

Latrobe Planning Scheme

Amendment C143latr

Explanatory Report

Overview

The amendment proposes to apply the Public Acquisition Overlay to part(s) of 11 properties in the Lake Narracan growth area, part of 11 properties in the Morwell North West growth area, and part of 1 property in the Traralgon North growth area. The Public Acquisition Overlay will only be applied to part of these properties as per the maps exhibited in this amendment. The amendment will allow Latrobe City Council to compulsorily acquire to facilitate the delivery of the Lake Narracan Precinct Structure Plan & Development Contribution Plan (DCP), Morwell North West Development Plan & Development Contribution Plan, and the Traralgon North Development Plan & Development Contribution Plan. The amendment will make minor changes to Clause 72.02 – *What does this scheme consist of?* to include reference to the Public Acquisition Overlay on maps 24, 25, 30, 50, and 71. The amendment will also make minor changes to Clause 74.01 – *Application of zones, overlays and provisions* to outline how the Public Acquisition Overlay implements the Municipal Planning Strategy.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Latrobe City Council website at

https://www.latrobe.vic.gov.au/Property/Development/Planning_Scheme_Amendments/Current_Planning_Scheme_Amendments.

and

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

Latrobe City Council

Corporate Headquarters

141 Commercial Road, Morwell

Office hours: 9am to 5pm, Monday to Friday

Churchill Service Centre

9-11 Philip Parade, Churchill

Office hours: 10am to 4.30pm, Monday and Friday

Moe Service Centre

1-29 George Street, Moe

Office hours: 8.30am to 5.15 Monday to Friday & 9am to 12noon Saturday

Traralgon Service Centre

34-38 Kay Street, Traralgon

Office hours: 8.30am to 5.15pm Monday to Friday & 9am to 12noon Saturday

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

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 23 December 2024.

A submission must be sent to:

Post: Latrobe City Council

PO Box 264,

Morwell, Victoria, 3840

Attention: Strategic Planning

Or

Email: latrobe@latrobe.vic.gov.au

Attention: Strategic Planning

Panel hearing dates

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

- Directions hearing: 3 March 2025
- Panel hearing: 31 March 2025

Details of the amendment

Who is the planning authority?

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

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

Land affected by the amendment

The Amendment applies to part of 11 properties in the Lake Narracan growth area (Figure 1), part of 11 properties in the Morwell North West growth area (Figure 2), and part of 1 property in the Traralgon North growth area (Figure 3).

A mapping reference table is attached at Attachment 1 to this Explanatory Report. Attachment 2 to this Explanatory Report contains a map of each title with the PAO overlaid.

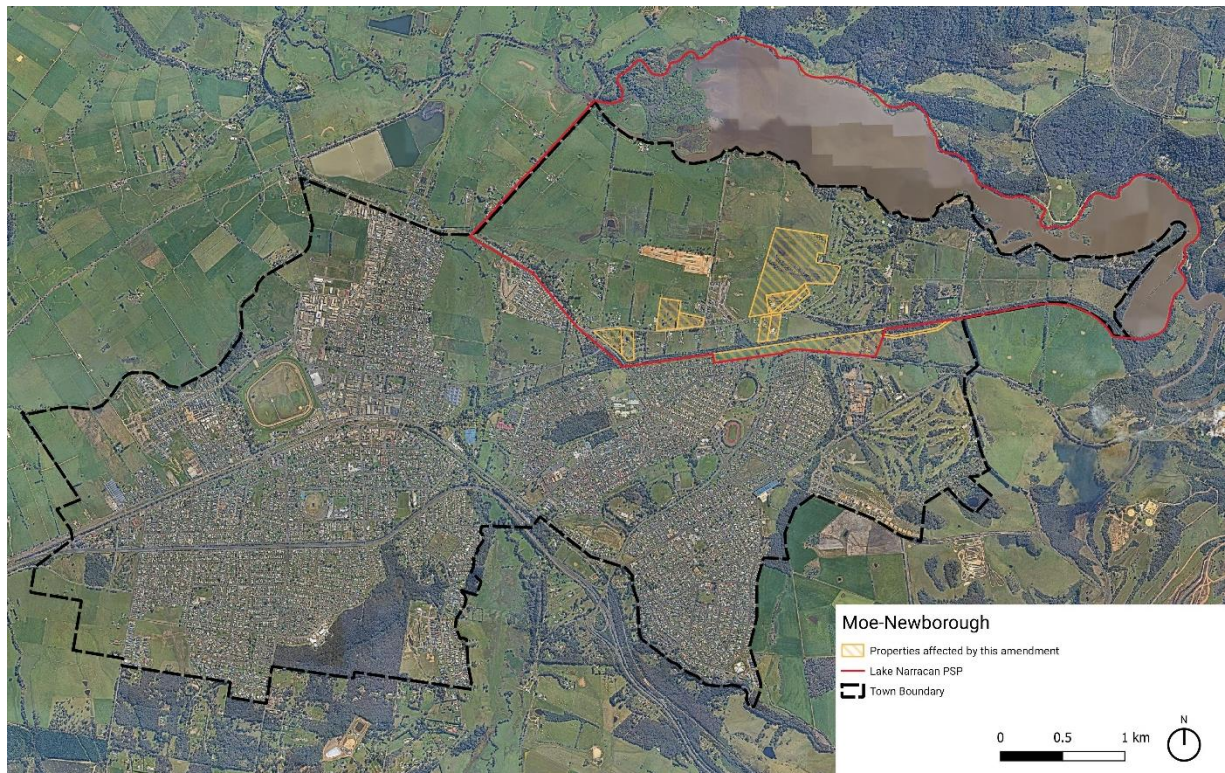


Figure 1: Lake Narracan growth area

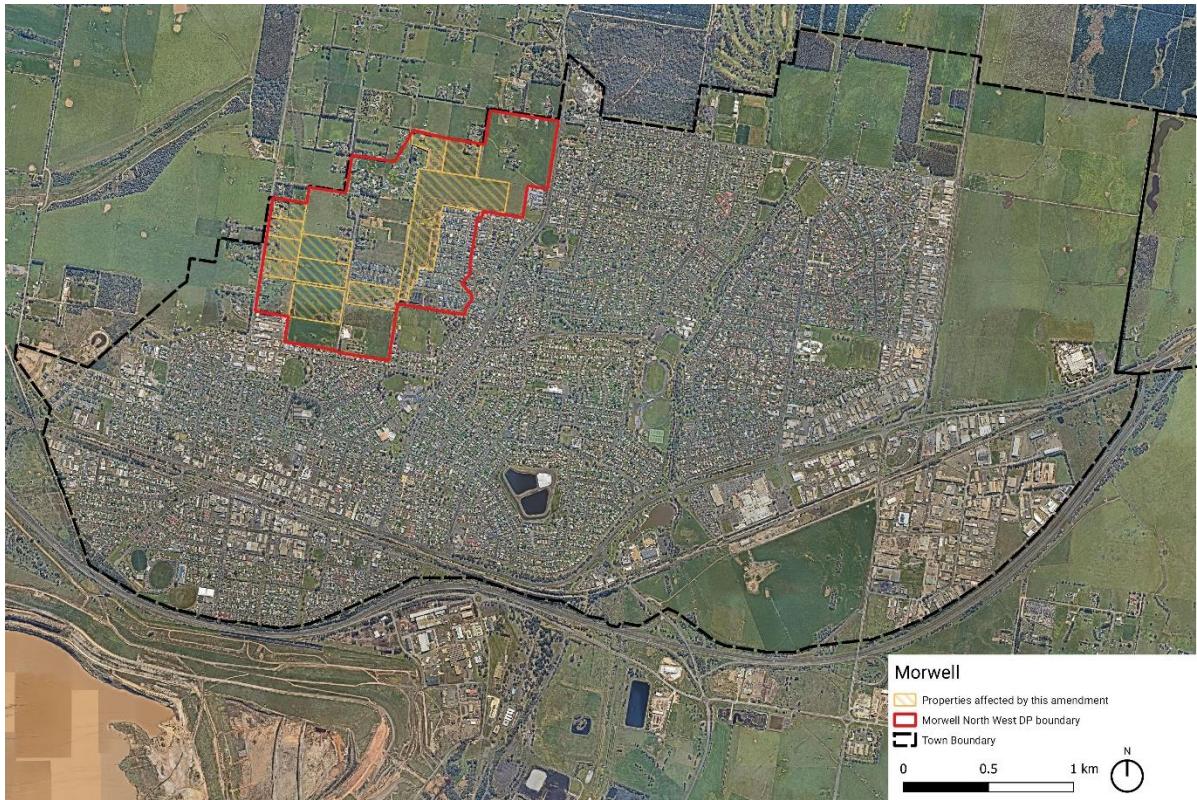


Figure 2: Morwell North West growth area



Figure 3: Traralgon North growth area

What the amendment does

The amendment applies the Public Acquisition Overlay to part of 23 properties to advance the acquisition of land required for public purposes including road infrastructure, drainage infrastructure and active open space identified in the Lake Narracan Precinct Structure Plan & Development Contribution Plan, Morwell North West Development Plan & Development Contribution Plan, and the Traralgon North Development Plan & Development Contribution Plan.

Specifically, the amendment makes the following changes:

Overlay Maps

- Inserts Planning Scheme Map No.s 24PAO, 25PAO, 30PAO, 50PAO, 71PAO, and 76PAO to apply the Public Acquisition Overlay (PAO2 or PAO3) to the 23 identified properties.

Planning Scheme ordinance

- Amends the Schedule to Clause 45.01 (Public Acquisition Overlay) to make:
 - Latrobe City Council the Acquiring Authority for the PAO2 with the purpose of the acquisition as 'Road Projects'
 - Latrobe City Council as the acquiring authority for the PAO3 with the purpose of acquisition 'Drainage / Open Space Reserves.'
- Amends the schedule to Clause 72.03 – *What does this planning scheme consist of?* to reference 24PAO, 25PAO, 30PAO, 50PAO, 71PAO, and 76PAO.
- Amends the schedule to Clause 74.01 – *Application of zones, overlays and provisions* to outline how the Public Acquisition Overlay implements the Municipal Planning Strategy.

Strategic assessment of the amendment

Why is the amendment required?

To facilitate development in the Lake Narracan, Morwell North West, and Traralgon North growth area, land is required for public purposes including road infrastructure, drainage infrastructure and active open space. This infrastructure is identified in the Lake Narracan Precinct Structure Plan (PSP) and Development Contributions Plan (DCP), Morwell North West Development Plan (DP) and DCP, or the Traralgon North DP and DCP. Lake Narracan PSP and DCP are incorporated documents in the Latrobe Scheme which were introduced by Amendment C86. The Morwell North West DP and DCP are endorsed under Development Plan Overlay Schedule 1. The Traralgon North DP and DCP are endorsed under Development Plan Overlay Schedule 7. Whilst they are not incorporated or background documents in the scheme, they are documents which the scheme required to be prepared. Therefore, Latrobe City Council is still required to act in general accordance with them.

All three growth areas are at differing stages of development. Approximately 9.2% of private properties in Lake Narracan PSP have subdivision approval and are in some state of development. 12.2% of properties in Morwell North West either have subdivision approval or have a permit application for subdivision under assessment. 75% of properties in Traralgon North have subdivision approval and are in some state of development.

The planning permit and subdivision processes have not been able to secure all the necessary public land identified in the relevant DCP in a timely manner. Therefore, a formal acquisition process is required to secure the land necessary to deliver high priority projects.

To facilitate the timely delivery of 3 intersection projects, 2 road widening projects, 9 drainage projects and 2 active open space projects, a Public Acquisition Overlay is necessary.

Applying the Public Acquisition Overlay to land, reserves the land in the planning scheme and allows for a compulsory acquisition process to be undertaken by the identified Acquiring Authority (Latrobe City Council) to be initiated at a future date.

Each of these projects is critical to the ongoing development of these key development areas and the application of the public acquisition overlay (PAO) to 23 properties will facilitate the land acquisition for these critical projects. The PAO will cover part of the identified properties, reflecting the planned location of the necessary infrastructure.

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

The amendment implements the objectives of planning in Victoria pursuant to Section 4 of the *Planning and Environment Act 1987* by providing for the fair, orderly and sustainable development of land. The amendment seeks to enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community and will ensure an efficient and safe working, living and recreational environment for all in the community.

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

The Lake Narracan PSP, Morwell North West DP, and Traralgon North DP were developed through extensive research and consultation to ensure that the identified growth areas could meet all likely needs that future residents would likely have. They provide a plan to create a considered and well-planned approach to the development of new residential communities in Latrobe.

The intent of the DCPs is to ensure that the infrastructure required to service the new communities is provided, is provided in a timely manner and will meet the communities needs and expectations.

The land acquisition does not pose any impact on the environment beyond what is already identified by the PSP and DPs. Construction work to deliver DCP projects following the land acquisition, will be undertaken as per Councils national construction standards with an appropriate environmental management and construction management plan in place.

Any land acquisition made possible under this Amendment will be undertaken in accordance with the *Land Acquisition and Compensation Act 1986* to ensure a fair and equitable process for all parties occurs and that a fair compensation is provided.

Does the amendment address relevant bushfire risk?

The amendment will not increase the risk to life, property, community infrastructure or the natural environment. The amendment only seeks to apply the Public Acquisition Overlay to properties that are critical to the provision of road infrastructure, drainage, and open space in key development areas.

The amendment secures land required for infrastructure which underpins the ultimate delivery of Latrobe's growth areas. By unlocking key pieces of land, the amendment will ultimately result in reduced fire risk in the area as farming land is converted into an urban environment over time. Bushfire risks associated with subdivisions is addressed through the planning permit process.

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

The amendment is consistent with *Ministerial Direction The form and content of Planning Schemes* by making changes to the scheme that are made are consistent with this direction and utilises the relevant templates.

The amendment is consistent with the *Ministerial Direction 11 Strategic Assessment of Amendments* under Section 12(2) of the Act. An assessment of the planning scheme amendment has been made against the guidelines and details have been provided within this explanatory report.

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

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

Clause 11.01-1L Moe-Newborough: In accordance with identified land uses in the town structure plan

Clause 11.01-1L Morwell: In accordance with identified land uses in the town structure plan

Clause 13.06-1S Air quality management: The amendment supports the provision of

open space and an improved road network which will facilitate public transport, walking and cycling options.

Clause 14.02-1S Catchment planning and management: The amendment will allow Council to acquire land around waterways and identified stormwater treatment infrastructure. Without the amendment Council may not be able to acquire the land and therefore stormwater treatment likely will not be able to be provided.

Clause 14.02-2S Water quality: The DCPs identify stormwater infrastructure to ensure water entering natural waterways is clean. Without the amendment certain developments in Morwell North West and Lake Narracan may not be able to adequately treat stormwater before it enters waterways.

Clause 18.01-1S Land use and transport integration: The amendment supports the provision improved transport network which will facilitate public transport, walking and cycling options and major road realignments as identified in the DCPs.

Clause 18.01-2S Transport system: The amendment facilitates the delivery of road projects identified in DCPs as being required to avoid negative impacts to the existing transport networks.

Clause 18.01-2R Transport system – Gippsland: The amendment facilitates the delivery of road projects identified in DCPs which will be of particular benefit to the Gippsland road network.

Clause 18.02-4S Roads: The amendment facilitates development and projects which will overall result in an upgrade of the roads on the edge of town which were historically of a lower standard due to being located in non-urban areas.

Clause 19.03-1S Development and infrastructure contributions plans: This amendment is the logical next step to action three DCPs prepared in accordance with Minister Direction for Development Contribution Plans.

Clause 19.03-2S Infrastructure design and provision: This amendment seeks to reserve land to ensure it can be provided in a timely and cost-effective manner if the planning permit and subdivision processes fail to do so.

Clause 19.03-2L Infrastructure design and provision: This amendment will allow Council to provide the drainage infrastructure identified in DCPs when development activity in the growth areas require it. Without this amendment certain properties within the Morwell North West and Lake Narracan growth areas won't be able to connect to the proposed drainage system.

Clause 19.03-3S Integrated water management: This amendment seeks to allow Council to acquire land identified for centralised drainage infrastructure in the DCPs. Without this centralised infrastructure, development may not be able to meet the required treatment standards for stormwater.

The future land acquisitions will be subject to the provisions of the *Land Acquisition and Compensation Act 1986*.

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

The amendment is consistent with the following clauses of the MPS;

- Clause 2.03-1 as it will facilitate development in existing growth areas identified within the Planning Scheme.
- Clause 2.03-6 as it will facilitate the delivery of housing in the municipality.
- Clause 2.03-9 as it seeks to protect the delivery of future infrastructure and ensure coordinated open space networks and drainage infrastructure can be delivered as planned.

The Lake Narracan PSP and DCP, Morwell North DP and DCP, and Traralgon North DP and DCP have already been endorsed by Council as documents which are in accordance with the Municipal Planning Strategy. The amendment is the logical extension of the actions outlined in the DCP and is therefore in accordance with the Municipal Planning Strategy.

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

Use of the PAO is the appropriate Victoria Planning Provision to acquire land that has been identified as being needed for a public purpose. The purpose of the overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land which is proposed to be acquired by a Minister, public authority or municipal council.*
- *To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.*
- *To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.*

Applying the PAO places the 'reservation' in the planning scheme and allows for a future compulsory acquisition process to be initiated by Latrobe City Council as the designated Acquiring Authority.

The application of the PAO ensures that the Council as the Acquiring Authority has an undeniable right to acquire the reserved land, subject to the *Land Acquisition and Compensation Act 1986*, even if the landowners at the time of acquisition do not want to sell.

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

The Department of Transport and its predecessors were consulted during the

preparation of the PSP, DPs and DCPs to determine the required road infrastructure improvements and treatments. The West Gippsland Catchment Management Authority were also consulted during the preparation of the PSP, DPs and DCPs to ensure the drainage infrastructure would meet their standards for stormwater treatment. The adopted PSP, DPs and DCPs reflect the requirements of the agencies at the time Council adopted these documents.

Exhibition stage

All relevant agencies and authorities have been notified as part of exhibition of the Amendment.

Approval stage

All submissions received during the exhibition will be considered by Latrobe City Council prior to adopting the amendment. Council will attempt to resolve any submissions which object to the amendment. Should Council be unable to resolve the Amendment, all submission will be referred to an independent Planning Panel for review.

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

The upgrades to the road network proposed by the DCPs meet the transport system objective 11- 3 of the *Transport Integration Act 2010*.

Without limiting the generality of subsection (1), the transport system and land use should be aligned, complementary and supportive and ensure that—

(a) transport decisions are made having regard to the current and future impact on land use;

(b) land use decisions are made having regard for the current and future development and operation of the transport system;

Application of PAO2 will ensure that objective 11-3(c) under the *Transport Integration Act 2010* can be achieved by allowing Latrobe City Council to secure land identified in the DCPs identified in this report, where objective 11-3(c) requires that:

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

This amendment will ensure that the transport planning identified in the growth area plans can be delivered as intended.

Resource and administrative costs

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

The proposed application of the PAO is not expected to increase the number of planning permit applications. Council may experience a minor increase in written planning advice applications due to a new planning control being applied. However, this increase should be manageable within current resourcing in the Statutory Planning Team.

Latrobe City has administrative resources within its Property and Commercial Team to oversee the acquisition of land under the proposed PAO2, and PAO3. Council by supporting this amendment understands this is critical infrastructure that is required for servicing growth and ensuring community safety and will therefore allocate resources accordingly.

Land acquired through the PAO process will likely cost the Council more than land transferred through the planning permit process due to the requirements to pay compensation in accordance with the *Land Acquisition and Compensation Act 1986*.

Notwithstanding this, the use of the PAO is the most time efficient mechanism available for the Council to acquire the land it needs to deliver these critical projects.

Attachment 1 – Mapping reference table

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Newborough	Land bounded by Lake Narracan to the North, Sullivans Track to the east, John Field Drive to the south, and Old Sale Road to the west.	Latrobe C143 24PAO, 25PAO, 30PAO Exhibition	Part of 1 Thompsons Road, NEWBOROUGH (1\LP142353) Part of 3 Thompsons Road, NEWBOROUGH (2\LP142353) Part of 10 Thompsons Road, NEWBOROUGH (6\LP157245) Part of 5 Hayes Road, NEWBOROUGH (1\LP126050) Part of Links Road, NEWBOROUGH (2\PS636142) Part of 18 Thompsons Road, NEWBOROUGH (1\TP594736 & 1\TP248759) Part of 20 Thompsons Road, NEWBOROUGH (3E\PP3273) Part of 22 Thompsons Road, NEWBOROUGH (3H\PP3273) Part of 25 Thompsons Road, NEWBOROUGH (1\TP582048) Part of 25A Thompsons	Nil	PAO2, PAO3	Nil

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
			Road, NEWBOROUGH (2\TP582048) Part of 710 John Field Drive, NEWBOROUGH (34\LP121048)			
Morwell	Land bounded by Aliss Road and Leonard Street to the north, Maryvale Road to the east, English Street to the south, and Latrobe Road to the west.	Latrobe C143 71PAO, 76PAO Exhibition	Part of 130 Latrobe Road, MORWELL (70E\PP3072) Part of 140 Latrobe Road, MORWELL (70D\PP3072) Part of 150 Latrobe Road, MORWELL (70C\PP3072) Part of 160 Latrobe Road, MORWELL (70B\PP3072) Part of 25 English Street, MORWELL (70L\PP3072) Part of 40 English Street, MORWELL (1\TP211967) Part of 55 English Street, MORWELL (14\LP11865) Part of 65 English Street, MORWELL (70H\PP3072) Part of 23 Jason Street, MORWELL (1\PS404523) Part of 77 Ashley Avenue, MORWELL (19\LP111605)	Nil	PAO3	Nil

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
			Part of Heritage Boulevard, MORWELL (H\PS739559)			
Traralgon	Land bounded by Marshalls Road to the south, Broadway Boulevard to the east, Glendale Road to the west, and Silk Road on the North	Latrobe C143 50PAO Exhibition	Part of 50 Glendale Road, TRARALGON (1\PS329021)	Nil	PAO3	Nil

Attachment 2 –Public Acquisition Overlay context maps

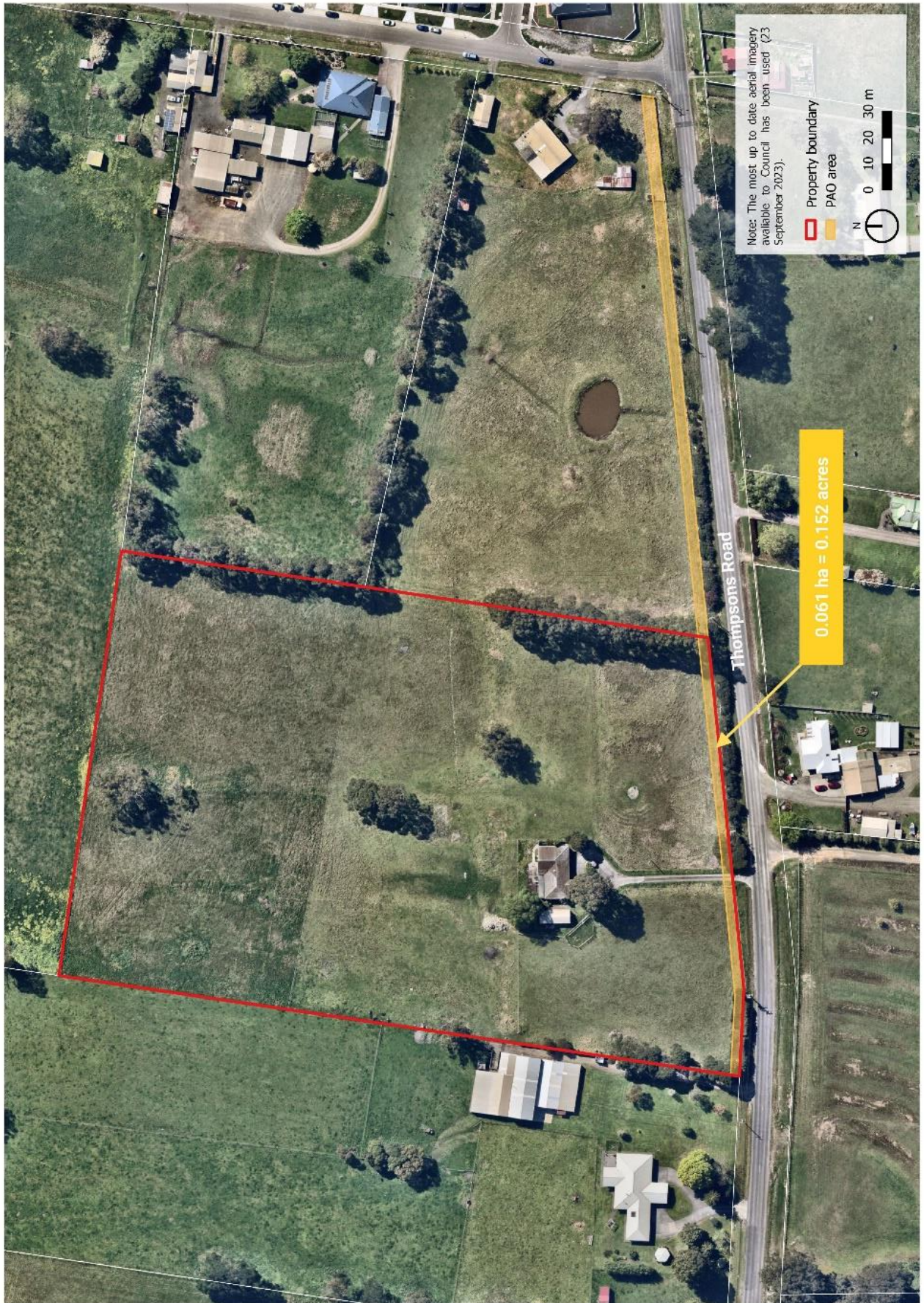
Part of 1 Thompsons Road, NEWBOROUGH (1\LP142353)



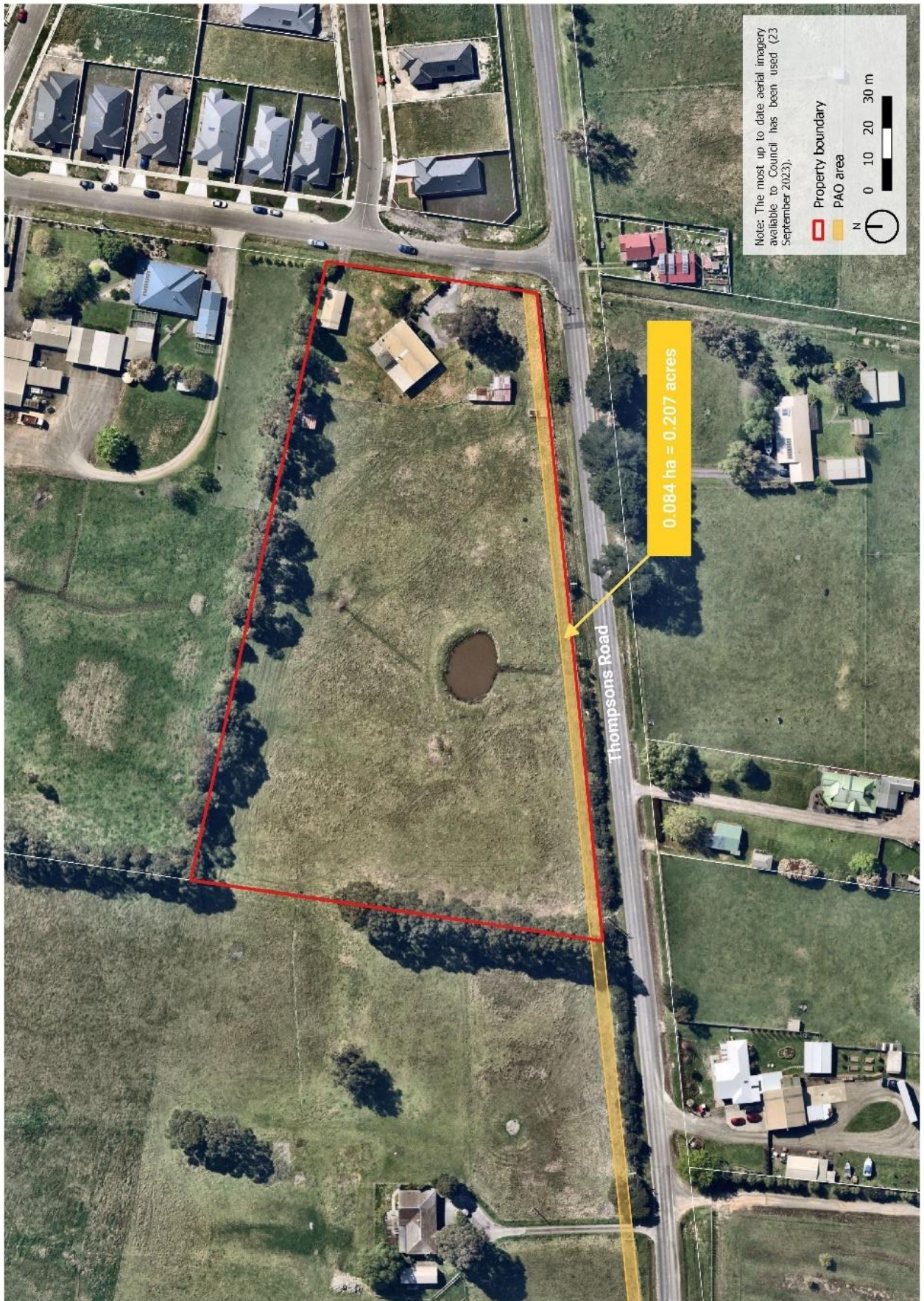
Part of 3 Thompsons Road, NEWBOROUGH (2\LP142353)



Part of 10 Thompsons Road, NEWBOROUGH (6\LP157245)



Part of 5 Hayes Road, NEWBOROUGH (1LP126050)



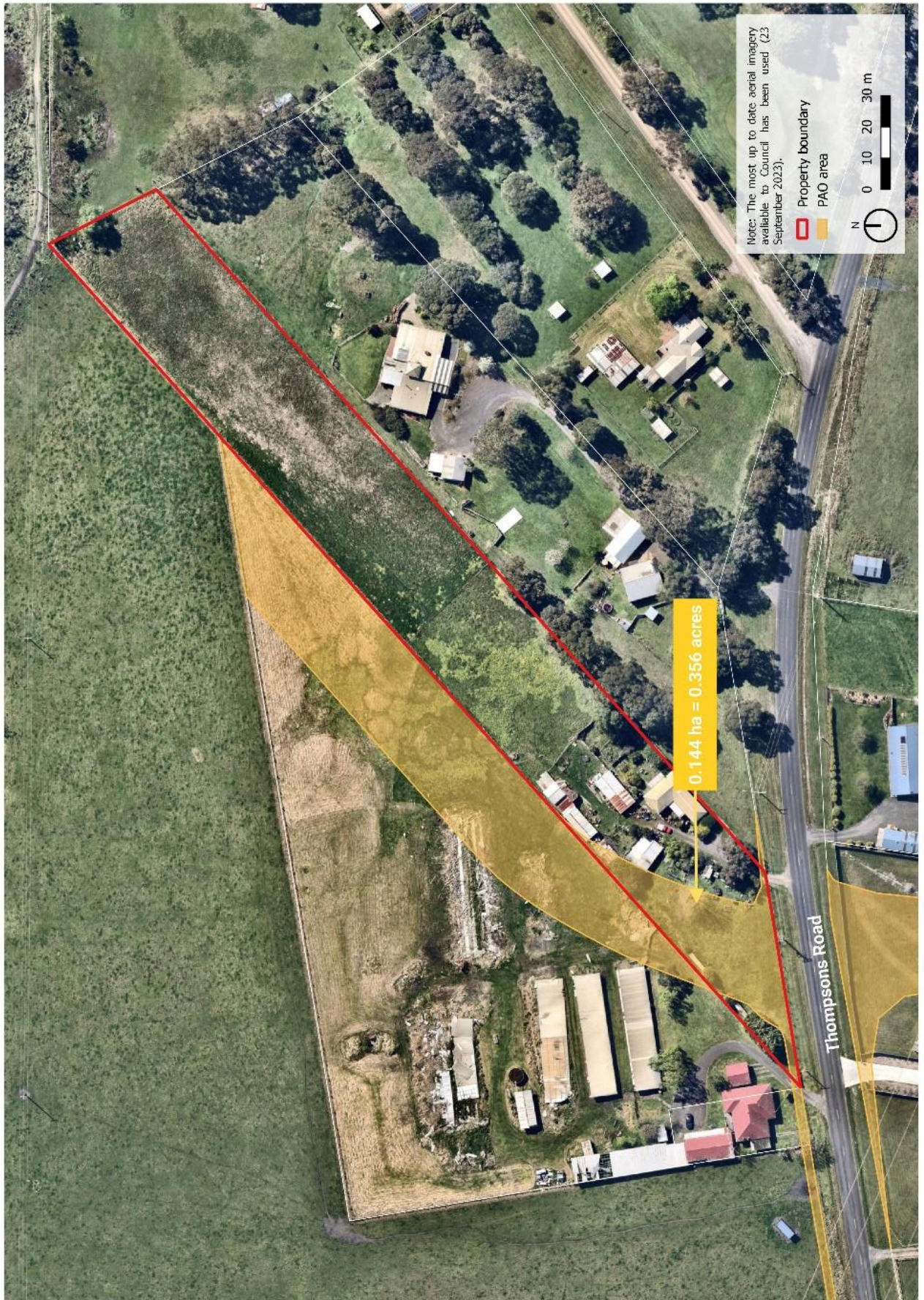
Part of Links Road, NEWBOROUGH (2\PS636142)



Part of 18 Thompsons Road, NEWBOROUGH (1\TP594736 & 1\TP248759)



Part of 20 Thompsons Road, NEWBOROUGH (3E\PP3273)



Part of 22 Thompsons Road, NEWBOROUGH (3HPP3273)



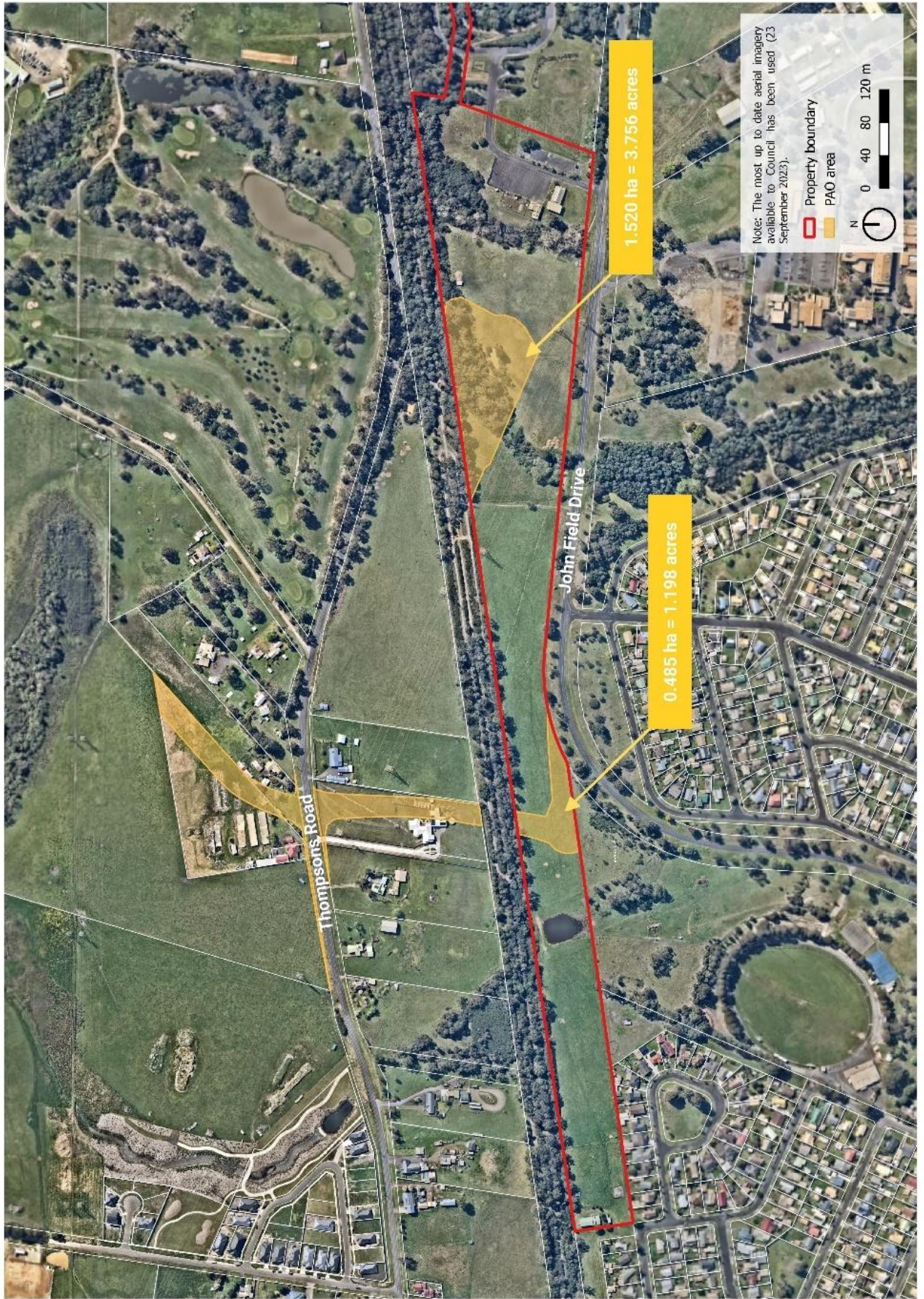
Part of 25 Thompsons Road, NEWBOROUGH (1\TP582048)



Part of 25A Thompsons Road, NEWBOROUGH (2\TP582048)



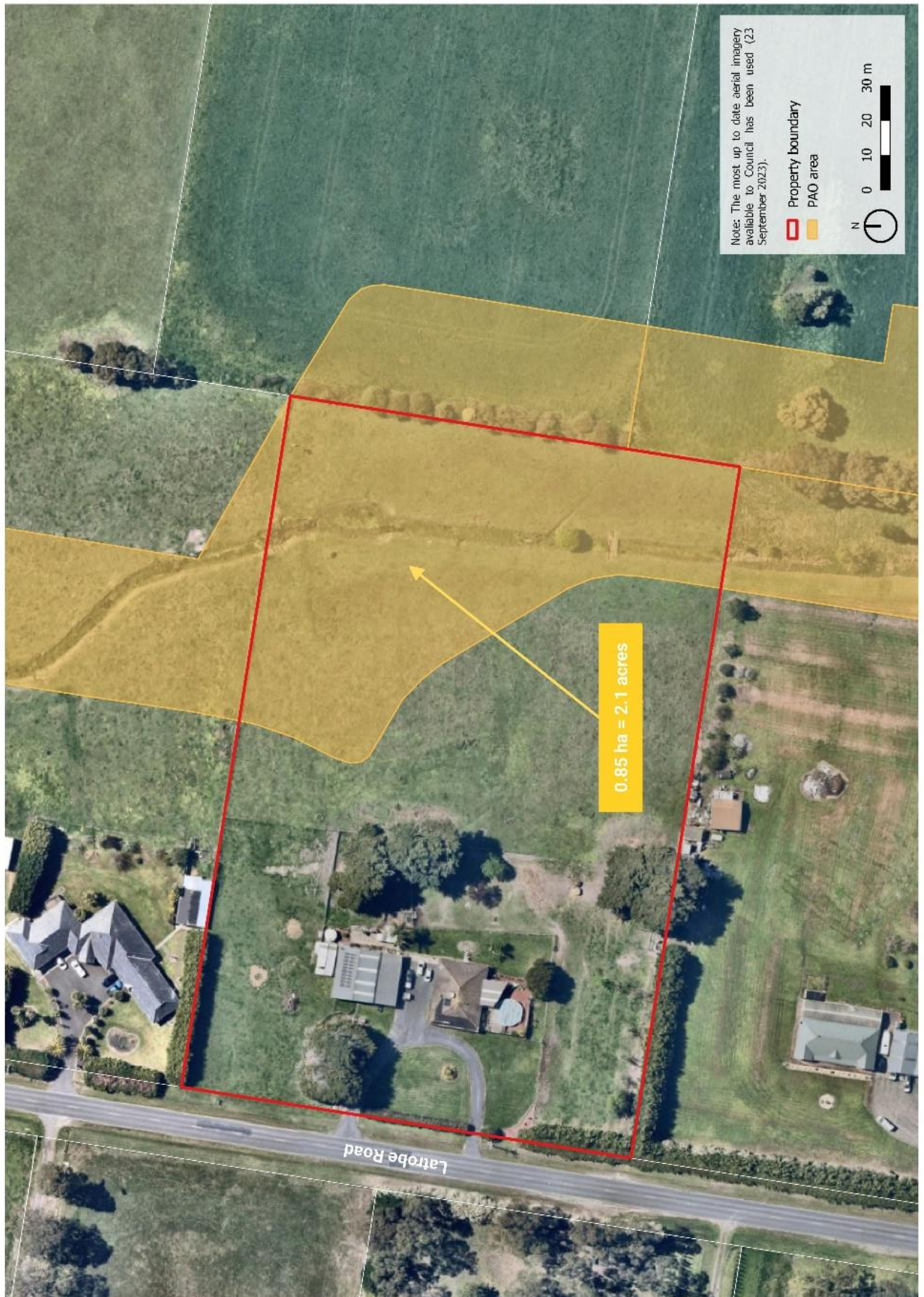
Part of 710 John Field Drive, NEWBOROUGH (34\LP121048)



Part of 130 Latrobe Road, MORWELL (70EPP3072)



Part of 140 Latrobe Road, MORWELL (70D\PP3072)



Part of 150 Latrobe Road, MORWELL (70C\PP3072)



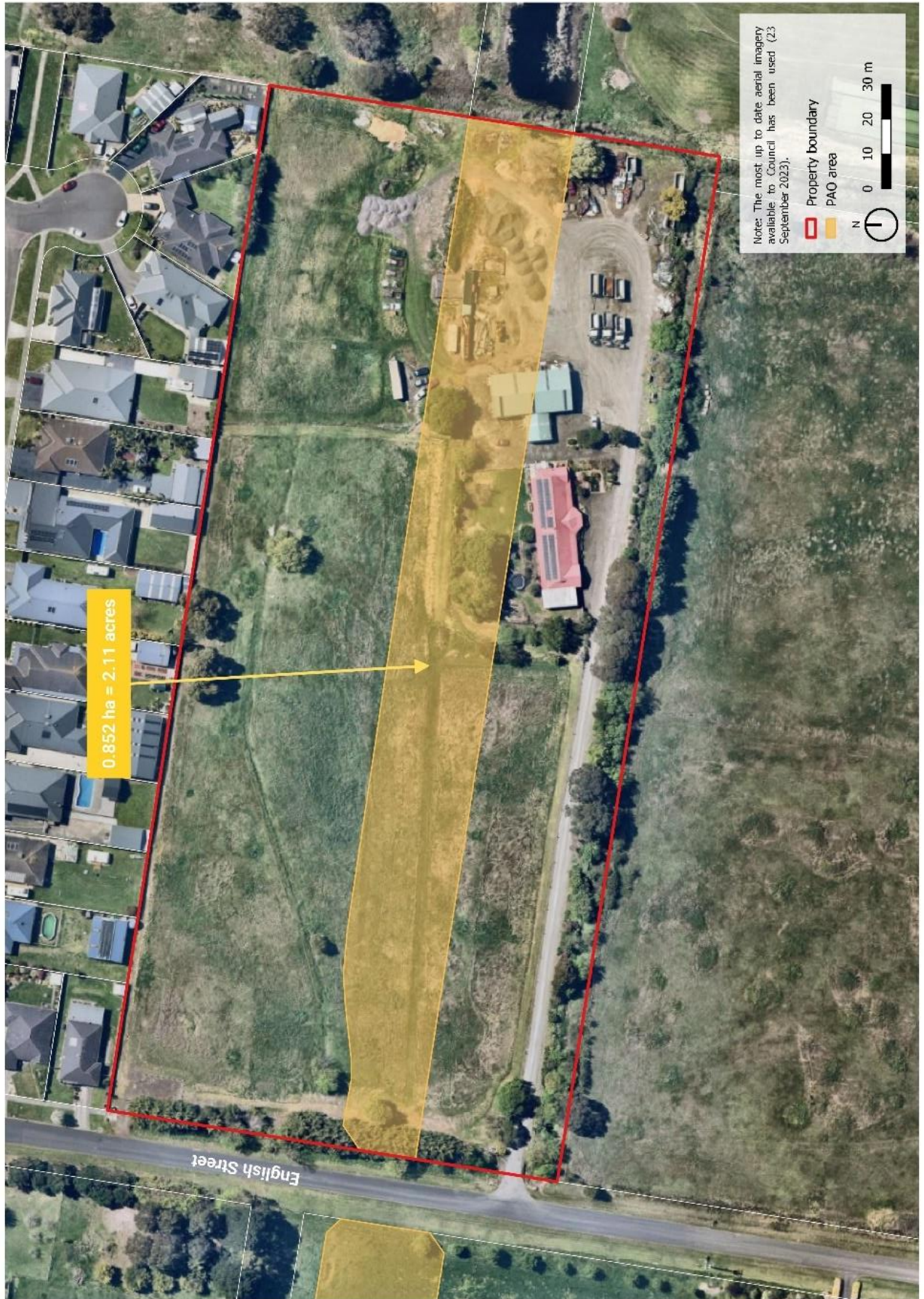
Part of 160 Latrobe Road, MORWELL (70B\PP3072)



Part of 25 English Street, MORWELL (70LPP3072)



Part of 40 English Street, MORWELL (1\TTP211967)



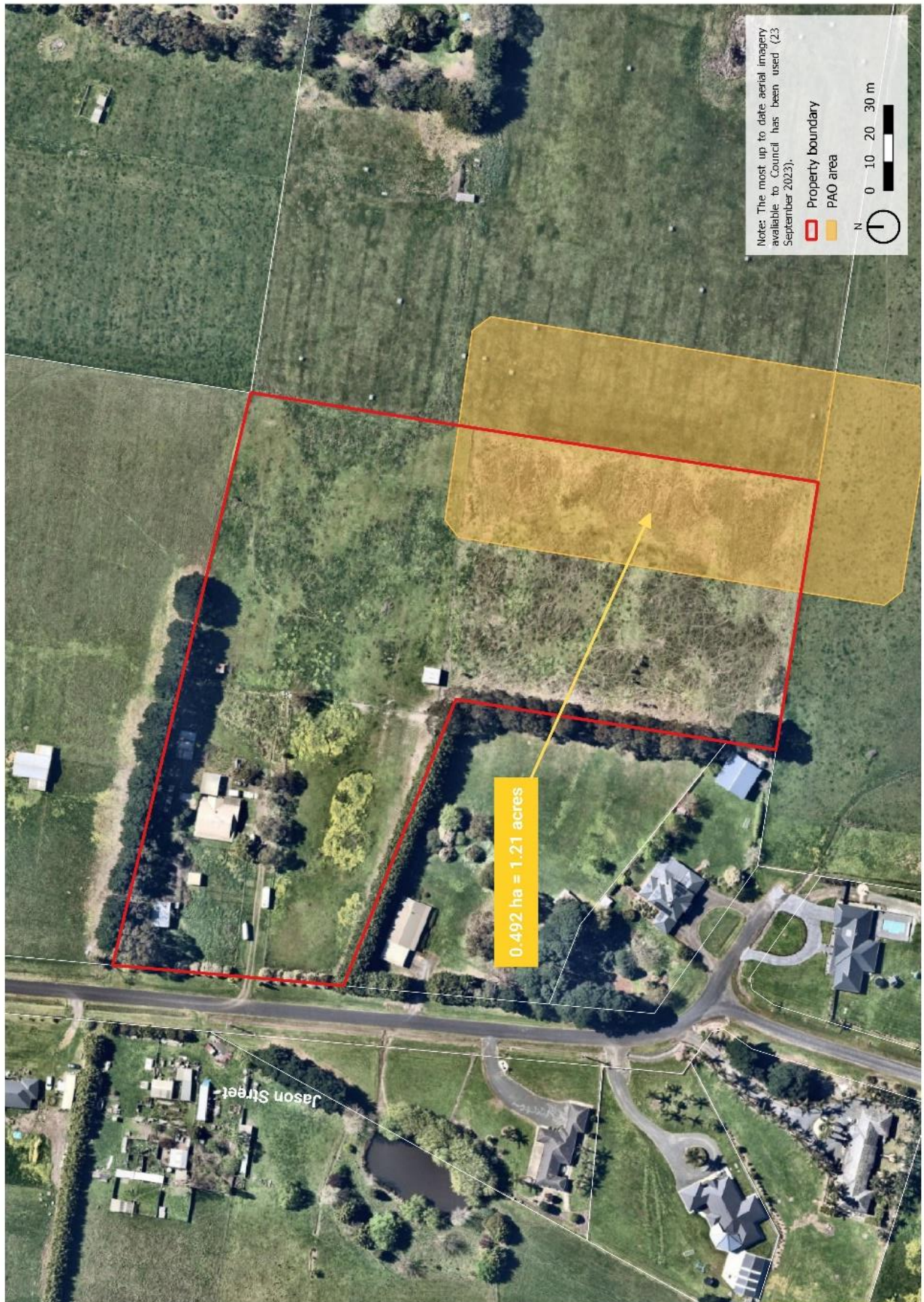
Part of 55 English Street, MORWELL (14\LP11865)



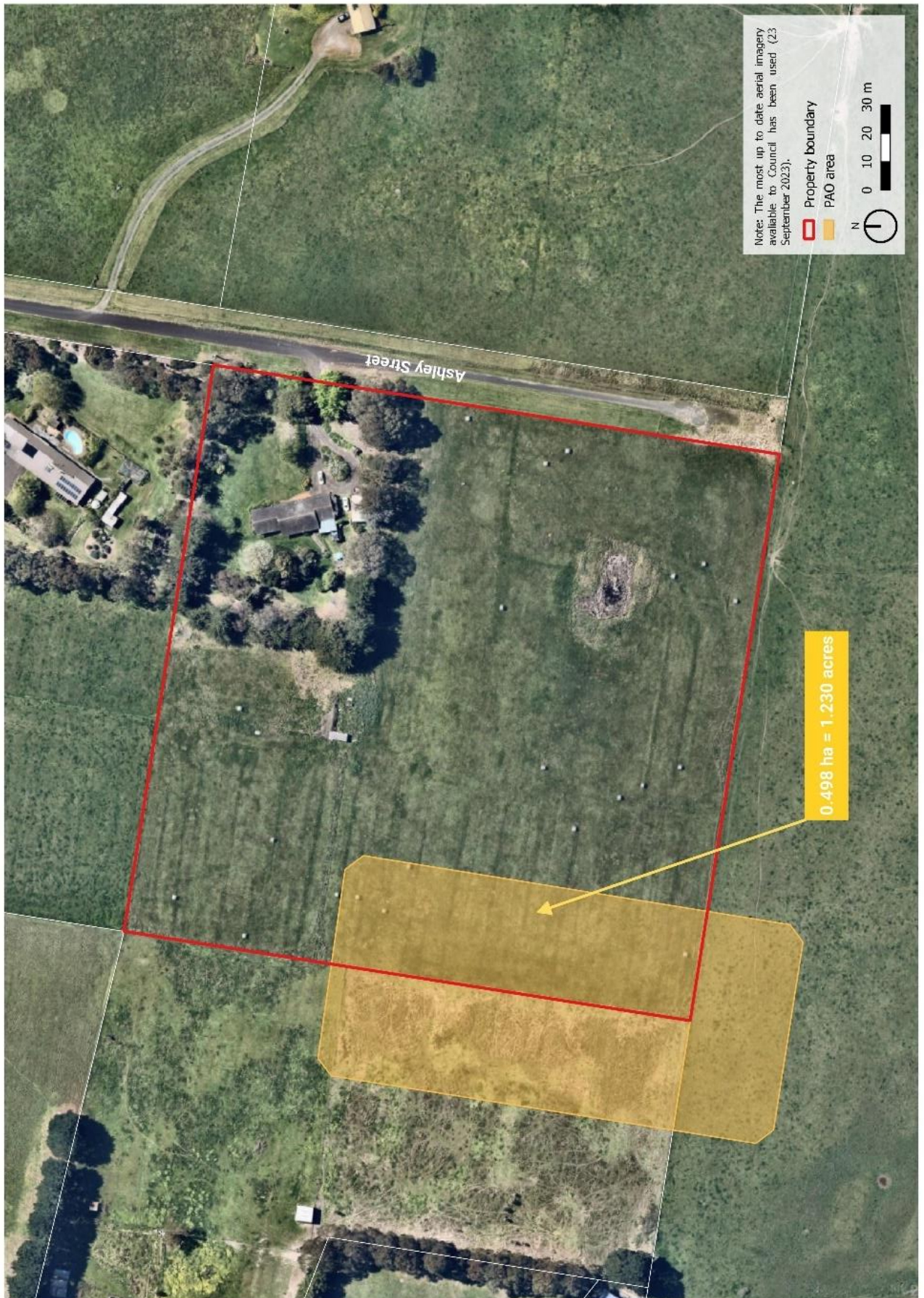
Part of 65 English Street, MORWELL (70H\PP3072)



Part of 23 Jason Street, MORWELL (1\PS404523)



Part of 77 Ashley Avenue, MORWELL (19\LP111605)



Part of Heritage Boulevard, MORWELL (H\PS739559)



Part of 50 Glendale Road, TRARALGON (1\PS329021)

