objectives in the MSS to ensure consideration of the impacts on the environment such as water, noise and air.
- Environment Protection Authority has also made some specific wording suggestions for various strategies, objectives and policies in the scheme.
- Finally, the Environment Protection Authority wants to ensure that environmental audit overlays are applied appropriately.
- Department of Sustainability and Environment believes the current MSS greatly understates the importance of the natural environment.
- Department of Sustainability and Environment advised that they have completed mapping for ecological communities and threatened species which are yet to be included in the Planning Scheme by way of the Environmental Significance Overlay (ESO). Some other important environmental assets are yet to be mapped.
- Department of Sustainability and Environment receive a number of referrals that they don't want and do not get some referrals that they would like.
- Department of Sustainability and Environment also want to be included in all discussions and consultations regarding Structure Plans as there is a need to ensure that significant biodiversity values are identified.
- Department of Sustainability and Environment support the use of Development Plan Overlays and would like environmental assets to be mapped, identified and protected.
- Department of Sustainability and Environment support the use of voluntary groups to build capacity and skills.
- Department of Sustainability and Environment note the existence of grassy woodland remnants at Latrobe Regional Airport and believe that this must be taken into account in any future development.
- VicRoads advised that as a result of the Traralgon by pass report they are preparing a consequential amendment in accordance with the report recommendations. This amendment is a short term project where the Minister will act as the Planning Authority and will approve it without exhibition.
- VicRoads is beginning its thinking about the duplication of the Princes Hwy between Traralgon and Sale.
- VicRoads also support the use of a Development Plan Overlay and Development Contribution Plan Overlay for undeveloped land as it avoids incremental responses. They want Development Plan Overlays applied to industrial land as well as residential land.
- Department of Planning and Community Development suggested that the MSS amendment may need some changes to overlays especially if any of the local policies at Clause 22 are affected (as they relate to coal).
- Department of Planning and Community Development also suggested that Aboriginal Affairs Victoria be consulted with and at the very least a contemporary Aboriginal Cultural Heritage position is needed in the MSS.

Possible items of further strategic work identified by agencies included:

- Carbon trading implications including the potential for increased forestry activity or biodiversity plantings.

- The need to review rezonings from Farming to Rural Conservation on the basis of conservation covenants is evidently not working as the rate rebate for the Farming Zone (40%) no longer applies meaning there is no incentive to rezone.
- Water Sensitive Urban Design is not being done within Council especially in relation to stormwater management.
- Environmental assets to be mapped, identified and protected including Gippsland plains grasslands, Strzelecki gum, and some erosion prone areas.
- Preparation of referral agreements between Council and relevant agencies to reduce the number of referrals.

6.5 Stakeholders – agents, developers, consultants.

Council also advised relevant stakeholders of the Planning Scheme review and as noted a stakeholder workshop was also held at Council on 5 February 2008 at which the following issues were discussed:

- The strategic direction in the MSS is sound.
- The MSS is well written and balances social, environment and economic objectives.
- However the MSS is lengthy and repetitive.
- A tightening of the MSS to provide a more concise document is required.
- The coal resources issue needs to be updated to reflect Latrobe 2021.
- The Traralgon By pass alignment needs to be identified in the MSS.
- Structure Plans for the four main towns are required.
- A local policy is required for applications for houses and subdivision in the Farming zone.
- The current flooding controls and maps are outdated.
- The Transit Cities report needs greater reference.
- There are demands for one and five acre sized lots north of Traralgon especially on existing hobby farms with no sewerage.
- Rural Living Zone and Low Density Residential Zone are well provided for but it is nearly all developed and so there is a need to revisit this issue.
- The MSS needs to provide direction on rural living and rural land use.
- The Farming Zone is applied in a strict sense with no local direction in the scheme.
- The clear market preference is for more residential land in Traralgon yet the planning scheme does not provide a sufficient land supply there.
- Higher density (housing and office) needs to be actively encouraged in Traralgon to meet demands.
- The ‘Networked City’ concept is not the practical reality and it has not worked.
- The market has expressed a clear preference for Traralgon for residential, commercial and retail.
- There is the potential to have a ‘linked city’ rather than a ‘networked city’ especially as all the existing infrastructure is along this corridor. The reality is that this ‘linkage’ is more likely to be between Morwell and Traralgon rather than between Moe and Traralgon.
- While it is noted that there are adopted Town Structure Plans for the centres, these are not all based on a thorough infrastructure analysis and so some of the recommendations are questioned. For example, some areas recommended for industrial development are flood prone.
- In addition, the Traralgon Structure Plan is not really visionary as it is happening anyway. It is what happens beyond Traralgon (ie the corridor) that is important.

- The boom in Traralgon is not reflected in any of the planning for Latrobe as it is the fastest growing regional centre in the state with an inter censal growth of 7.6%.
- The location of the airport compromises the linkage from Morwell to Traralgon along the north side.
- The by pass decision compromises the linkage on the south side.
- Parts of Morwell are difficult to develop because of a lack of infrastructure especially to the north west.
- The growth of the towns suffers from the Department of Primary Industries attitude that 'coal is king' and that they use the two overlays in the planning scheme (Environment Significance Overlay and State Resources Overlay) to inhibit growth and development.
- There needs to be a map in the MSS which categorises the coal resource.
- There is potential for Moe to grow to the north in the vicinity of Lake Narracan.
- Both Boolara and Yinnar are attractive lifestyle choices but their growth potential is inhibited by a lack of infrastructure.
- Glengarry, Tyers and Toongabbie are serving support roles.
- The decision in the second Traralgon By Pass report means that alternative locations for residential development and land supply will be needed.
- There is a need for a fresh approach to the planning of a strategic vision for the corridor.

Possible items of further strategic work identified by stakeholders included:

- A review of the Morwell Traralgon Corridor Structure Plan.
- Provision of a rail crossing at Alexanders Road.
- Rezoning of land affected by the Morwell River Diversion.
- Investigation of further rural residential opportunities north east of Traralgon.
- A Low Density Residential Land Strategy.
- Urban Design Guidelines for the four largest towns.

7.0 THE EFFECTIVENESS OF THE MSS

7.1 Structure

This section provides a discussion of the structure of the MSS, particularly in terms of its clarity and usability.

The DPCD practice note, “Format of Municipal Strategic Statements” provides a set of headings that reflects the strategic planning process used in developing an MSS. Although the use of the format is not mandatory, it has benefits in terms of consistency with the State Planning Policy Framework and ease of use and reference.

The following table highlights the key headings proposed in the Practice Note format together with those used in the Latrobe MSS.

Practice Note Format	Latrobe Format
21.01 Municipal Profile	21.01 Municipal Profile
21.02 Key Influences	21.02 Key Influences
21.03 Vision – Strategic Framework	21.03 Vision and Strategic Framework Plan
21.04 Objectives – Strategies – Implementation	21.04 Objectives, Strategy and Implementation
<i>21.04-1 Settlement</i>	<i>21.04-1 Settlement and urban form</i>
<i>21.04-2 Environment</i>	<i>21.04-2 Environment</i>
<i>21.04-3 Housing</i>	<i>21.04-3 Heritage</i>
<i>21.04-4 Economic Development</i>	<i>21.04-4 Housing</i> <i>21.04-5 Economic Development</i> <i>21.04-6 Retail</i> <i>21.04-7 Industry</i> <i>21.04-8 Tourism</i> <i>21.04-9 Infrastructure</i>
<i>21.04-5 Infrastructure</i>	21.05 Monitoring and Review
<i>21.04-6 Particular Use and Development</i>	
21.05 Monitoring and Review	

There are significant variations in the approaches that were adopted by Councils when preparing their new format planning schemes, reflecting the uncertainty about how to best accommodate the changes required by the planning reform process. One of the characteristics of many schemes, however, was the inclusion of a lot of background information that has proved to be of little assistance in the administration of the schemes. Many of the planning scheme reviews that have, or are being undertaken, have focussed on reducing the level of unnecessary and irrelevant information, thereby improving the clarity and usability of the schemes. This is also a key outcome of the ‘Making local policy stronger’ report.

The following sections provide a discussion of each of the clauses in the Latrobe MSS, and where appropriate, provide recommendations about how their focus and content can be improved. This material should be considered in light of both the recommended structural changes discussed earlier and the intended functions of the various sections included in the Practice note format. These are as follows.

Municipal Profile

This should briefly cover the key characteristics of the municipality and its regional context.

Key Influences

The key influences on the future of the municipality should be identified, including opportunities and advantages, as well as specific problems and constraints to be overcome.

The Vision

The vision is a description of the main features influencing the future of the municipality, taking into account the State and local strategic directions and key influences. The vision should include a strategic framework plan, which reflects the vision, so that the links between the planning scheme maps and the objectives and strategies expressed verbally in the MSS are clear.

Objectives – Strategies - Implementation

The objectives, strategies and means of implementation should be grouped in an ordered and logical framework so that subjects can be readily identified. It is useful if each group includes a brief overview of the key issues drawn from earlier sections of the MSS. It is important that this section clearly sets out how strategies flow from the objectives and how implementation of the strategies will be achieved.

The format of the Latrobe MSS loosely mirrors that of the Practice Note, with the exception that Clause 21.04 includes specific headings for “retail, industry, heritage and tourism”. Many rural and regional Councils have consolidated “settlement” and “housing” into the one section and there is scope to adopt this approach here.

The issue of the structure and usability of the MSS was not addressed in the 2003 Report. Typically, other reviews around the state have found the MSS could be restructured to present a more “user-friendly” document. In particular, rationalising the various themes into their State Planning Policy Framework headings has been suggested to improve clarity and to assist in understanding the subsequent linkages. It is noted that one of the key recommendations of “Making Local Policy Stronger” is to streamline (and combine) MSS’s and local policies.

A recurrent issue during consultation was with the difficulty in navigating the MSS. It is over 60 pages long and (quite apart from its dated content) it is an awkward document to use.

7.2 Content

This section provides a discussion of the content of the MSS, principally arising from discussions with planning staff.

Clause 21.01 Municipal Profile

This section provides a very detailed and unnecessarily long overview of the municipality. The clause badly needs to be updated as part of the review as it references data dating back to the mid 1990’s. Consultation suggests that the clause is of little relevance and is set at a point in time which no longer has a bearing on planning for Latrobe. It is repetitive of later sections

(especially Clause 21.02) and it has little strength. While aspects of it are used from time to time in Council reports, the clause has little strength and is a mixture of a story (heritage) and some objectives (environment) with some useful discussion on urban settlement and housing but nothing on recurrent issues such as agriculture meaning that there is no strength in this issue later on in the MSS. Overall, the clause provides little guidance and is of limited use.

Clause 21.02 Key Influences

This section is very repetitive of the profile and is similarly dated. While small elements of it are evidently used, overall it has very limited application. Obvious key influences such as environment, heritage, rural character and stone resources are not even mentioned in this clause despite them being addressed later on by zone and overlay controls. More recent influences such as wildfire management and biodiversity also need referencing. As well as needing to be updated, there is probably some scope to expand the coverage of issues to ensure that there is a clear basis for all of the subsequent “strategies” and “policies”.

Clause 21.03 Vision Strategic Framework

This Clause includes the Strategic Vision and the Strategic Framework Plan, and includes references to the Corporate Plan. The “Vision” is drawn from the *Latrobe Strategy Plan* which was adopted in 1997 and is a document which has clearly been overtaken by **Latrobe 2021**.

In relation to the Corporate Plan, Section 12A of the Planning and Environment Act, 1987 requires that the MSS be consistent with the Corporate Plan but does not require that it be detailed in the MSS. Nevertheless, it is appropriate that a brief overview of the key elements be included in the MSS, particularly those that provide the land use “Vision”.

The Strategic Framework Plan provides a useful overview of the key land use themes in Latrobe. As well as updating the plan where necessary, there is also scope to improve its legibility. The reproduction of the plan is poor and many elements of it are difficult to read. In reviewing the Strategic Framework Plan, the following observations may be of assistance:

- There are no preferred locations for rural residential.
- The small towns do not even exist on this plan.
- The plans do not show all environmental assets such as the Strzelecki’s.
- Where possible, areas being referred to should be clearly identified. As a general observation, the use of arrows may confuse the reader as to whether the issue is localised or more general.
- A useful addition would be to include references to relevant strategies and policies that are to be found elsewhere in the MSS. For example, the identification of the various towns could also include a reference to the relevant strategy in 21.04. Thematic references such as those to “agriculture” and “heritage” could have references to the relevant strategies and policies.

Clause 21.03 then switches from a ‘vision’ into providing detailed strategies for (among other themes) settlement, environment, community development and economic development before introducing a ‘foundation’ strategy in the form of the ‘networked city concept’ which discusses the four main towns in the City as well as the corridors between them and the activity centres within them. The clause then ends by discussing (yet again) ‘coal resources’.

While this clause provides a useful overview of the key land use themes and strategies in Latrobe it is awkwardly placed in the vision section and needs to be redistributed into Clause 21.04.

Clause 21.04 Objectives – Strategies - Implementation

This Clause covers 32 specific land use issues (called ‘elements’) under nine broad topics over 37 pages. There is a common format for most (but not all) of these sections and the following comments on “content” apply to all of them in varying degrees.

The ‘Settlement’ section is considered by staff to be ‘all over the place’ and can be used however you like to support any argument. There is some strong direction on the network city yet Council has adopted positions contrary to this. Similarly, there are strong positions on containment yet Council has adopted positions contrary to this.

Important recent outcomes such as the comments on the ‘network city’ by the Traralgon By-Pass Advisory Committee need to be considered. Elsewhere in this section the discussion is mainly focussed on conventional residential growth on lots of 800m² without much regard to medium density housing. The ‘environment’ section (including waterways, water supply catchment areas and wastewater management plans) has very limited coverage while ‘heritage’ is particularly limited. Other aspects of these elements are simply wrong – for instance the flora and fauna issue is said to be included in an Environment Significance Overlay however such an overlay schedule doesn’t exist (see pg 11 of 38).

Finally, some of the headings in this clause do not have any overview meaning there is little or no context for the discussion. Elsewhere, emerging issues such as liquor licensing are not mentioned. Staff advise that because this clause and the whole MSS “is all over the place” most decisions are based on the zones (and to a lesser extent) overlays rather than on policy and strategy.

Clause 21.05 Monitoring and Review

The development and implementation of monitoring and review processes have been particularly problematic elements of the planning reform process. Councils have adopted many different approaches and have applied varying levels of detail. Evidently, the Latrobe review section has never been used and it is understood that Department of Planning and Community Development has now dropped this as a requirement of the MSS preferring to leave it to the formal four year planning scheme review cycle.

It is also notable that the MSS doesn’t include a Clause listing Reference Documents or include relevant references in association with the various strategies. Although this is not provided for in the Practice Note Format, many Councils have included a consolidated list of Reference Documents in their MSS’s. Alternatively, some have included references to these documents within the body of the MSS and in association with the discussion of the relevant issue. Either approach can be adopted.

While the structure and format of the MSS is a problem, the content is the biggest issue as it is tired, dated and needs to be brought up to reflect current issues. In other words, even if

Council repositioned the current material into a better format it would still not be a relevant and contemporary strategic document.

On balance, it is considered that the current MSS contains some information that is merely descriptive in nature and which does not assist in decision making. Importantly, the removal of much of this descriptive content would not jeopardise the operation of the scheme. A tighter MSS that clearly articulated the goals and objectives of recently adopted strategic work could then be developed generally in accordance with the recommendations of the Ministerial report on 'Making Local Policy Stronger'.

As an overall commentary on Clause 21 , it suffers from the same problems of many 'first version' planning schemes in that it probably tries to do too much and, as a consequence, some of the key land use directions are lost under layers of other material.

Recommendation:

That Clause 21 be edited to align with Latrobe 2021.

8.0 HOW THE MSS IMPLEMENTS STATE PLANNING POLICY

The new format Panel in 1999 that considered Latrobe's new MSS did not make a specific observation about the consistency of the exhibited scheme with the State Planning Policy Framework. However, their general comment that "*..the scheme is generally consistent with the Victoria Planning Provisions ...and follows the Ministerial Direction on the format and content of planning schemes...*" (pg 20) indicates that there is a level of consistency with state level policies sufficient for the new scheme to have been approved.

The following relevant features of the State Planning Policy Framework (SPPF) are apparent in Latrobe:

- **Clause 11.01** sets out the State government expectations that planning and responsible authorities will plan for the broad interests of the community and will endeavour to integrate the range of policies relevant to the issues and that they will balance conflicting objectives in favour of sustainable development and net community benefit.
- **Clause 11.03** addresses the 'principles of land use and development planning' that further the objectives of planning in Victoria covering settlement, environment, management of resources, infrastructure, economic well-being, social needs, and regional co-operation.
- **Clause 12** addresses metropolitan development and contains strategies relating to (among many other things) urban growth boundaries, networks with regional cities and rural residential development.
- **Clause 14.01** deals with 'Settlement' and it seeks to ensure that a sufficient supply of land is available for residential, commercial, industrial, institutional and public uses and to facilitate the orderly development of urban areas. Planning authorities are expected to plan to accommodate population growth over at least a 10 year period taking into account opportunities for intensification in existing urban areas and the limitations of land capability, natural hazards, environmental quality and infrastructure costs.
- **Clause 15.01** addresses 'Protection of catchments, waterways and groundwater' and it seeks to retain natural drainage corridors with vegetated buffer zones at least 30m wide along waterways as well as the preservation of floodplains and wetlands.
- **Clause 15.02** addresses 'Floodplain management' it seeks to protect the flood storage function of waterways and protect life and property from flood hazards.
- **Clause 15.06** addresses 'Contaminated land' and requires the identification of such land on the planning scheme to ensure that it is suitable for its intended use.
- **Clause 15.09** deals with 'Conservation of native flora and fauna' and seeks to assist in the protection and conservation of biodiversity, including the retention and provision of habitats for native flora and fauna and the control of pest species.
- **Clause 15.10** addresses 'Open space' and it requires Council to plan for regional open space networks to be used for recreation and the conservation of natural and cultural environments.
- **Clause 15.11** addresses 'Heritage' it seeks to assist in the conservation of places of special natural, environmental, aesthetic, cultural, historic or scientific significance.
- **Clause 15.12** addresses 'Energy efficiency' it seeks to encourage development that is energy efficient and minimises greenhouse gases.

- **Clause 16.01** deals with 'Residential development for single dwellings' and it encourages subdivision in locations that are well-located in relation to physical and community infrastructure, residential development that is cost-effective in infrastructure provision and the promotion of urban consolidation.
- **Clause 16.02** addresses 'Medium density housing' and it encourages the development of such densities which improve housing choice and respect neighbourhood character.
- **Clause 16.03** addresses 'Rural living and rural residential development' and it has as its objective to identify land suitable for rural living and rural residential development.
- **Clause 17.01** addresses 'Activity Centres' and it seeks to concentrate major commercial and retail activity into nominated centres.
- **Clause 17.03** addresses 'Industry' and it seeks to ensure the availability of land for industry, research and development.
- **Clause 17.05** addresses 'Agriculture' and it seeks to ensure that the state's agricultural base is protected from the unplanned loss of productive agricultural land.
- **Clause 17.07** addresses 'Forestry and timber production' and it seeks to facilitate the establishment of plantations in accordance with state and national policy.
- **Clause 17.08** addresses 'Mineral resources' and it is particularly relevant to Latrobe as it seeks to protect identified mineral resources including the protection of the brown coal resource in Central Gippsland.
- **Clause 17.09** addresses 'Extractive industry' and it seeks to identify and protect stone resources.
- **Clause 18** addresses 'Infrastructure' and it has objectives and strategies for the planning and management of a range of infrastructure facilities and services including highways, railways, airfields, development contributions, car parking, water supply, sewerage and drainage.
- **Clause 19** addresses 'Particular Use and Development' and it has relevant objectives and strategies for (among other things) urban design and built form.

On review it is apparent that in the existing Latrobe MSS there is a very strong correlation between state and local issues such as town growth (Clause 14.01), rural living (Clause 16.03) and coal resources (Clause 17.08) although there is a less obvious connection with some of the state environmental strategies and policies at Clause 15 and with some of the settlement objectives such as medium density housing at Clause 16.02.

As commented on in Section 7.0 of this report, one way of improving the clarity and consistency between the state and local sections could be achieved by modifying the ordering and headings in the revised MSS using the key themes in the State Planning Policy Framework of:

- Environment,
- Settlement,
- Housing,
- Infrastructure and
- Economic Development

thereby making it a more transparent implementation of the State Planning Policy Framework and being consistent with '*Making Local Policy Stronger*'. Another option is to make the modified MSS a more obvious 'draw down' on the themes in Latrobe 2021.

9.0 THE EFFECTIVENESS OF THE LOCAL POLICIES

9.1 Existing Local Policies

There are seven local planning policies at Clause 22 of the current Latrobe Planning Scheme being:

- **Clause 22.01 – Coal Resources Policy**
- **Clause 22.02 – Coal Buffers Policy**
- **Clause 22.03 – Car Parking Policy**
- **Clause 22.04 – Latrobe Airport and Environs**
- **Clause 22.05 – Protection of Stone Resources**
- **Clause 22.06 – Urban Residential Land Policy**
- **Clause 22.07 – Mixed Use – Argyle Street**

The following is a brief commentary on each of them.

Clause 22.01 Coal Resources Policy and Clause 22.02 Coal Buffers Policy

Comment:

These two policies were applied at the time of the introduction of the new scheme and were included at the direction of Department of Primary Industries and Department of Sustainability and Environment. Staff consultations identified repetition between these policies and other aspects of the scheme including the State Planning Policy Framework, the MSS, the zones and overlays. Staff suggest that the main use of the policies has been in informing the actual location of the main statutory outcomes of 'coal' in the scheme being the Special Use Zone, the Environment Significance Overlay and the State Resources Overlay. The local policies are not really used as there are already multiple triggers in the scheme for the issues raised in the policies. They are a good example of a 'belts and braces' approach to many new format planning schemes.

There was general agreement that the outcomes of the Department of Primary Industries Coal Provisions Review will mean that both of these policies can be either rewritten or deleted.

The two policies will need to be retained in the short term but can be merged and included in the MSS.

Clause 22.03 Car Parking Policy

Comment:

This policy has had a 'mixed' response from within Council and the development community. On the one hand it was agreed that it is clearer and easier to use than the Table at Clause 52.06 and reflects local conditions. On the other hand, some of its particular requirements are problematic especially the 'shop' requirement which is just 2 spaces per 100m² which is considerably less than other like Councils apply. The 'cash in lieu' requirements are also considered to be toothless. The state government review of car parking may overtake a more detailed review of this clause. The parking precinct plan at Clause 52.06 is another option.

The policy will also need to be retained in the short term but can be absorbed into the MSS.

Clause 22.04 Latrobe Regional Airport and Environs Policy

Comment:

This policy serves little useful purpose on its own although it is acknowledged that it is an important land use issue that should be absorbed into MSS with reference to the Master Plan 2005. Once that is done, the policy can be deleted.

The policy will also need to be absorbed into the MSS.

Clause 22.05 Protection of Stone Resources Policy

Comment:

There is clearly a need for some form of 'statement' on this important issue although the policy itself doesn't add much to the provisions of Clause 52.09 which addresses 'extractive industry and search for stone'. It is suggested that relevant extracts of the policy basis (especially reference to the 1999 Latrobe Supply Area report) be included in the MSS (within Economic Development) and that it be accompanied by the map from that report.

The policy will need to be retained and absorbed into the MSS accompanied by the 1999 Latrobe Supply Area map.

Clause 22.06 Urban Residential Land Supply Policy

Comment:

This is a repeat of much of the detail which is already included at Clause 21.04. Furthermore, much of it reads as if it were a schedule to the Development Plan Overlay and so some of it can be removed on the basis of it being repetitive. Evidently the policy derives from an earlier panel report in about 2003.

Part of the policy will need to be absorbed into the MSS with the other part forming the basis of a schedule to the Development Plan Overlay.

Clause 22.07 Mixed Use Policy – Argyle Street, Traralgon

Comment:

This is a site specific policy designed to address a proposed building. The policy has been overtaken by events including the development of the site and therefore the policy is no longer needed.

The policy can be deleted so long as it is adequately addressed by the zone and overlay regime for the site.

Based on an analysis of these policies, the existing local policies fall into one of three categories.

- Some are clearly local policy and should be retained (albeit edited) or absorbed into the MSS (clause 22.03).

- Some deal (in part) with strategy and should be included in the MSS (clauses 22.01, 22.02, 22.04, 22.05, 22.06).
- Some should be reflected in an overlay (Clause 22.06).
- The rest are no longer needed so long as they are dealt with by the zone and overlay (Clause 22.07).

As an overall comment in relation to Clause 22, it is apparent that many of the existing policies (indeed most of the local policies) in the scheme may be able to be deleted in the review phase and can be redistributed back into the MSS. Once again, any re-write or restructure of Clause 22 would need to be mindful of the recommendations of the Ministerial report on 'Making Local Policy Stronger'

9.2 Potential Local Policies

Discussions have also taken place with staff and others about candidate themes for new 'local policies'. The recurrent issues which have emerged which should be considered by Council in their review phase for inclusion in the scheme are:

- Heritage
- Houses in rural zone
- Subdivision in rural zone
- Plantation forestry balancing agriculture and the economy; with environment and lifestyle
- Justification for niche farming and the use of the Rural Activity Zone.
- Non residential uses in residential zone
- Advertising signs
- Native vegetation
- Development Contributions Plan
- Liquor licensing
- Animal boarding and animal keeping (ie greyhounds)
- Street trading
- Footpaths
- Smoking outside buildings

Council officers have also suggested that other near completed work (NESS, etc) could be included in a local policy. It is strongly suggested that all such elements need to be fundamentally reflected in the restructured MSS (at Clause 21) rather than in a local policy (at Clause 22).

Recommendation:

- *That all Local Policies be reviewed to ascertain whether they are achieving their intended purpose; are consistent with the Practice Note on Local Policy; and are the most appropriate planning scheme tool to implement the strategic objective of the MSS.*
- *That consideration be given to developing a position to address recurrent or emerging issues in the planning scheme.*
- *That Clause 22 be edited and merged with Clause 21.*

10.0 THE EFFECTIVENESS OF THE ZONES AND SCHEDULES

There are a total of 20 zones in the Latrobe Planning Scheme as follows:

- Residential 1
- Low Density Residential
- Mixed Use
- Township
- Industrial 1
- Industrial 2 (no schedule)
- Industrial 3
- Business 1
- Business 2
- Business 4
- Business 5 (no schedule)
- Rural Living
- Rural Conservation
- Farming
- Public Use
- Public Park and Recreation
- Public Conservation and Resource
- Road
- Special Use
- Urban Floodway

All of these zones have attached schedules which vary in complexity from the standard “default” schedules in the Residential, Township and Business 2 zones (“none specified”); to modified schedules in the Mixed Use, Industrial 1, Industrial 3 and Business 4 zones which indicate retail floor area limits for specific sites in the city. Notably, one schedule, the Business 1 zone, for a site in Morwell does not identify any floor space areas as required. There are also specifically tailored schedules for the Special Use zone dealing with Brown Coal, the Urban Gateway into Traralgon, the Gippsland Heritage Park in Moe, the Victor Street Exchange in Morwell, the Morwell River Diversion, Extractive Industry and the Latrobe Airport.

Feedback from officers, community representatives, agencies and stakeholders has revealed that while the zone selection remains generally appropriate, the zone schedules typically need review. In addition, there may be a need to select some **new zones** to implement further strategic work commissioned by Council. This will be increasingly evident if the three new residential zones are introduced.

Issues to emerge from consultation regarding the zones and alternative zone options include:

Residential Suite

- Potential for greater use of the Mixed Use Zone as per Amendment C54 in Traralgon (from Public Use Zone to Business 2 Zone).
- Need to look at further use of the Township Zone especially at Traralgon South.
- Need to look to the Residential 2 Zone to implement Transit Cities reports.
- Limited use of Low Density Residential Zone with the potential for greater use over parts of the Rural Living Zone (including at Churchill).

- Mixed use zone could be applied to some major redevelopment sites other than on the north side of old Princes Hwy in Morwell (C33)
- The schedule to the Mixed Use Zone prohibits shop, office or trade supplies on the former depot site south of Shakespeare St Traralgon which raises doubts as to whether this is the right zone.
- Township Zone should be informed by the small towns study and by lack of availability of infrastructure.
- Small towns all need zoning review with examples (Yinnar) of both the Residential 1 Zone and Township Zone.

Industrial Suite

- The Industrial 1 and 3 zone schedule provisions are curious as they (for instance) require at least a 7000m² outlet and if this is not achieved then they are prohibited (ie 'None specified' is required to be inserted).

Business Suite

- The Business 1 Zone has an insertion for 311-327 Princes Drive (top pub) and it has no inclusion within it which needs to be rectified. (ie 'None specified')
- Business 2 Zone could be applied to land in Grey St Traralgon for the office sector.
- Business 4 Zone is on land in Argyle St Traralgon (Hwy) going east and west of Mid Valley and Moe on some vacant land.

Rural Suite

- Rural Living Zone 1 has a schedule but it does not exist on the planning scheme maps. As it is the same minimum lot size as the Low Density Residential Zone it can be removed.
- The minimum lot sizes in the Rural Living Zone reflect what is there on the ground.
- The Catchment Management Authority may want earthworks controls in the rural zones.
- Need to insert exemptions for minimum area for which no permit is required for alterations in the schedule to the Farming Zone.
- Need to consider setback exemptions or requirements in the schedule to the Farming Zone.
- Need to consider rezoning some Rural Living Zone to Low Density Residential Zone.
- Need to consider applying the Rural Conservation Zone especially arising from the NESS study.
- A Rural Living Zone review is needed given the 'conservation values' of the zone which refer to rural living development.
- Some Rural Living Zone could go to the Rural Conservation Zone and some Farming Zone could also go to the Rural Conservation Zone.
- 40ha is the default in the Farming Zone other than a site specific for 8ha and this may need review.
- There is an issue with the trigger for a permit for buildings and works within 100m of a road whereas VicRoads only want referral if within 50m.
- A review of the provisions in the schedule is also needed for 100m minimum setback for dwellings not in same ownership; and for permit for extensions under minimum lot sizes to the Farming Zone.

Public Use Suite

- Public Use Zone – Traralgon Civic Precinct – (Am C28) this is in Clause 81 – July 2004
- Some Public Conservation and Resource Zone is in private ownership and this needs to be rectified (ie bordering Traralgon Creek)

Special Use Suite

- Special Use Zone (Schedule 1 – Brown Coal) is a state zone that cannot be tampered with and needs to be evaluated in the light of the bypass report and LV 2100.
- At the moment ALL applications in Special Use Zone 1 are referred and this could be refined. Other than this, the zone schedule is dependent on the outcomes of the Coal Provisions Review.
- Department of Primary Industries is not providing any guidance pending the creation of the Clean Coal Authority.
- Special Use Zone 2 – Urban Gateway is the car yard entrance into Traralgon and this could (should) be in the Business 4 Zone.
- Special Use Zone 3 – Old Gipps town has a table of uses which is quite liberal (retail premises is Section 2) and if it is all on public land then consideration should be given to including it within a Public Use Zone.
- Special Use Zone 4 – Victor Street Exchange affects the Telstra telephone site in Morwell and this could go into Mixed Use Zone.
- Special Use Zone 5 – the Morwell River diversion is now a redundant provision and needs to revert to its 'base' zoning which varies from Farming to Industry and Residential. It is understood however that this cannot be done until Department of Primary Industries is satisfied and it appears reluctant on this. Evidently the zone triggers permits for many unnecessary works (sheds, outbuildings etc) and in the spirit of 'Cutting red tape' and in the absence of any action by the Department there is scope to modify the schedule to include exemptions.
- Special Use Zone 6 – Extractive industry. There have been no issues with this zone and no planning applications have been lodged. It is unclear if it overlaps the Clause 52.09 provisions.
- Special Use Zone 7 – Airport is an old zone that was refitted in 1999 when the new scheme was introduced. A planning permit is triggered under the zone for most things on the airport site whereas there is scope for exemptions for everything linked to the Master Plan. No mention is made of the Master Plan in the decision guidelines. A Master Plan is being developed and so this zone should be amended at the same time. Native grasses on the land are not addressed well enough and an overlay is needed to address this as well.
- The Urban Floodway Zone is applied in limited areas and the Catchment Management Authority are likely to keep this.

Issues to emerge from the consultation requiring further strategic work include:

- Need for proper retail review.
- Need for Rural Living zone review including small lots in the Farming Zone where they are located near townships and for old crown allotments.
- Need for a planning scheme response on small lots in rural areas.

It is considered appropriate to pursue an amendment which 'tidies up' some of the identified inefficiencies in the zone schedules particularly to advance the recommendations of "*Cutting Red Tape*"

Recommendation:

- *That all zones and schedules be reviewed to ascertain whether they are achieving their intended purpose; and whether they are the most appropriate planning scheme tool to implement the strategic objective of the MSS.*
- *That an amendment address the shortcomings of the existing zone schedules.*

11.0 THE EFFECTIVENESS OF THE OVERLAYS AND SCHEDULES

There are a total of 10 overlays in the Latrobe Planning Scheme as follows:

- Environmental Significance
- Heritage
- Design and Development
- Land Subject to Inundation
- Wildfire Management
- State Resources
- Public Acquisition
- Airport Environs
- Environmental Audit
- Road Closure

All of these overlays (other than the Wildfire Management, Road Closure and Environmental Audit) have at least one attached schedule which also vary in complexity. A brief overview of the overlays and schedules arising from the consultations include:

Environmental Significance Overlay

This overlay has two schedules being:

- Schedule 1 Urban Buffer
- Schedule 2 Water Catchment

Environmental Significance Overlay (**ESO1**) is a 1km buffer around all coal areas based on the 'Framework for the Future' document. The referral provisions have proved problematic especially for dwellings (caught by the accommodation definition) and it is suggested that the referral exemptions include accommodation (other than dwelling). This ESO may also need wider review based on Coal Review Provisions. The whole schedule needs considerable review (especially for referral exemptions) and there is a need to consult with DPI to discuss the future of this overlay.

Environmental Significance Overlay (**ESO2**) reflects Southern Rural Water catchments (mainly the Mirboo North catchment) as the Billy's Creek catchment no longer has any water taken from it. This map therefore needs to be deleted. Gippsland Water have suggested that there are more water catchments that are not reflected on the maps and further consultation is needed to clarify this. The ESO2 mapping needs review and the schedule also needs to be reviewed so that applications are referred to the relevant water authority in addition to 66.02-6.

Heritage Overlay

The Heritage Overlay has one schedule which lists only 6 heritage places on it which vary from a building to a structure to a park. Four of the six sites are on the Victorian Heritage Register. The schedule will be augmented significantly with up to 300 new sites arising from the Heritage Study. In addition, the inclusion of 'yes' to all prohibited uses needs to be selectively reviewed.

Design and Development Overlay

This overlay has two schedules as follows:

- Schedule 1 Major Pipeline Infrastructure
- Schedule 2 Morwell CAD Western Gateway

Design and Development Overlay (**DDO1**) applies to a major gas pipeline and is about 200 metres wide. The schedule is poorly worded as it suggests that it only applies to swimming pools and fences yet when read in conjunction with Clause 43.02, it is clear that nearly all buildings and works require approval. In addition there needs to be a referral mechanism as at present it is just 'the views of' (Department of Primary Industries). Finally the width of the overlay is much too expansive and needs to be reduced especially as the guidelines relate to consideration of the appropriateness of buildings within only 3 metres of the pipeline.

Design and Development Overlay (**DDO2**) addresses the new Council building in Morwell and may also need review as it is now completed. No direction is provided for any prospective new buildings meaning the land is locked into its present limits. The schedule does not link at all to Clause 43.02. The zone and the overlay all need to be reviewed in light of the completed development.

Land Subject to Inundation Overlay

This overlay has a blank schedule which needs to be informed by work carried out by the West Gippsland Catchment Management Authority including exemptions. The schedule is in the process of being reviewed and rewritten as part of a major flooding Amendment which will also distinguish between the Land Subject to Inundation Overlay and the introduction of the Floodway Overlay. It is apparent that some significant changes to the flood mapping will be proposed and in this context a draft new schedule was prepared in 2006 and has been provided to Council.

Wildfire Management Overlay

The Country Fire Authority introduced this mapping into the scheme (via Am C16) with limited opposition. It is noted that the overlay does not have a local schedule. An agreement is needed with the Country Fire Authority about the extent of referrals.

State Resources Overlay

The overlay covers Area B (30-60 years) and Area C (60 plus years) as identified in "Framework to the Future". The overlay has a detailed schedule (No. 1) addressing the Gippsland Brown Coalfields which was informed by work carried out by the 'Framework' in the 1980s. As with much relating to coal, this overlay awaits the outcome of the Coal Provisions Review. As the overlay is very similar to Environmental Significance Overlay (**ESO1**) (and as the referrals are similar) there is scope to merge them.

Public Acquisition Overlay

This overlay has one schedule with three acquisition authorities identified as follows:

- PAO1 Vic Roads
- PAO2 Latrobe City Council
- PAO3 VicRoads

This schedule has evidently worked well and will be modified on an on-going basis to reflect the acquisition objectives of the authorities. There is clearly scope to rationalise the overlays affecting VicRoads and the land affected by PAO2 has now been acquired and it should be removed from the schedule.

Environmental Audit Overlay

This overlay is not intended to have a schedule but it identifies places requiring environmental audit clearance prior to development for a "sensitive use".

Airport Environs Overlay

The overlay is essentially a 'use' control around the Latrobe Regional Airport and it is to be complemented by a Ministerial amendment (Amendment C57) to introduce interim controls to trigger permit requirements for buildings and works with some exemptions pending an amended Airport Master Plan.

Road Closure Overlay

This overlay applies to areas on the Strzelecki Hwy affected by a closure related to coal.

Overall Comment

Discussions with staff reveal that most of these overlays and their schedules require review and further work including possible deletion, exemptions, map changes and the like.

Notably, some of the overlay schedules do not provide any meaningful exemption provisions (eg Land Subject to Inundation Overlay) meaning that in some cases, all buildings and works require a permit. It is quite possible that unnecessary applications have been triggered by the network with inadequate exemptions. In the context of the recent state initiatives to streamline the planning process and remove unnecessary permits, it appears that Council could minimise applications by including some realistic exemptions.

Having said that, a recurring complaint about the Latrobe Planning Scheme has been its inadequate overlay regime. In this context, issues to emerge from the consultation requiring further strategic work include:

- Erosion Management Overlay for landslip areas in the foothills.
- Vegetation Protection Overlay for biodiversity areas and roadside vegetation and unmade roads including as identified in *Greening Latrobe*.
- Significant Landscape Overlay to protect visual amenity on hillside areas.
- Development Plan Overlay for greenfield residential and for industrial and commercial.
- Development Contribution Plan Overlay is urgently needed especially with the Structure Plans and the release of more land.
- Design and Development Overlay arising from Transit Cities.
- Design and Development Overlay for urban design in industrial areas.
- Design and Development Overlay for urban design along Highway areas.
- Design and Development Overlay for noise along highways.
- Salinity Management Overlay not needed.
- Modified flooding overlays to come.

- Cash in lieu for car parking.
- New proclaimed water catchments needing an Environmental Significance Overlay.

It is also evident that on the basis of further strategic work done by Council and others that further overlays and detailed schedules are likely to be required. In particular, and as a result of strategic work done, there may be a need to include a Development Contributions Plan Overlay for parts of the municipality.

Recommendation:

- *That all overlays and schedules be reviewed to ascertain whether they are achieving their intended purpose; and whether they are the most appropriate planning scheme tool to implement the strategic objective of the MSS.*

12.0 THE EFFECTIVENESS OF SPECIFIC PROVISIONS

There are eight opportunities in Clause 52 of the Latrobe Planning Scheme for Council to specify local variations to the Particular Provisions as follows:

Clause 52.01	Public Open Space Contribution and Car Parking
Clause 52.02	Easements, Restrictions and Reserves
Clause 52.03	Specific Sites and Exclusions
Clause 52.05	Advertising Signs
Clause 52.06	Car Parking
Clause 52.17	Native Vegetation
Clause 52.27	Licensed Premises
Clause 52.28	Gaming

It is noted that Council has not taken the opportunity to include local content in most of these schedules with the term “none specified” being applied.

It would be particularly useful to have a 5% open space requirement specified in the table to Clause 52.01 and this is consistent with the proposed amendment arising from “Healthy by Design”.

The schedule to Clause 52.02 refers to a covenant variation and a covenant easement; while the schedule to Clause 52.03 refers to the Basslink Project and the Regional Fast Rail Project. Clause 52.28-3 identifies six shopping centres where a gaming machine prohibition applies.

In addition to these, the Schedule to Clause 61.03 identifies map references and this will need modification in the event that any consequential zoning and overlay changes are made.

The Schedules to Clauses 66.04 and 66.06 include referral and notice requirements and these too may need modification and updating to reflect other recommendations arising from the review.

Recommendation:

- *That all schedules to the Specific Provisions be reviewed to ascertain whether they are achieving their intended purpose.*

13.0 STATUS OF CURRENT STRATEGIC WORK PROGRAM

This section of the report addresses some of the strategic work program which Council is undertaking. Some of the projects arise from the 1998 Panel report; some arise from the 2003 review report and others have been separately initiated.

13.1 Traralgon By Pass Reports

There have been two reports into the Traralgon By Pass.

The first was by an Advisory Committee which held an Inquiry in 2004 into possible alignments for the Traralgon Bypass. The Committee was established in July 2004 in response to submissions received during the preparation of the Traralgon Bypass Planning Assessment Report by VicRoads. The Planning Assessment identified a number of alternative route alignments for the Bypass, with four options for the section west of Traralgon and four options for the section east of Traralgon.

The 2004 Advisory Committee adopted the 'W4B' alignment for the section west of Traralgon thereby providing the maximum potential for Traralgon's future urban growth to the south-west, in the corridor between Traralgon and Morwell. This was considered important as the urban development potential of Traralgon was already constrained by the Latrobe River floodplain to the north, the Latrobe Regional Airport to the west and extensive coal reserves to the south and east of the town. Rural residential subdivisions to the east and west of the town were also development constraints.

It was acknowledged by the Advisory Committee that the recommended W4B Bypass option potentially sterilised a large area of brown coal resource, but this resource was thought to be uncommitted and of lower quality based on advice the Committee received at the time. The Committee clearly gave priority to the provision of sufficient land for urban development over the securing of the lower quality coal resources.

The findings of the 2004 Inquiry were as follows:

- Option W4B provides a significant opportunity for the future urban growth of Traralgon, and although it potentially sterilises a large area of the brown coal resource, this resource is uncommitted and of lower quality;
- The Bypass should be located on the southern most alignment to provide the maximum scope for Traralgon's future urban growth – subject to resolving the conflicts with coal resource protection and other issues;
- The coal resource is important but it is common ground that there are some 500 years supply within the current coal reserves;
- Option W4B and Option E2D or E3D would pose the least detrimental social impact particularly if the management and mitigation measures are in place.

A recommendation of the Advisory Committee was for Council to prepare a detailed structure plan for the area between the W4B alignment and the existing urban area so that land could be secured for future expansion of Traralgon. Latrobe City Council implemented the recommendation with its Latrobe Structure Plans Project in 2006 which was established for the purpose of providing strategic planning guidance for future development throughout the municipality. As part of this project, structure plans were prepared for Traralgon,

Morwell, Moe-Newborough and Churchill and a concept plan was prepared for the Traralgon–Morwell Growth Corridor. Structure plans for the four main towns and the corridor plan were adopted by Council on 15 October 2007. However the corridor plan was not intended to form part of the subsequent main town structure plan planning scheme amendment.

The second Traralgon By Pass Report (Supplementary Advisory Committee Inquiry) was initiated by the Minister for Planning in October 2006 in order to undertake supplementary investigations into a range of issues associated with the Traralgon Bypass. The inquiry was prompted by a revised position by the Department of Primary Industries in relation to the commercial value and grade of the coal which would have been sterilised by approving WB4. The Inquiry was principally concerned with the sterilisation of brown coal in favour of providing residential land for Traralgon.

The main findings of the Supplementary Advisory Committee were:

- The protection of the coal resource for future extraction and use is the primary planning consideration. Urban development in the area would deliver localised economic benefits as opposed to the State benefits which would result from coal mining.
- There are no pressing exceptional circumstances to warrant the sterilisation of coal to ensure the achievement of other planning objectives.
- In accordance with the networked city concept, it is necessary for Council to consider a range of possible locations for urban development other than Traralgon.

An emphasis was placed on the importance of protecting coal reserves for the future as the primary planning consideration as opposed to ensuring an adequate supply of land for future urban expansion of Traralgon. The following comment was made by the Committee;

In considering these issues the Committee concluded that the protection of coal for future use is the primary planning consideration when seeking to resolve competing land use needs. In forming this view the Committee found that coal areas need not have an immediate or demonstrated probability of use to warrant protection.

The Committee findings in relation to provision of land for urban development were:

- *There is an immediate need for additional vacant residentially zoned land in Traralgon.*
- *There are options available to satisfy short to medium term residential land needs in Traralgon.*
- *The long term urban growth potential of Traralgon is constrained.*
- *There is sufficient existing and potential residential land in Traralgon, Morwell and Moe to satisfy high levels of demand in the short to medium term.*
- *Long term planning for residential growth in the Latrobe Valley needs to support the networked city concept and recognise the significant development potential that exists at Churchill.*
- *Setting aside the issue of coal sterilisation, the Investigation Area is capable of sustaining residential development.*

This report has clear implications for growth in the corridor and for the town boundary around Traralgon. Council has prepared a response to the Advisory Committee report (SGS – March 2008) which includes a prioritised strategic work program.

13.2 Town Structure Plans

Latrobe 2021

Structure Plans (or 'Locality Plans') as they appear in Latrobe 2021 were developed as part of a rolling program dating back to 2002. A number of concerns with the plans were raised by the local communities including excessive town boundaries which were not informed by land supply and demand analyses. The plans were never incorporated into the planning scheme although they have been retained in Latrobe 2021. A review of all of these plans is to be undertaken.

Four Main Towns (Adopted 2007)

As noted above in the context of the two 'By pass' reports, Council adopted new Town Structure Plans for Churchill, Moe, Morwell and Traralgon in October 2007. A Planning scheme amendment is pending to introduce the structure plans for these four main towns (but not the Corridor) based on the adopted work prepared by BECA consultants in 2007. The consultants are preparing the amendment, and an authorisation request of the Minister is pending. These structure plans will supersede the plans contained in Latrobe 2021. It had been anticipated that the amendment would be placed on exhibition (as a separate amendment) by mid year inclusive of MSS text and maps for Moe, Morwell, Traralgon and Churchill. The corridor plan and rezonings would not form part of that amendment. It is expected that when the Structure Plans form part of the Latrobe Planning Scheme, land identified for future rezoning on the Structure Plans will be need to be progressively zoned by Latrobe City Council or landowners/developers. This is expected to take the form of a series of planning scheme amendment across each town.

The outcomes of the Traralgon By Pass Advisory Committee report has significant implications for all of these Structure Plans especially in terms of land availability, development constraints and land supply.

While the Structure Plans are a vast improvement on those currently in the scheme, they will all need urgent review. Nevertheless, in the absence of any clearer direction, it is suggested that all four Town Structure Plans proceed to be included in the MSS as soon as possible with the strong caveat that they be reviewed as the highest priority.

As with the Latrobe 2021 Plans, some reservations have been expressed about some of the detail in the adopted structure plans. For example, the structure plans have been primarily driven by residential housing demand in and around Traralgon. Low Density Residential, Rural Living demand, and industrial and commercial needs have been considered, but further strategic work may be required in the future to fully realise the most suitable long term options for these areas.

The structure plan maps are not suitable for inclusion into the MSS in their current form. The use of coloured shading and formatting makes the maps difficult to read, particularly in black and white. Mapping conventions (i.e. labelling, north points etc) are required to be included in the new MSS maps. The land constraints (flooding and coal) for each town are not shown on the maps.

There are also a number of conflicts evident with future growth areas and existing land constraints on the adopted plans. These generally include areas affected by flooding and coal

buffers. The correct location of the Traralgon highway bypass alignment should also be shown on the Morwell and Traralgon structure plans.

The recommendations of the Traralgon Bypass Advisory Committee Report give rise for the need to review the corridor concept plan. This review may require future changes to the existing structure plans, particularly Traralgon and Morwell.

While some of the general observations above may not be able to be addressed in this Planning Scheme Review, many of the detailed conflicts can be addressed in the forthcoming amendment.

13.3 Other Reports

Transit Cities Report (Adopted 2005)

Follow-on reports to the original study are being commissioned and the Activity Centre Plan project in Moe has now been completed and the Traralgon project is underway. The Church St Morwell report has been separately done and completed.

Churchill Town Centre Plan (Adopted 2007)

Amendment documentation for the Town Centre Plan in Churchill is being prepared and is accompanied by MSS changes. In time, the Churchill Town Centre Plan will also include new overlays (including Design and Development Overlays).

Coal Planning Provisions

A review of the current planning provisions has been commissioned by Department of Primary Industries (via SKM Consultants). There is general agreement that the zones and overlays are out of date and that there is a need to rewrite them and then establish where the new controls are to go. Draft report has been prepared by SKM.

LV 2100

This is a Department of Primary Industries document which looked at the coal supplies in Latrobe Valley. The document was criticised by the By-pass panel and was considered to be only a background document by the Panel and by Council who do not recognise it as a policy document and do not support several of the recommendations.

Natural Environment Sustainability Strategy (NESS) (Draft 2008)

The strategy is in Draft form and subject to its adoption it could be absorbed into the environment section of the MSS.

Small Towns Structure Plans

Plans are being prepared for Glengarry, Tyers and Boolara. The four other small towns will then follow. These plans are being done internally and draft concept plans are being prepared following consultation. The plans are unlikely to be resolved for some time and are therefore unlikely to be included in this MSS.

Heritage Study 2005

Review of 2005 Study will lead to a stand alone amendment for approximately 300 sites. Context Consultants are preparing documentation for the amendment in mid year and it is inclusive of a strong MSS position.

A **Flooding** Amendment is also pending but the mapping data is contingent on a Council decision on mitigation works in Newborough. Exhibition is anticipated in mid to late 2009 and will include new overlay maps and schedules and MSS inclusion.

The **Latrobe Airport Master Plan** was prepared in 2005 and interim planning controls are pending and will be included in Section 52.03 and Clause 81. The interim provisions will require a permit for buildings and works on land affected by the Airport Environs Overlay. This is expected to be a short term Ministerial amendment. The interim arrangements commit Council to a comprehensive review of the Master Plan by December 2009.

13.4 Items of further strategic work identified during consultation include:

Traralgon West Low Density Residential Study to the west of Traralgon with potential for higher densities which may give rise to changes to the adopted structure plan for the town.

Zoning abuttals of Rural Living Zone and the Residential 1 Zone need to be reviewed.

Development Plan Overlays are needed for new growth areas subject to being supported by a Development Contributions Plan.

'Healthy by Design Principles' which is a local variation on State initiatives concerning urban design, walkability etc. There is scope to include these principles in a Development Plan Overlay. BECA consultants are preparing a draft Development Plan Overlay (and MSS insertion) with developer guidelines for Council. It is understood that the amendment is to be held off pending this MSS review. The task covers a review of Clause 22.06 and some MSS inserts. An option is to bring all of this into a Development Plan Overlay and it is understood that the consultants are preparing a draft (similar to Wellington Shire) and is intended to cover 'greenfield' sites. Clearly a strong MSS statement on Healthy by Design principles is required.

Urban Design Guidelines for some 'public realm' issues (street furniture, lighting etc) are being prepared 'in house' by the Infrastructure Unit and this may also give rise to some overlays.

Retail Study Review was prepared for Council by Macroplan in 2007 and is considered to be too general. While it identifies the need for bulky goods centre it does not specify where it should be located. The report also recommended that Industrial demand and location be identified.

Industrial Strategy. State government appointed consultants (Minehart) are doing a state wide land supply analysis and an audit of industrial land which may influence local decisions on zones and overlays.

Highway areas. There is a need for a Design and Development Overlay for coal buffer areas and for noise, and VicRoads suggest that it wants a 150m north south buffer distance along the centre alignment of the new by pass route.

Rural Land Use Review for Gippsland Councils (Maunsell) has identified the significance of agricultural production to Latrobe including the forestry industry. The report provides some guidance on the application of the suite of rural zones to ensure a consistent approach across Gippsland. The report will assist in guiding a rural land use review.

Latrobe Residential and Rural Residential Land Supply and Demand Analysis. This study is about to be commissioned by Council with a time frame of June 2008. The study will effectively be in two stages and will initially include a land supply and demand analysis. After this is done, Council will then begin to investigate locations for future residential zoning based on the supply/demand information.

Car Parking Policy Review. Council has commenced a preliminary review the Council car parking cash in lieu arrangements. However the State Government has appointed an Advisory Committee to review the parking (including cash in lieu) provisions currently contained in the Victorian Planning Provisions. The State Government Report and the associated planning implementation tools are expected to be released around the middle of 2008. The Council review has been placed on hold until the State Government Report has been released.

14.0 THE MAJOR STRATEGIC ISSUES FACING LATROBE

The major strategic issues in Latrobe as identified in the current MSS and local policies are:

- Settlement and urban form
- Environment
- Heritage
- Housing
- Economic Development
- Retail
- Industry
- Tourism
- Infrastructure
- Coal Resources Policy
- Coal Buffers Policy
- Car Parking Policy
- Latrobe Airport and Environs
- Protection of Stone Resources
- Urban Residential Land Policy

Based on the review, and based on the detailed consultations with Councillors, Council staff, agencies, stakeholders and the community have confirmed that while most of these issues remain important strategic priorities, other issues have emerged since the last review including:

- Need to align the scheme with Latrobe 2021
- Need to review Town Structure Plans for the four main towns.
- Future of the network city
- Residential land supply especially in Traralgon
- Medium density housing
- Transit City
- Traralgon by pass
- Environmental sustainability
- Disability access
- Housing diversity and affordability
- Rural living opportunities
- CAD strategies
- Small town growth
- Water sensitive urban design

Recommendation:

That these items be reflected in the new MSS based on Council's adopted positions for each item.

15.0 FURTHER STRATEGIC WORK PROGRAM

A range of strategic issues is typically included in an MSS and many schemes include further strategic work or “supporting actions” at the end of the implementation section. This is a helpful inclusion as it provides the work program for the future arising out of the gaps which have emerged from the full consideration of each issue. It is noteworthy that the Latrobe scheme regularly utilises this opportunity and the use of this section is considered important as it is the rolling strategic work program for the Council. It needs to be consistently applied to all sections of the MSS.

It is considered important that in any rewrite of the scheme, the “Further Strategic Work” Program is reviewed including those elements already included in documents such as the Council Plan.

Major items of Further Strategic Work which have emerged from the consultation and which will need to be considered (in a prioritised sense) include:

High

- Review of Main Town Structure Plans
- Review of Morwell-Traralgon Corridor
- Determine Residential Land Supply and Demand
- Medium Density Housing Strategy
- Traralgon Activity Centre Plan
- Prepare Lake Narracan Structure Development Plan
- Small Town Structure Plans
- Prepare Development Plans
- Prepare Development Contributions Plan

Medium

- Rural Living/Low Density Residential Study
- Flooding amendment
- Investigate environmental overlays
- Heritage Overlays
- Consequential zones and overlays arising from Review Report

Low

- Retail Strategy Review
- Coal Provisions Review (State)
- Revised Airport Master Plan
- Rural Land Use Strategy
- Car Parking Policy Review

16.0 CONCLUSION

The Latrobe Planning Scheme came into operation in 1999. The scheme has now been operating for eight years. Council is required by Section 12(B) of the Planning and Environment Act to regularly review the planning scheme. Council undertook its first review in 2003 and since then officers, stakeholders, the community and Councillors have had the opportunity to further refine and review the scheme.

The content of the current Latrobe MSS has not been modified since its inception and it includes the following provisions:

Clause 21.01 – Municipal Profile

Clause 21.02 – Key Influences

Clause 21.03 – Vision – Strategic Framework.

Clause 21.04 – Objectives and Strategies

- Settlement and urban form
- Environment
- Heritage
- Housing
- Economic Development
- Retail
- Industry
- Tourism
- Infrastructure

Clause 21.05 – Monitoring and Review

The 2003 review was more of a commentary on specific projects than it was a review of whether the broad strategic direction of the MSS remained relevant to the recurrent land use issues that affect the municipality. Based on the consultation and the review, it is clear that the base data is now 'stale' and that there are emerging and unresolved issues for which further analysis is required or for which clearer direction is needed.

In terms of the current review it remains clear that the MSS is structurally poor and is strategically limited on things such as identifying residential development areas in its townships and it is lacking in clear direction on many of the recurrent, day-to-day issues confronting the Council and the community including rural living, medium density housing, the natural environment, the various activity centres, agriculture and some social issues. Council has either commissioned, completed (or is completing) strategic work on some of these issues and such research now needs to be absorbed into the scheme as the highest priority, once it is adopted.

Additionally, in the course of the review it has become apparent that there is no clear link between the MSS (and therefore the whole planning scheme) and the main strategic document within Council being *Latrobe 2021*. This document is the principal corporate road map for Council with its foundation principles of:

- Sustainability
- Liveability
- Governance
- Community Capacity Building

These are supported by town structure plans for all eleven settlements.

None of this is reflected in the current MSS and at the very least, a new MSS is needed which dovetails better with this document. On top of this, the following important and recently adopted strategic work including (but not limited to) now needs to be reflected in the scheme.

- Latrobe Town Structure Plans (albeit in an interim sense)
- Economic Development Strategy
- Activity Centre Plans for Moe and Churchill
- Transit City Reports

Inclusion of this material will provide Council and its community with a contemporary planning document.

In the context of the recommendations of “Making Local Policy Stronger”, it is recommended that Council prepare and exhibit a new streamlined MSS which contains only the most critical land use planning strategies and policies of relevance to Council. This streamlined MSS would then be the ‘template’ for the inclusion of further strategic work once adopted. Beyond this, Council should embark on a zone and overlay amendment to implement the outcomes of the strategic work.

While the review process has identified that the zoning and overlay regime in the Latrobe Planning Scheme needs to be reviewed especially in terms of its selection, these considerations logically will flow from resolution of the strategic directions in the MSS and would need to be part of a more comprehensive amendment. For instance, in the event of a clear strategic position on the Medium Housing Study, zones and overlays can be selected from the new planning scheme menu of modified residential zones to reflect this position.

As a result of the review, the following work program is recommended for Council.

Task	Outputs and Estimated Timeframe
<p>1. Planning Scheme Review Report to be considered by Council and forwarded to the Minister for Planning.</p>	<p>Detailed “stocktake” report to Council which:</p> <ul style="list-style-type: none"> • Identifies the major issues facing the municipality; • Demonstrates how the scheme implements State Policy; • Assesses the strategic performance of the scheme; • Documents the strategic work that has been completed or carried out since the approval of the scheme and any additional work required to strengthen the strategic direction of the planning scheme; • Articulates the monitoring and review; • Outlines the consultation process and its outcomes; • Makes recommendations arising from the review including possible changes to the strategic objectives of the MSS; possible changes to the implementation tools; matters requiring further strategic work; issues or problems requiring DPCD attention. (April 2008)
<p>2. Thorough edit of existing MSS (Clause 21) to remove uncertainty, repetition, lack of direction and unnecessary length.</p>	<p>Prepare new MSS inclusive of a critical analysis of those parts of the MSS which have not been proved effective and which can be deleted. (June 2008)</p>
<p>3. Edit and review of existing policies as to their effectiveness and consistency with DPCD Practice Note.</p>	<p>Thorough edit of policies inclusive of a critical analysis of those policies which have not been proved effective and which can be deleted or repositioned. (June 2008)</p>
<p>4. Conduct whole of planning scheme review by considering all of the above.</p>	<p>Upon completion of the above tasks prepare draft MSS and identify future work program and review mechanisms. (June 2008)</p>
<p>5. Preparation and exhibition of MSS Amendment</p>	<p>Formal Exhibition (August 2008)</p>
<p>6. Commission other strategic work into MSS as adopted.</p>	<p>Based on Councillor, officer and community use of the scheme, a number of critical “holes” such as medium density housing, rural living opportunities etc have emerged which will require the commissioning of further strategic work. This aspect of the review needs to dovetail with the review of Latrobe 2021.</p>

17.0 RECOMMENDATIONS

This report has summarised the strategic and statutory review of the Latrobe scheme. It is now recommended that Council adopts the report and forwards it to the Minister for Planning.

- That Council adopts the above report as the review required pursuant to Section 12B (1) of the *Planning and Environment Act 1987*.
- That Council forwards the report to the Minister for Planning as required by Section 12B (5) of the *Planning & Environment Act 1987*.
- In terms of **prioritising a work program**, the following specific recommendations are made:

MSS Amendment

- That the MSS be further edited and reformatted to insert completed strategic work so that the clarity and usability of the scheme are improved.
- That Clause 21 be edited and merged with Clause 22.
- That all Local Policies be thoroughly reviewed to ascertain whether they are achieving their intended purpose; are consistent with the Practice Note on Local Policy; and are the most appropriate planning scheme tool to implement the strategic objective of the MSS.
- **That in the short term, an 'MSS' amendment be prepared with a new streamlined MSS based on Latrobe 2021 and supplemented by adopted strategic work.**

Zone and Overlay Amendment(s)

- **That in the medium term, an amendment be prepared to implement zones and overlays (with schedules) arising from the new MSS.**
- That all zones and schedules be reviewed to ascertain whether they are achieving their intended purpose; and are the most appropriate planning scheme tool to implement the strategic objective of the MSS.
- That all overlays and schedules be reviewed to ascertain whether they are achieving their intended purpose; and are the most appropriate planning scheme tool to implement the strategic objective of the MSS.
- That all schedules to the Specific Provisions be reviewed to ascertain whether they are achieving their intended purpose.