



Latrobe Valley Planning Schemes Review – Zone and Overlay Schedules Report

Planning in the Economic Growth Zone

Department of Environment, Land, Water and Planning





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1. Introduction

Glossop Town Planning ('GTP') has been engaged by the Department of Environment, Land, Water and Planning ('DELWP') to assist in updating zone and overlay schedules in the Baw Baw and Latrobe Planning Schemes to implement the findings of the *Latrobe Valley Planning Schemes Review Report* (2018).

Project Scope

The primary focus of this project is to undertake a detailed review of the zone and overlay schedules within the Latrobe and Baw Baw Planning Schemes. This review is to:

- Consider the recommendations and findings of the Latrobe Valley Planning Schemes Review Report and respond by identifying changes to the zone and overlay schedules.
- Review local policy to consider whether it can be appropriately translated into a zone or overlay schedule.
- Identify opportunities to reduce red tape.
- Identify opportunities to improve clarity and consistency.

The project is to conclude with a revised set of zone and overlay schedules for each planning scheme, which incorporate that changes that are reasonably able to be made to the schedules, based on existing strategic justification.

From the onset it is important to highlight that many recommendations from the Latrobe Valley Planning Schemes Review Report require further strategic work in order to justify changes to the planning schemes. These changes are beyond the scope of this review and GTP has made this clear to DELWP. However, where practicable, GTP has identified pathways for change.

Purpose of this Report

This report concisely sets out the findings of the review.

The purpose of this report is to:

- Provide a review of the key literature and background reports that underpin this review.
- Outline the high level findings of the review.
- Provide detailed justifications for each change to zone and overlay schedules, or justifications for why changes have not been incorporated in this review.
- Provide a track changes version of the controls.

The provision of this Report fulfils the requirements of the brief.

2. Key Literature and Document Review

This review has been informed by the recommendations and findings of the following key documents:

The Latrobe Valley Planning Schemes Review Report

Mesh Consultants prepared the *Latrobe Valley Planning Schemes Review Report* to undertake a combined review of the Baw Baw, Wellington and Latrobe Planning Schemes in accordance with the requirements of section 12B of the *Planning and Environment Act 1987*.

The review made many significant recommendations in terms of improvements to the local content in all schemes, including the Local Planning Policy Framework and zone and overlay schedules.

The recommendations in relation to zone and overlay schedules are particularly relevant to this review and form the main basis of this report.

Review of Design and Development Overlays Applied within Commercial and Industrial Zones Across the Latrobe Valley

Mesh Consultants prepared the *Review of Design and Development Overlays Applied within Commercial and Industrial Zones Across the Latrobe Valley* report to identify any additional regulatory burden within Design and Development Overlays that could be removed to facilitate economic growth and investment. The review aligns with principles established by the Red Tape Commissioner to reduce planning burden and unlock investment opportunities.

The report reviews the following schedules to the Design and Development Overlay:

Latrobe City Council	Baw Baw Shire Council
<ul style="list-style-type: none">■ Schedule 2 – Morwell CAD Western Gateway.■ Schedule 4 – Morwell East Industrial Precinct.■ Schedule 9 – Morwell East Bulky Goods Precinct and Traralgon East Bulky Goods Precinct.	<ul style="list-style-type: none">■ Schedule 1 – Warragul Town Centre.■ Schedule 2 – Drouin Town Centre.■ Schedule 5 – Yarragon Township Character.

The review highlights that the Design and Development Overlay ('DDO') is often applied and drafted inconsistently across the two municipalities. This is not unique to the LaTrobe Valley, but there are commonly inconsistencies in the drafting of DDO across all planning schemes within Victoria.

Mesh also acknowledged that the DDO is used as a mechanism to control heights and setbacks in a given area, which may not (in and of itself) produce better design outcomes, but rather prescriptive outcomes.

In addition to the specific recommendations for changes to each of the schedules identified above, the review makes recommendations for best practice drafting of DDO schedules. Some of those recommendations can be readily incorporated as part of this review, while others (such as applying the Activity Centre Zone or advanced streamlining of overlay schedules) will require further strategic work beyond the scope of this review to implement.

Other Strategic Documents

In addition to the primary documents outlined above, the consultants are aware of other studies that have been undertaken by the Planning in the Economic Growth Zone project, including:

- Economic Policy Strength in the Economic Growth Zone: Policy Changes Draft Report.
- Planning in the Economic Growth Zone – Erosion Management Overlay Review Sub-Project.


We are advised that the implementation of these reports is subject to other processes.

Additionally, both councils have progressed strategic work which is relevant to this review. These documents include:

Latrobe City Council	Baw Baw Shire Council
<ul style="list-style-type: none"> ■ Rural Land Use Strategy. ■ Housing Strategy. ■ Industrial and Employment Strategy. ■ Small Town Structure Plans. ■ Latrobe Economic Development Strategy 2016-2020. ■ Lake Narracan, Traralgon North and Morewell North Development Contribution Plan. 	<ul style="list-style-type: none"> ■ Settlement Management Plan. ■ Rural Land Use Review. ■ Trafalgar Urban Design Framework. ■ Neerim South Urban Design Framework. ■ Longworry Urban Design Framework. ■ Economic Development Strategy 2018-2021. ■ Warragal and Drouin PSP. ■ Development Contribution Plan Levy.

We were advised at project inception that each of these strategies are at various stages of implementation by the councils via other processes.

In the case of Latrobe City Council, a significant amount of this strategic work is being implemented as part of Amendment C105 and the 'Live, Work Latrobe' project. That



amendment has recently concluded its independent Panel hearing and Council is currently reviewing the Panel's report.

GTP has had regard to these, and other, strategic documents in undertaking our review. Notwithstanding this, their ability to use strategic justification for changes to the zone and overlay schedules as part of this review is limited. Their implementation is either in-train through other amendments (such as Latrobe Amendment C105) or that the reports are not adopted by the relevant council (such as the Baw Baw Rural Land Use Review).





3. Findings of the Review – Baw Baw Planning Scheme

The following table provides a summary of the findings of this review. It outlines recommendations for changes to the Baw Baw Planning Scheme that have been reviewed by the consultants and nominates whether the schedule has been changed and the justification (both strategic and practical) for why changes have or have not occurred.

In a general sense, it is noted that a significant amount of further strategic work is required to implement many of the recommendations that have been reviewed by the consultants. Where practicable, our recommendations outline a pathway forward for future implementation, which acknowledges whether or not changes can be made in the interim.

The findings of this review outlined in this report and the table should be read in conjunction with the track changes version of controls that are attached at **Appendix B** to this report.

Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Residential Zones			
Clause 32.03 Low Density Residential Zone (LDRZ1)	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
Clause 32.04 Mixed Use Zone (MUZ1)	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Inclusion of Objectives at Clause 1.0 of the Schedule [Planning Schemes Review Report].	No	The inclusion of objectives requires further strategic work. There is no suitable content within the LPPF that can be translated.





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
			<p>The existing Urban Design Frameworks for Warragul and Trafalgar specifically exclude a consideration of MUZ land, as such it is not justified to rely on the UDFs for objectives.</p> <p>Such strategic work could include a Housing Strategy (which is a recommendation of the Mesh report) or a town-by-town analysis of the Mixed-Use Zone specifically.</p>
Clause 32.05 Township Zone (TZ1)	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Inclusion of Neighbourhood character objectives at Clause 1.0 [Planning Schemes Review Report].	Yes	<p>The LPPF provides direction for small towns and rural settlements, which are identified at Clause 21.05. This clause contains an overview for these areas and individual context and policies for each rural centre. It is noted that a Structure Plan has been prepared for Willow Grove, but not other townships.</p> <p>Draft Neighbourhood character objectives have been prepared, based on the content of Clause 21.05.</p>
Clause 32.07 Residential Growth Zone (no schedule currently)	Consider use of the RGZ around Warragul and Drouin Activity Centres to give effect to local policy encouraging higher density development. Undertake background strategic work to justify changes (e.g. neighbourhood character assessment and potentially a broader Housing Strategy [Planning Schemes Review Report].	No	<p>The rezoning of land around the Warragul and Drouin Activity Centres requires further strategic work.</p> <p>A Settlement Management Plan has been adopted by Council and has been partially implemented into the planning scheme. The Settlement Management Plan states:</p> <p><i>Encourage medium density developments close to the town centre, and generally within 700m of the town centre. New residential developments in this location should achieve a net density of 25 dwellings a hectare or more. Medium densities of 25 dwellings a hectare in the</i></p>





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
			<p><i>form of medium-density housing forms should be encouraged adjacent to activity nodes, community facilities and open space corridors. It also states: Detailed structure planning of new growth areas should be completed promptly to get ahead of the fast pace of growth.</i></p> <p>The Settlement Management Plan recommends that Structure Plans be prepared for Warragul and Drouin.</p> <p>In accordance with the recommendation of the Planning Schemes Review Report, further strategic work will be required to identify the precise application of the Residential Growth Zone before this recommendation can be implemented beyond a policy position to support medium density housing within a general proximity to the town centre.</p> <p>Such strategic work could be in the form of a Housing Strategy and should provide a holistic review of housing in urban areas across the Shire and the correct application of each zone or as an addendum to the Settlement Management Plan that then undertaken capacity analysis of the Drouin and Warragul Activity Centre to identify appropriate locations to apply the RGZ.</p>
Clause 32.08 General Residential Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Consider more varied use of GRZ Schedules to respond to neighbourhood character, and to direct growth in a more nuanced manner. Will require preparation of a Housing	No	Further strategic work, in the form of a Housing Strategy, is required to implement this recommendation. The Housing Strategy should provide a holistic review of housing in urban





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
	Strategy, including neighbourhood character analysis [Planning Schemes Review Report].		areas across the Shire and the correct future application of each zone.
Clause 32.09 Neighbourhood Residential Zone (no schedule currently)	Consider application of NRZ, based on character analysis and/or a housing strategy [Planning Schemes Review Report].	No	Further strategic work, in the form of a Housing Strategy, is required to implement this recommendation. The Housing Strategy should provide a holistic review of housing in urban areas across the Shire and the correct future application of each zone.
Industrial Zones			
Clause 33.01 Industrial 1 Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Consider an employment land strategy to investigate whether there are further opportunities for directing economic development via the use of Industrial Zones (and having regard to PEGZ objectives and Urban Enterprises report) [Planning Schemes Review Report].	No	Further strategic work, in the form of an employment land strategy, is required to implement this recommendation.
Clause 33.03 Industrial 3 Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Consider an employment land strategy to investigate whether there are further opportunities for directing economic development via the use of Industrial Zones (and having regard to PEGZ objectives and Urban Enterprises report) [Planning Schemes Review Report].	No	Further strategic work, in the form of an employment land strategy, is required to implement this recommendation.





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Commercial Zones			
Clause 34.01 Commercial 1 Zone	Review schedule use in discussion with VPA. Current UGZ schedules specify floor space caps rather than using the schedules of applied zones [Planning Schemes Review Report].	No.	Out of scope. Further strategic work is required to determine the need to retain floor space caps.
	C1Z schedule specifies maximum leasable floor areas for four areas identified in PSPs. It would be best practice to identify this land by parcel given the land listed applies to only one or two parcels listed in the PSP [Planning Schemes Review Report].	No.	Out of scope. Further strategic work is required to implement this recommendation.
	Strategically review use of the zone in context of PEGZ Economic Development Objectives (based on Urban Enterprises work [Planning Schemes Review Report].	No	Out of scope. The implementation of this recommendation requires completion of Urban Enterprises and other work.
Clause 34.02 Commercial 2 Zone	Strategically review use of the zone in context of PEGZ Economic Development Objectives (based on Urban Enterprises work [Planning Schemes Review Report].	No	Out of scope. The implementation of this recommendation requires completion of Urban Enterprises and other work.
Clause 34.03 Commercial 3 Zone	Strategically review potential use of zone. May be an appropriate zone to attract innovative 'enterprise' style development in key locations [Planning Schemes Review Report].	No	Out of scope. The implementation of this recommendation requires completion of Urban Enterprises and other work.
Rural Zones			
Clause 35.03 Rural Living	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Zone (all schedules)	Review of Rural Zones (application and schedule variations – in particular minimum lot sizes) as part of current Rural Land Use Review project [Planning Schemes Review Report].	No	<p>Further strategic work is required to implement this recommendation.</p> <p>While Council has prepared a Rural Land Use Review Report, the strategy has not been adopted by Council and cannot be relied upon as strategic justification for any changes until adopted. The Strategy does not identify specific recommendations for changes to the planning scheme. It contains three options for rural land use as well as identifying the key issues across nine precincts across the rural areas. Beyond dividing the rural areas into precincts, it does not provide any strategic guidance for these locations.</p> <p>It is recommended Council =further investigate options for reducing permit triggers associated with the minimum setback from a road and minimum setback from a dwelling not in the same ownership. This analysis could be undertaken either through an addendum to the Rural Land Use Review focusing on issues such as landscape, effective use of rural land, the view of VicRoads in relation to setbacks from main roads and community views or alternatively through an audit of approved planning permit applications, in the context of the Rural Land Use Review Report and aerial photography to consider what will constitute an appropriate setback.</p>
	Consider applying the Rural Living Zone to three investigation areas in Narracan, Yarragon and Trafalgar, subject to detailed review [Rural Land Use Review].	No.	<p>Further strategic work is required to implement this recommendation.</p> <p>The Rural Land Use Review identifies three further investigation areas and states that a detailed review should be undertaken. This detailed review could be undertaken as</p>





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
			a supplementary strategic study to the Rural Land Use Review that specifically examines each of the investigation areas.
Rural Living Zone – Schedule 3	COMMENT: Mesh recommended amendments to earthworks controls in the Farming Zone, but not the Rural Living Zone. RLZ3 is the only schedule that triggers earthworks. Is there an opportunity to rationalise this control or is it required?	Yes	Council has requested that earthworks triggers can be turned off in the RLZ3 to allow for consistency between RLZ schedules. Prior to exhibiting the amendment, Council should confirm with its Engineering Department that there are no concerns with the proposed changes.
Clause 35.06 Rural Conservation Zone (no current schedule)	Consider use of RCZ where appropriate (i.e. to protect important environmental areas) as part of current Rural Land Use Review project. Use zone schedule to replace LPPF content where appropriate [Planning Schemes Review Report].	No	<p>Further strategic work is required to implement this recommendation.</p> <p>While Council has prepared a Rural Land Use Review Report, the strategy has not been adopted by Council and cannot be relied upon as strategic justification for any changes until adopted.</p> <p>Further justification is also required for the nomination of appropriate RCZ areas, which are not outlined in the report.</p> <p>Supplementary strategic work will be required to complement the work already undertaken as part of the Rural Land Use Review.</p>
Clause 35.07 Farming Zone	There are a number of site-specific controls in place. It is recommended these are separated into one schedule, and a second schedule used for all other land [Planning Schemes Review Report].	Yes	<p>Schedules have been split as per the Mesh recommendations. Sites with specific controls are included in a new Schedule 2 to the FZ.</p> <p>It is noted there is no provision to include a Map in the schedule to Farming Zone. It is recommended that reference</p>





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			<p>to the land identified at the intersection of Princes Highway and Sand Road Longwarry North be deleted.</p> <p>Alternatively, these sites could be mapped to a Specific Controls Overlay, with an incorporated document.</p>
	<p>Earthworks – permit requirements are currently applicable to all land. This is problematic for interpretation and planning compliance. Consider nominating an appropriate threshold and revising the Scheduled requirements [Planning Schemes Review Report].</p>	No	<p>Council has indicated it wishes to retain the current requirement for a planning permit for earthworks.</p>
	<p>Use of 0 hectares for minimum subdivision area and dwelling is ambiguous – consider review [Planning Schemes Review Report].</p>	Yes	<p>The schedule has been revised to include ‘none specified’.</p>
	<p>For RD1Z land, the standard setback under the FZ is 50 metres (unless varied by a Schedule). A permit is not triggered if a building is located further than this distance. This trigger is increased in all 3 schemes to 100 metres, triggering additional planning permits for buildings within proximity of the RD1Z. Planners have reported that VicRoads routinely approves buildings without any concerns, and this increased threshold adds no value. Thresholds for RDZ2 and other roads can also be reconsidered [Planning Schemes Review Report].</p>	Partially, further implementation to be determined.	<p>Schedules have been amended to reduce threshold for RD1Z to 50 metres (and this can be replaced with None specified).</p> <p>Implementation of revised thresholds for RD2Z requires further strategic work or a Council view on reduced thresholds.</p>
	<p>Standard exemptions apply for dwelling extension/alteration less than or equal to 100 m2. It is not unusual for dwellings in FZ areas to be substantial in size and, although assessment may be appropriate for extensions greater in size, there is scope for fast tracking the application process via VicSmart.</p>	No	<p>Inception meeting with Council identified that it does not wish to pursue VicSmart assessment pathways.</p>



Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
	<p>Outbuildings less than or equal to 100m² are exempt under the standard zone provisions. As with dwelling extensions, there may be scope to fast-track the assessment of such applications. In addition, where out buildings are for bona fide rural purposes that do not require assessment, it may be possible to create further conditional exemptions through the zone schedule.</p> <p>[Planning Schemes Review Report for both recommendations]</p>		
Clause 35.08 Rural Activity Zone	Review zone in context of current Rural Land Use Strategy, and the objectives of PEGZ (acknowledging that the RAZ is a key economic development zone) [Planning Schemes Review Report].	No	Further strategic work is required to implement this recommendation.
Public Land Zones			
Clause 36.01 Public Use Zone	Revise schedules to be consistent with Ministerial Direction on Form and Content.	Yes	
Clause 36.02 Public Park and Recreation Zone	Revise schedules to be consistent with Ministerial Direction on Form and Content	Yes	
Clause 36.03 Public Conservation and Resource Zone	Revise schedules to be consistent with Ministerial Direction on Form and Content.	Yes	



Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Special Purpose Zones			
Clause 37.01 Special Use Zone (general)	Review strategic documents that support application of the zone [Planning Schemes Review Report].	No	The recommendation is noted. The consultants have not been provided with any relevant background reports.
Clause 37.01 Special Use Zone – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Schedule updated to list a maximum of five objectives.</p> <p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p>
	Undertake full review, rationalisation and simplification of Walhalla controls. New controls (such as VPO) may be needed to replace content removed from the SUZ (noting that not all trees reference appear to be subject to the HO) [Planning Schemes Review Report].	Partially	<p>Further strategic work is required in order to support the full implementation of this recommendation. Some changes have been made above to achieve compliance with Ministerial Direction on Form and Content.</p> <p>Home based business has been identified as a Section 1 use in the schedule, to assist in streamlining minor applications.</p> <p>It should be noted that the VPO should be pursued as a priority, given that the header provision does not allow the SUZ to control vegetation removal.</p> <p>The ‘Sense of Place’ statement within the schedule also requires review. It does not confirm to the Ministerial Direction and should either be moved to local policy or as an incorporated document.</p>
	Consider replacing the SUZ1 with the TZ, combined with a suitable suite of Overlays, in accordance with <i>Applying the</i>	No	Further strategic work is required to support the implementation of this recommendation. This strategic work



Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
	<i>Special Use Zone Practice Note 3</i> [Planning Schemes Review Report].		<p>will need to appropriately identify the strategic direction for the SUZ area, the types of existing and encouraged land uses and the most appropriate zone to align with this strategic direction.</p> <p>While the Mesh report recommends that the TZ be adopted, it should be noted that the land use table within SUZ1 does not align with the suite of land uses contemplated in the TZ. For instance, SUZ1 specifies that 'mineral exploration' is a Section 1 use, while it is an innominate Section 2 use in the TZ. Moreover, 'search for stone' (stone exploration) is also Section 1, and stone extraction is a Section 2 use. In the TZ, stone exploration is an innominate Section 2 use and stone extraction is prohibited.</p> <p>Moreover, there is no strategic work that the consultants are aware of that would support the application of overlay controls to the land. This work is required to justify a change to the controls.</p>
Clause 37.01 Special Use Zone – Schedule 2	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p>
	Replace with appropriate zone, overlays and policy in accordance with <i>Applying the Special Use Zone Planning Practice Note 3</i> [Planning Schemes Review Report].	No	Further strategic work is required to support the implementation of this recommendation, this should include a review of the Tanjil Bren Planning Guidelines 1993 and consideration of the extreme bushfire risk





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 37.01 Special Use Zone – Schedule 3	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified.
Clause 37.01 Special Use Zone – Schedule 5	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified.
	Replace with appropriate zone, overlays and policy in accordance with <i>Applying the Special Use Zone Planning Practice Note 3</i> [Planning Schemes Review Report].	No	Further strategic work is required to support the implementation of this recommendation. This strategic work will need to appropriately identify the strategic direction for the SUZ area, the types of existing and encouraged land uses and the most appropriate zone to align with this strategic direction.
Clause 37.03 Urban Floodway Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
Clause 37.07 Urban Growth Zone – Schedules 1 and 2	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified.
	Review the UGZ in consultation with VPA for consistency with current best practice [Planning Schemes Review Report].	No	Further strategic work is required to prepare a revised schedule in collaboration with the VPA.





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Environment and Landscape Overlays			
Clause 42.01 Environmental Significance Overlay – Schedule 2	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Number of objectives has been revised to 1, consistent with the Ministerial Direction. Some objectives have been incorporated as decision guidelines.</p> <p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. The objective from this Schedule has been redrafted.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>The referral of applications clause has been deleted, as it is inconsistent with the Ministerial Direction.</p>
	Confusion between permit triggers, where there is language that refers to Melbourne Water catchments being treated differently to other catchments (for permit exemptions). There is a need to separate the schedules [Consultation].	Yes – but further mapping required	<p>New schedule created. The schedule is identical in content, with the exception of the delineation between permit exemptions.</p> <p>The mapping associated with this change requires work.</p>
Clause 42.01 Environmental Significance Overlay – Schedule 3	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Number of objectives has been revised to 1, consistent with the Ministerial Direction. Some objectives have been incorporated as decision guidelines.</p> <p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p>





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
	<p>ESO3 contains a large list of environmental weeds which do not require planning approval. This appears unnecessary if removal of environmental weeds is governed by separate legislation. The matter should be evaluated, and deleted as appropriate [Planning Schemes Review Report].</p>	No	<p>The referral of applications clause has been deleted, as it is inconsistent with the Ministerial Direction.</p> <p>The ESO under Clause 42.01-3 contains a table of exemptions which includes noxious weeds which have been declared under Section 58A of the Catchment and Land Protection Act. Therefore, the weed species identified with a * could technically be removed from the site as they are required to be removed under the ESO. However, the list of noxious weeds is not easily accessible and therefore it is recommended the list be retained.</p> <p>The list of weeds should also be contained in the Schedule to Clause 52.17.</p>
<p>Clause 42.01 Environmental Significance Overlay – Schedule 4</p>	<p>Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].</p>	Yes	<p>Number of objectives has been revised to 1, consistent with the Ministerial Direction. Some objectives have been incorporated as decision guidelines.</p> <p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>The referral of applications clause has been deleted, as it is inconsistent with the Ministerial Direction.</p>
	<p>Evaluate how the referral arrangement is functioning. Verify whether DELWP receives appropriate materials and feels confident in assessment [Planning Schemes Review Report].</p>	No	<p>No change is required to the schedule.</p>





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 42.02 Vegetation Protection Overlay (general)	Council is likely to have several areas with significant vegetation. The VPO extent should be reviewed on a Shire wide basis [Planning Schemes Review Report].	No	Further strategic is required to implement the recommendation.
Clause 42.02 Vegetation Protection Overlay – Schedule 1	VPO1 has only 2 objectives and no permit requirements or Decision Guidelines – review efficacy/need [Planning Schemes Review Report].	No	<p>VPO1 applies to a 7.6 ha parcel of land that is within the RLZ5 in Rokeby.</p> <p>The Overlay is a translation from a control in place prior to the commencement of the Baw Baw Planning Scheme. The schedule has two objectives, which are:</p> <ul style="list-style-type: none"> - <i>To ensure that any buildings or works are sited and designed having regard to the value of remnant vegetation.</i> - <i>To avoid indiscriminate loss of remnant vegetation.</i> <p>The schedule does not exempt any vegetation from removal.</p> <p>The first objective is not effective , given that the VPO does not trigger a permit for buildings and works.</p> <p>Under the provisions of Clause 52.17, a planning permit is required to remove native vegetation on the site. Given the second objective of the schedule and the lack of other content within this provision, there is opportunity to rationalise the control and rely on the provisions of Clause 52.17 to consider the loss of native vegetation.</p>





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 42.03 Significant Landscape Overlay – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Number of objectives has been revised to 5, consistent with the Ministerial Direction. Some objectives have been incorporated as decision guidelines. Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified. The referral of applications clause has been deleted, as it is inconsistent with the Ministerial Direction.
	There is potential to improve relationship between objectives and Decision Guidelines and identify whether new objectives or Decision Guidelines are needed [Planning Schemes Review Report].	Yes	Refer to the above recommendation and justification.
Clause 42.03 Significant Landscape Overlay – Schedule 3	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	The referral of applications clause has been deleted, as it is inconsistent with the Ministerial Direction.
	Decision Guidelines require environmental and visual assessment. Ensure internal planners have expertise for assessment and interpretation or are able to rely solely on DELWP [Planning Schemes Review Report].	No	No change required to schedule.
Heritage and Built Form Overlays			
	Implement HO gap studies	No	Further strategic work is required to implement this recommendation.





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 43.01 Heritage Overlay	Make use of new HO Schedules when available as a means of reducing LPPF content regarding heritage	No	Requires further review.
Clause 43.02 Design and Development Overlay – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Design objectives have been reduced to 5.</p> <p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>Background documents have been deleted, as this is inconsistent with the Ministerial Direction. The background documents should be placed in the schedule to Clause 72.08.</p>
Clause 43.02 Design and Development Overlay – Schedule 2	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Design objectives have been reduced to 5.</p> <p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>Background documents have been deleted, as this is inconsistent with the Ministerial Direction. The background documents should be placed in the schedule to Clause 72.08.</p>
Clause 43.02 Design and Development	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Overlay – Schedule 4			Permit triggers and exemptions have been clarified.
Clause 43.02 Design and Development Overlay – Schedule 5	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Design objectives have been reduced to 5.</p> <p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>Background documents have been deleted, as this is inconsistent with the Ministerial Direction. The background documents should be placed in the schedule to Clause 72.08.</p>
Clause 43.02 Design and Development Overlay – Schedule 6	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p>
Clause 43.02 Design and Development Overlay – Schedule 7	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>Background documents have been deleted, as this is inconsistent with the Ministerial Direction. The background documents should be placed in the schedule to Clause 72.08.</p>





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 43.02 Design and Development Overlay – Schedule 8	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified. The referral requirement has been deleted, as this is inconsistent with the Ministerial Direction.
Clause 43.02 Design and Development Overlay – Schedule 9	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified. The referral requirement has been deleted, as this is inconsistent with the Ministerial Direction.
Clause 43.04 Development Plan Overlay – Schedules 3, 4 and 7	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified. The referral requirement has been deleted, as this is inconsistent with the Ministerial Direction.
	Consider Council-led preparation of Development Plans in areas where plans have not yet been prepared as a means of facilitating development (particularly in industrial/employment areas) [Planning Schemes Review Report].	No	No change is required to the schedules.
Land Management Overlays			





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 44.01 Erosion Management Overlay	Implement the recommendations of the Baw Baw EMO review by Golder Associates (2018) [Planning Schemes Review Report].	No	The consultants have been advised that this work is being undertaken as part of a further sub-project.
Clause 44.02 Salinity Management Overlay	Undertake review to consider what use of SMO is required to manage salinity issues [Planning Schemes Review Report].	No	Further strategic work is required to implement this recommendation.
Clause 44.03, 44.04, and 44.05 Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay (general)	Continue liaison with the Catchment Management Authority and implement mapping and FO, LSIO and SBO schedule refinements based on latest information, at time this becomes available, and in accordance with the urgency identified by the CMA [Planning Schemes Review Report].	No	Note the recommendation and adopt practice.
	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.
Clause 44.06 Bushfire Management Overlay – Schedules 1 and 2	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Consider preparation of new schedules to facilitate applications in areas where BAL12.5 or BAL-29 conditions can be expected [Planning Schemes Review Report]. .	No	Further strategic work and liaison with the Country Fire Authority is required to implement this recommendation.
Other Overlays			





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 45.01 Public Acquisition Overlays	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Verify whether there are any redundant PAOs [Planning Schemes Review Report].	No	Consultation with Council identified that PAO1 and PAO3 are both still required.
Clause 45.03 Environmental Audit Overlay	Consider if EAO coverage needs to be expanded or removed [Planning Schemes Review Report]	No	Out of scope. Council should continue to liaise with the Environment Protection Authority and other stakeholders, as necessary.
Clause 45.05 Restructure Overlay	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
Clause 45.06 Development Contributions Plan Overlay – Schedules 1, 2 and 3	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Monitor regional ICP implementation, which has been under consideration by the State. There may be scope to replace DPO and/or DCPO contribution requirements. This may, however, be complicated for areas which have been under development and contributions have been received [Planning Schemes Review Report].	No	Further monitoring and strategic work is required to implement this recommendation.
Clause 45.09 Parking Overlay – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.







4. Findings of the Review – Latrobe Planning Scheme

The following table provides a summary of the findings of this review. It outlines recommendations for changes to the Latrobe Planning Scheme that have been reviewed by the consultants and nominates whether the schedule has been changed and the justification (both strategic and practical) for why changes have or have not occurred.

It is acknowledged that Council has progressed a significant amount of strategic work, most notably through Amendment C105, which seeks to implement a range of housing, rural and economic development strategies. To this extent, many of the recommendations that are canvassed as part of the Latrobe Valley Planning Schemes Review will be more appropriate to defer to the outcomes of those processes.

The findings of this review outlined in this report and the table should be read in conjunction with the track changes version of controls that are attached at **Appendix B** to this report.

Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Residential Zones			
Clause 32.03 Low Density Residential Zone (LDRZ1)	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	COMMENT: There is an opportunity to include permit exemption for outbuildings. Some councils have exemptions for outbuildings less than 100sqm or similar. Is this worth pursuing?	No – requires further consideration	Further consideration and potential justification in the form of a review of planning permit applications for outbuildings in the Low Density Residential Zone, in the context of the Urban Design Guidelines, a landscape assessment and a desktop assessment of the Low Density Residential Zone.
	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 32.04 Mixed Use Zone (MUZ1)	Inclusion of Objectives at Clause 1.0 of the Schedule [Planning Schemes Review Report].	No	The inclusion of objectives requires further strategic work. There is no suitable content within the LPPF that can be translated. The Housing Strategy that underpinned the strategic justification for Amendment C105 does contain design and neighbourhood character objectives for other zones, but no overt reference to MUZ.
Clause 32.05 Township Zone (TZ1)	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Inclusion of Neighbourhood character objectives at Clause 1.0 [Planning Schemes Review Report].	Yes	Objectives have been included from the LPPF and content within the Small Towns Structure Plans.
Clause 32.07 Residential Growth Zone – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
Clause 32.07 Residential Growth Zone – Schedule 2	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	RGZ2 incorrectly specifies a maximum building height of 9 metres. The Ministerial Direction mandates that the maximum height be at least 13.5 metres. Correct schedule anomalies that conflict with Ministerial Direction as part of Amendment C105 [Planning Schemes Review Report].	Yes	The schedule has been amended to specify a maximum height of 13.5 metres, in accordance with the Ministerial Direction.





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 32.08 General Residential Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Decision guidelines amended for consistency.
Clause 32.09 Neighbourhood Residential Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Decision guidelines amended for consistency.
	Review NRZ1 to remove replication of overlay controls.	No	Ongoing implementation as part of Amendment C105.
Industrial Zones			
Clause 33.01 Industrial 1 Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Review strategic work having regard to PEGZ objectives and Urban Enterprises report [Planning Schemes Review Report].	No	Further strategic work is required to implement this recommendation.
	Further work recommendations deferred to Live, Work Latrobe, the Morwell-Traralgon Employment Corridor Masterplan, the planning for the Monash Way industrial area and the further policy analysis as part of Project 2.	No	Implementation as part of Amendment C105 or further strategic work.
Clause 33.02 Industrial 2 Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Review strategic work having regard to PEGZ objectives and Urban Enterprises report [Planning Schemes Review Report].	No	Further strategic work is required to implement this recommendation.





Provision / Schedule	Recommendation for Change	Has the Schedule been changed?	Justification
Clause 33.03 Industrial 3 Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Review strategic work having regard to PEGZ objectives and Urban Enterprises report [Planning Schemes Review Report].	No	Further strategic work is required to implement this recommendation.





Commercial Zones			
Clause 34.01 Commercial 1 Zone	Review schedule use in discussion with VPA. Current UGZ schedules specify floor space caps rather than using the schedules of applied zones [Planning Schemes Review Report].	No.	Out of scope. Further strategic work is required to consider the need to retain floor space caps.
	C1Z schedule specifies maximum leasable floor areas for three areas identified in PSPs. It would be best practice to identify this land by parcel given the land listed applies to only one or two parcels listed in the PSP [Planning Schemes Review Report].	No.	Out of scope. Further strategic work is required to implement this recommendation.
	Strategically review use of the zone in context of PEGZ Economic Development Objectives (based on Urban Enterprises work [Planning Schemes Review Report].	No	Out of scope. The implementation of this recommendation requires completion of Urban Enterprises and other work.
Clause 34.02 Commercial 2 Zone	Strategically review use of the zone in context of PEGZ Economic Development Objectives (based on Urban Enterprises work [Planning Schemes Review Report].	No	Out of scope. The implementation of this recommendation requires completion of Urban Enterprises and other work.
Clause 34.03 Commercial 3 Zone	Strategically review potential use of zone. May be an appropriate zone to attract innovative 'enterprise' style development in key locations [Planning Schemes Review Report].	No	Out of scope. The implementation of this recommendation requires completion of Urban Enterprises and other work.
Rural Zones			
Clause 35.03 Rural Living Zone (all schedules)	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.





	No further recommendations. C105 implements a range of changes based on Live, Work Latrobe.	No	No change required.
Clause 35.06 Rural Conservation Zone – Schedule 1	Live, Work Latrobe included a Rural Land Use Review. This project defers to the recommendations of that project in relation to rural zones application [Planning Schemes Review Report].	No	Implementation as part of Amendment C105 or further strategic work.
	Review whether LPPF content could be rationalised via updates to zone schedule content [Planning Schemes Review Report].	No	Implementation as part of Amendment C105 or further strategic work.
Clause 35.07 Farming Zone	Earthworks – permit requirements are currently applicable to all land. This is problematic for interpretation and planning compliance. Consider nominating an appropriate threshold and revising the Scheduled requirements [Planning Schemes Review Report].	Yes	Schedules have been altered to specify all land if the earthworks exceed 1 metre in height or depth.
	For RD1Z land, the standard setback under the FZ is 50 metres (unless varied by a Schedule). A permit is not triggered if a building is located further than this distance. This trigger is increased in all 3 schemes to 100 metres, triggering additional planning permits for buildings within proximity of the RD1Z. Planners have reported that VicRoads routinely approves buildings without any concerns, and this increased threshold adds no value. Thresholds for RDZ2 and other roads can also be reconsidered [Planning Schemes Review Report].	Partially, further implementation to be determined.	Schedules have been amended to reduce threshold for RD1Z to 50 metres (and this can be replaced with None specified). Implementation of revised thresholds for RD2Z requires further strategic work or a Council view on reduced thresholds.
	Standard exemptions apply for dwelling extension/alteration less than or equal to 100 m2. It is not unusual for dwellings in FZ areas to be substantial in size and, although assessment may be appropriate for extensions greater in size, there is scope for fast tracking the application process via VicSmart. Outbuildings less than or equal to 100m2 are exempt under the standard zone provisions. As with dwelling extensions, there	To be determined.	The consultants can draft these as VicSmart provisions if Council requests.





	<p>may be scope to fast-track the assessment of such applications. In addition, where out buildings are for bona fide rural purposes that do not require assessment, it may be possible to create further conditional exemptions through the zone schedule.</p> <p>[Planning Schemes Review Report for both recommendations]</p>		
Clause 35.08 Rural Activity Zone	<p>Investigate RAZ demand and potential locations, as per the recommendations of the Live, Work Latrobe Rural Strategy, and the objectives of PEGZ (acknowledging that the RAZ is a key economic development zone) [Planning Schemes Review Report].</p>	No	<p>Further strategic work is required to implement this recommendation.</p> <p>Review rural land in accordance with the criteria established under the Rural Land Use Strategy for opportunities to apply the Rural Activity Zone.</p>
Public Land Zones – no recommendations arising from review			
Clause 36.01 Public Use Zone	<p>Revise schedules to be consistent with Ministerial Direction on Form and Content.</p>	Yes	
Clause 36.02 Public Park and Recreation Zone	<p>Revise schedules to be consistent with Ministerial Direction on Form and Content</p>	Yes	
Clause 36.03 Public Conservation and Resource Zone	<p>Revise schedules to be consistent with Ministerial Direction on Form and Content.</p>	Yes	
Special Purpose Zones			





Clause 37.01 Special Use Zone (general)	Review strategic documents that support application of the zone [Planning Schemes Review Report].	No	The recommendation is noted. The consultants have not been provided with any relevant background reports.
Clause 37.01 Special Use Zone – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Schedule updated to list a maximum of five objectives. Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified.
	Liaise with DEDJTR to review full suite of coal-related provisions, rationalise and sharpen the suite of provisions as a whole [Planning Schemes Review Report].	No	Further review is required.
Clause 37.01 Special Use Zone – Schedule 2	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified.
	Replace with appropriate zone, overlays and policy in accordance with <i>Applying the Special Use Zone Planning Practice Note 3</i> [Planning Schemes Review Report].	No	Agree with the recommendation to replace the Special Use Zone with appropriate zone, overlays and policy. Further strategic work will be required to determine if the urban design elements need protection. Council is currently preparing a planning scheme amendment to introduce the recommendations of the Morwell Traralgon Employment Corridor report, which includes some rezoning and proposed changes to the Special Use Zone.
Clause 37.01 Special Use Zone – Schedule 3	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified.





	Replace with appropriate zone, overlays and policy in accordance with <i>Applying the Special Use Zone Planning Practice Note 3</i> [Planning Schemes Review Report].	No	Recommend that the site be retained in the Special Use Zone because of the complex land uses on the site. Council is proposing to address this as part of Amendment C101, which considers a range of recommendations arising out of the 2014 Planning Scheme Review. It is not proposed to change the zone, but to make a range of changes to the schedule, as recommended by the Planning Scheme Review.
Clause 37.01 Special Use Zone – Schedule 4	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	This Schedule is proposed to be removed as part of Amendment C105.
	Replace with appropriate zone, overlays and policy in accordance with <i>Applying the Special Use Zone Planning Practice Note 3</i> [Planning Schemes Review Report].	No	.
Clause 37.01 Special Use Zone – Schedules 6	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified.
	Undertake a strategic review of the Table of Uses, including the conditions which need to be specified in the tables [Planning Schemes Review Report].	Partially	Some changes made to land use tables. Further work is required.
Clause 37.01 Special Use Zone – Schedule 7	Council requested review of the draft Schedule, which is being reviewed as part of Amendment C92.		The Latrobe Planning Scheme Review identified the need to review this Schedule in relation to requirements for a planning permit for use and development proposed under the Masterplan. Amendment C92 proposes to implement the recommendations of the adopted Latrobe Regional Airport Master Plan 2015. As part of this amendment the schedule proposes to include a permit exemption to use the land and for buildings and works for an airport or heliport, which is in





			<p>the opinion of the responsible authority are consistent with the Latrobe Regional Airport Master Plan (2015). However, it appears the Master Plan does not identify form of the future use and development of the Airport.</p> <p>It is noted that the Master Plan is reviewed every five years and it is recommended the next Master Plan review the form of future use and development of the Airport and the level of planning controls that is feels is necessary to achieve its strategic aims,</p>
Clause 37.03 Urban Flood Zone	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
Clause 37.07 Urban Growth Zone – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>The signage requirements do not conform with the Ministerial Direction and must be deleted.</p>
	Review the UGZ in consultation with VPA for consistency with current best practice [Planning Schemes Review Report].	To be determined	Further strategic work is required to prepare a revised schedule in collaboration with the VPA.
Environment and Landscape Overlays			
Clause 42.01 Environmental Significance Overlay – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	<p>The number of objectives has been reduced to 1, consistent with the Ministerial Direction. Some objectives have been incorporated as decision guidelines.</p> <p>Various changes made to headings and clauses to achieve compliance with the Ministerial Direction on Form and Content.</p>





			<p>Permit triggers and exemptions have been clarified.</p> <p>The referral of applications clause has been deleted, as it is inconsistent with the Ministerial Direction.</p>
	<p>Ensure the 2016 geotechnical report is appropriately considered. DEDJTR have stated that the proposed Traralgon Bypass route has been rendered unworkable due to its proximity to an unstable mining cut. Ensure relevant matters are fully encapsulated within the Overlay. Align with DEDJTR review of coal related provisions, currently under way [Planning Schemes Review Report].</p>	No	<p>DEDJTR is undertaking a review of this provision and a review of this provision is outside the scope of this review</p>
<p>Clause 42.01 Environmental Significance Overlay – Schedule 2</p>	<p>Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].</p>	Yes	<p>The number of objectives has been reduced to 1, consistent with the Ministerial Direction. Some objectives have been incorporated as decision guidelines.</p> <p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>The referral of applications clause has been deleted, as it is inconsistent with the Ministerial Direction.</p>
<p>Clause 42.01 Environmental Significance Overlay – Schedule 3</p>	<p>Any change out of scope.</p>	No	<p>Council advised that a review of this control is out of scope.</p>
<p>Clause 42.02 Vegetation Protection Overlay (no</p>	<p>Council is likely to have several areas with significant vegetation. The VPO extent should be reviewed on a Shire wide basis [Planning Schemes Review Report].</p>	No	<p>Further strategic is required to implement the recommendation. It is recommended Council prioritise the review identifying large patches or vegetation and vegetation along watercourses.</p>





schedule currently)			
Clause 42.03 Significant Landscape Overlay (no schedule currently)	Council does not utilise the SLO, although it is highly likely that the Overlay is appropriate in Latrobe City. Evaluate need.	No	Further strategic is required to implement the recommendation. It is recommended Council prioritise identifying and reviewing prominent ridgelines, hill tops and visually exposed sites.
Heritage and Built Form Overlays			
Clause 43.01 Heritage Overlay	Implement HO gap studies	No	Further strategic work is required to implement this recommendation.
Clause 43.02 Design and Development Overlay – Schedule 1	Implement the recommendations of DDO1 review – potentially replace the DDO with ESO [Planning Schemes Review Report].	Partially	Latrobe City Council has agreed to be part of a pilot project, which will likely result in changes to the regulatory environment for Gas Pipelines. The project is not scheduled to commence until May. The consultants have prepared a draft ESO (ESO4) which could potentially replace the DDO.
Clause 43.02 Design and Development Overlay – Schedule 2	The DDO is based on the design requirements of the Latrobe City Council offices which have since been built and therefore the DDO can now be removed as it does not apply to any other site within the activity centre [Review of Design and Development Overlays Applied Within Commercial and Industrial Zones].	Yes	Schedule can be deleted.
Clause 43.02 Design and Development	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.





Overlay – Schedule 3			<p>Permit triggers and exemptions have been clarified.</p> <p>Reference to the planning scheme map numbers has been removed. It is recommended that VicRoads is consulted as part of the exhibition process of the PEGZ project.</p>
Clause 43.02 Design and Development Overlay – Schedule 4	<p>Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].</p>	<p>Yes</p>	<p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>The signage requirements are inconsistent with the Ministerial Direction and should be altered or deleted. See track changes in schedule for detail.</p>
	<p>Front setback requirements should be reduced to 13 metres to allow for both car parking and a 13 metre landscape bed [Design and Development Overlays Applied Within Commercial and Industrial Zones].</p>	<p>Yes</p>	<p>The proposed change is justified and the schedule can be changed.</p>
	<p>The requirement of a mandatory 60% building floor area coverage should be deleted as it does not result in improved design and limits developable land, limiting scope for investment [Design and Development Overlays Applied Within Commercial and Industrial Zones].</p>	<p>Yes</p>	<p>The proposed change is justified and the schedule can be changed.</p>
Clause 43.02 Design and Development Overlay – Schedule 5	<p>Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].</p>	<p>Yes</p>	<p>Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.</p> <p>The name of the DDO has been revised in accordance with the recommendations from DELWP.</p> <p>Permit triggers and exemptions have been clarified.</p> <p>Referral requirement has been deleted from the schedule, as this does not comply with the Ministerial Direction.</p>





Clause 43.02 Design and Development Overlay – Schedule 6	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified. Referral requirement has been deleted from the schedule, as this does not comply with the Ministerial Direction.
Clause 43.02 Design and Development Overlay – Schedule 7	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified. Referral requirement has been deleted from the schedule, as this does not comply with the Ministerial Direction.
Clause 43.02 Design and Development Overlay – Schedule 8	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified. Referral requirement has been deleted from the schedule, as this does not comply with the Ministerial Direction.
Clause 43.02 Design and Development Overlay – Schedule 9	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Permit triggers and exemptions have been clarified. The signage requirements are inconsistent with the Ministerial Direction and should be altered or deleted. See track changes in schedule for detail.





	Landscaping setbacks should be reduced to 4 metres [Design and Development Overlays in Commercial and Industrial Areas]	Yes	The change is strategically justified and the schedule has been amended accordingly.
Clause 43.04 Development Plan Overlay – general	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content. Objectives have been developed based on the Development Plan for DPO1. Permit triggers and exemptions have been clarified. Decision guidelines moved to objectives, as the Ministerial Direction does not allow decision guidelines.
	Consider Council-led preparation of Development Plans in areas where plans have not yet been prepared as a means of facilitating development (particularly in industrial/employment areas) [Planning Schemes Review Report].	No	No change is required to the schedules.
Clause 43.04 Development Plan Overlay – Schedules 1, 6, 7	It is noted that these DPOs improperly require the land owner to enter into a Section 173 agreement (planning provisions cannot compel a voluntary agreement). While this is not a recommended approach going forward, it is not a recommendation of this project to remove reference to Section 173 agreements, as it is accepted in the local industry as the way in which infrastructure costs are shared.	Yes	The timing for a requirement for a Section 173 Agreement has been changed to be 'prior to the commencement of any development on the site'.
Land Management Overlays			
Clause 44.01 Erosion Management Overlay	Consider partnering with Baw Baw to undertake combined work on EMO implementation as per the further work recommendations of the 2018 Golder Report [Planning Schemes Review Report].	No	Further strategic work is required to evaluate the need for the Erosion Management Overlay including identification of land that maybe prone to erosion, landslip or land degradation.





Clause 44.02 Salinity Management Overlay	Undertake review to consider whet use of SMO is required to manage salinity issues [Planning Schemes Review Report].	No	Further strategic work is required to evaluate the need for the Salinity Management Overlay including discussions with the Catchment Management Authority, identification and assessment of any sites subject to salinity and the need for further work.
Clause 44.03, 44.04, and 44.05 Floodway Overlay, Land Subject to Inundation Overlay,	Continue liaison with the Catchment Management Authority and implement mapping and FO, LSIO and SBO schedule refinements based on latest information, at time this becomes available, and in accordance with the urgency identified by the CMA [Planning Schemes Review Report].	No	Note the recommendation and adopt practice.
	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	Various changes made to headings and clauses to achieve compliance with text from the Ministerial Direction on Form and Content.
Clause 44.06 Bushfire Management Overlay – Schedule 1	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Consider preparation of new schedules to facilitate applications in areas where BAL12.5 or BAL-29 conditions can be expected [Planning Schemes Review Report]. .	No	Further strategic work and liaison with the Country Fire Authority is required to implement this recommendation.
Clause 44.07 State Resources Overlay	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	The schedule has been updated to ensure compliance with the Ministerial Direction.
	Implement changes in accordance with DEDJTR review of provisions for coal resources	No	This review is occurring under separate processes.
	Advocate to DELWP / Smart Planning to improve Overlay functionality. The current Overlay relies on the underlying Zone to trigger permit applications.	No	Note the suggestion and continue advocacy.
Other Overlays			





Clause 45.01 Public Acquisition Overlays	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Verify whether there are any redundant PAOs [Planning Schemes Review Report].	No	Consultation with Council identified that PAO1 and PAO2 are both still required.
Clause 45.02 Airport Environs Overlay	Consult with airport operators to ensure the overlay is functioning as needed (noting also the reliance on DDO provisions in combination with the EAO). Advocate to the Smart Planning team to improve the functionality of the AEO, noting that permit triggers are absent (which requires use of DDO in combination with AEO).	Yes	The schedule has been updated to ensure compliance with the Ministerial Direction
Clause 45.03 Environmental Audit Overlay	Consider if EAO coverage needs to be expanded or removed [Planning Schemes Review Report]	No	The schedule has been updated to ensure compliance with the Ministerial Direction. Further review is out of scope. Council should continue to liaise with the Environment Protection Authority and other stakeholders, as necessary.
Clause 45.04 Road Closure Overlay	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Consider review any areas which no longer require the Overlay [Planning Schemes Review Report].	No	Consultation at inception identified that Council does not consider it is appropriate to rationalise the control.
Clause 45.06 Development Contributions Plan Overlay – Schedule 2	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes, by prior processes	The schedule provided to the consultants is compliant with the Ministerial Direction.
	Monitor regional ICP implementation, which has been under consideration by the State. There may be scope to replace DPO and/or DCPO contribution requirements. This may, however, be complicated for areas which have been under development and contributions have been received [Planning Schemes Review Report].	No	Further monitoring and strategic work is required to implement this recommendation.





Clause 45.09 Parking Overlay – Schedule 1	Consider whether a PO should be used for Moe (similar to the existing POs for the Morwell Activity Centre) [Planning Schemes Review Report].	No	Further strategic work is required to implement this recommendation.
	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	The schedule has been updated to ensure compliance with the Ministerial Direction.
Clause 45.09 Parking Overlay – Schedule 2	Consider whether a PO should be used for Moe (similar to the existing POs for the Morwell Activity Centre) [Planning Schemes Review Report].	No	Further strategic work is required to implement this recommendation.
	Compliance with Ministerial Direction on Form and Content [Planning Schemes Review Report].	Yes	The schedule has been updated to ensure compliance with the Ministerial Direction.



