Planning and Environment Act 1987

Panel Report

South Gippsland Planning Scheme

Amendment C76

Southern Leongatha Outline Development Plan

10 January 2013

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Amendment C76 to the South Gippsland Planning Scheme

Southern Leongatha Outline Development Plan

Henry Turnbull, Chairman

Jodi Kennedy, Member

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Amendment Summary

The Amendment	Amendment C76 to the South Gippsland Planning Scheme
Purpose of Amendment	The amendment: • Implements into the Municipal Strategic Statement section of the South Gippsland Planning Scheme new provisions at Clause 21.04-4 'Leongatha' titled 'Southern Leongatha Growth Area'. • Update the 'Leongatha Framework Plan' map to improve its readability having regard to the issues identified in the new provisions. • Amend the 'Leongatha Town Centre Framework Plan' map to remove reference to the 'Direct heavy vehicle link' on Turner Street. The purpose of the Amendment is to guide the use and development of land for residential and commercial development over the next 20 years and beyond. The Amendment applies to land south of the established Residential 1 Zone of the township, north of Boags Road and Simons Lane, east of the Rail Trail and west of Coalition Creek.
The Proponent	South Gippsland Shire Council
Planning Authority	South Gippsland Shire Council
Exhibition	Public notice was placed in the Government Gazette on 17 May 2012, and was exhibited for one month, concluding on 18 June 2012. Notice was sent to owners/occupiers within and immediately adjoining the area identified in the Outline Development Plan. Notice was also placed in the two local newspapers.
The Panel	Henry Turnbull, Chairman Jodi Kennedy, Member
Panel hearings	A Directions Hearing was held on Friday 19 October 2012 The Hearing was held on Thursday 29 November 2012.
Site inspections	An unaccompanied site inspection was undertaken on the 29 November 2012
Date of this report	10 January 2013
Appearances	Mr Ken Griffiths, South Gippsland Shire Council Mr Neil Breeden, Woorayl Lodge Inc. Mr Gary Chisholm of Beveridge Williams, representing Larapinta 9386 Pty Ltd. Mr Lindsay Love

Submissions	Janice Pell, South Gippsland Water John Brennan, Department Sustainability and Environment Gary Williams Garry Kay, EPA Victoria Neil Breeden, Woorayl Lodge Inc Gary Chisholm of Beveridge Williams, representing Larapinta 9386 Pty Ltd Lindsay Love

1 Introduction

The South Gippsland Shire Council, as Planning Authority, prepared amendment C76 to the South Gippsland Planning Scheme. As exhibited, the amendment proposes to:

- Implement into the Municipal Strategic Statement section of the South Gippsland Planning Scheme new provisions at Clause 21.04-4 'Leongatha' titled 'Southern Leongatha Growth Area';
- Update the 'Leongatha Framework Plan' map to improve its readability having regard to the issues identified in the new provisions; and
- Amend the 'Leongatha Town Centre Framework Plan' map to remove reference to the 'Direct heavy vehicle link' on Turner Street.

The amendment applies to an area of 203 Ha located on the southern boundary of Leongatha. The land is bounded by the established Residential 1 Zone of the township, north of Boags Road and Simons Lane, east of the Rail Trail and west of Coalition Creek as detailed in Figure 1 below.

Figure 1 Southern Leongatha Outline Development Plan Area

The South Gippsland Highway divides the Southern Leongatha Outline Development Plan (SLODP) area, with approximately 84 hectares located on the western side of the Highway and 119 hectares on the eastern side.

The Amendment was authorised by the Department of Planning and Community Development (DPCD) on 23 February 2012 and placed on public exhibition between 17 May 2012 and 18 June 2012, with four opposing submissions received:

- Larapinta 9386 P/L – generally supportive of the Amendment, however has concerns regarding 'Highway Frontage Commercial Area'. In particular their concerns relate to the suitable zoning for such a purpose. In addition the submission is concerned with reference to 'pedestrian connectivity – separated to roads' as stated in Attachment 2 to the Outline Development Plan;
- Mr Lindsay Love – concern that the SLODP does not provide sufficient information regarding road design, cost of proposed development (including the lack of a developer contributions plan), and lack of clarity and ability to implement its intent for the proposed commercial areas; generally supportive;
- Woorayl Lodge Inc. – generally supportive of the Amendment, however would like to see it changed to identify their site on the SLODP as being 'future aged care facility'; and
- Mr Gary Williams – suggests that the area identified for rural living suffers from flooding and therefore would be better to rezone land along Racecourse Road for Rural Living purposes.

At its meeting of 22 August 2012, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider Amendment C76 to the South Gippsland Planning Scheme was appointed, under delegation from the Minister for Planning, on 4 October 2012 and comprised Henry Turnbull (Chairman), and Jodi Kennedy.

A Directions Hearing was held at Leongatha in relation to the Amendment on 19 October 2012.

The Panel Hearing was held in the Memorial Hall complex on 29 November 2012 to hear submissions in respect of Amendment C76 (the Amendment). Following the Panel Hearing, the Panel undertook an unaccompanied inspection of the subject site and its surrounds.

Those in attendance at the Panel hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
South Gippsland Shire Council	Mr Ken Griffiths, Strategic Planning Officer
Woorayl Lodge Inc.	Mr Neil Breeden
Larapinta 9386 P/L	Mr Gary Chisholm of Beveridge Williams
Lindsay Love	

In reaching its conclusions and recommendations, the Panel has read and considered all the submissions and a range of other material referred to it. This includes written submissions, and verbal presentations. The following chapters of this report discuss the issues raised in submissions relating to the Amendment in further detail, with the Panel's conclusions and recommendations provided in Chapter 4.

2 Background

2.1 Planning Context

(i) State Planning Policy Framework (SPPF)

Council submitted that Amendment C76 is supported by the objectives of the SPPF. Council provided a detailed analysis of the SPPF with the most relevant clauses reproduced below.

Clause 11 – Settlement

The Amendment responds to *Clause 11 Settlement* by providing for sufficient land zoned and serviced (15 years) for residential, commercial, retail, industrial, recreational, institutional and other community uses. The proposed Amendment identifies areas that would be suitable to be rezoned for residential and commercial uses to provide sufficient land supply within Leongatha.

Consistent with Clause 11.02-3 Structure Planning, Amendment C76 provides *'effective planning and management of land use and development'* through the incorporation of the Southern Leongatha Outline Development Plan into the South Gippsland Planning Scheme.

The objective of Clause 11.05-4 – Regional planning strategies and principles, is '*to develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable'*. The Southern Leongatha Outline Development Plan provides the basis for further work that is looking to strengthen, develop and support the residential and highway (bulky goods) development for Leongatha.

Clause 16 Housing

Amendment C76 responds to this clause by encouraging a range of lot sizes, provision of infrastructure and open space, all connected through safe road and pedestrian networks within the identified area.

Clause 17 Economic Development

The intent of Amendment C76 meets the objectives of the Clause. The key objective of this clause relevant to this Amendment is:

> *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Amendment C76 promotes and encourages commercial development, in the form of bulky goods retailing to locate on the western side of the South Gippsland Highway, and 'highway frontage commercial area' to locate on the eastern side of the highway. The uses proposed in these locations are not competing with the Town Centre of Leongatha, but contributing to the overall offering of retail and commercial uses within the township.

Clause 18 Transport

Amendment C76 responds to this clause by promoting cycle and pedestrian friendly subdivision design and ensuring new development provides for transport connectivity to the existing Town Centre. The Amendment provisions identify the benefit in minimising the number of new intersections along the South Gippsland Highway and the long term potential for the Highway to be duplicated as far south as Simons Lane.

Clause 19 Infrastructure

The Amendment has taken into consideration the need to plan for Leongatha's growth to ensure that both social and physical infrastructure have been planned *'in a way that is efficient, equitable, accessible and timely.'*

(ii) Local Planning Policy Framework (LPPF)

Council submitted that Amendment C76 provides the opportunity to provide greater strategic direction within the LPPF for the future development of Leongatha. The Panel considers Amendment C76 is consistent with the objectives of the LPPF.

The most relevant clauses from Council's submission are set out below.

Clause 21.03 Vision

The Southern Leongatha Outline Development Plan is consistent with the vision statements below:

- *Encourage investment and development to facilitate population growth and employment.*
- *Capitalise on the Shire's proximity to Melbourne.*

Amendment C76 introduces the Southern Leongatha Outline Development Plan that identifies new residential and commercial opportunities and recognises that proximity to Melbourne is likely to see increasing growth pressures in the Shire's western areas, creating a demand for zoned residential land.

Further the Amendment updates the Leongatha element of the LPPF to provide greater strategic direction to plan for the future development of the Southern Leongatha Growth Area.

Clause 21.04-2 Economy

Element 7 of this clause has the following objectives that are relevant, in particular to Amendment C76:

- *To encourage businesses which generate employment opportunities and provide goods and services to meet the needs of the community.*
- *To strengthen existing town centres by encouraging commercial development within identified precincts.*
- *To support commercial development that enhances the amenity of the town, and is safe and functional in its layout.*

The amendment promotes commercial development on the South Gippsland Highway frontage but retail uses that typically locate in the Town Centre are strongly discouraged in the Growth Area of Southern Leongatha.

Clause 21.04-3 Settlement

The Amendment seeks to address the following objectives of this clause through the identification of new residential areas within Southern Leongatha as well as addressing housing diversity through the ODP:

- *To encourage diversity in housing types to meet the changing needs of the population.*
- *To promote new housing that provides for the retention and development of sustainable communities throughout the Shire.*
- *To encourage consolidated residential development adjacent to central activity districts of towns to achieve a more efficient use of urban infrastructure.*

(iii) Other Strategic Issues

Reforms to Planning Zones

At the time of the Amendment, the Minister for Planning had announced a review of Victoria's planning zones.

Of particular relevance to the parties involved in Amendment C76 was the proposal to include:

> *New and more flexible Commercial 1 and Commercial 2 Zones replacing five existing Business zones.*

As the zones were subject to review, there was concern expressed as to the possible uses which would be allowed if current Business Zones were adopted but then amended.

It was common ground that the commercial uses in the SLODP area should not impact on the primacy of the Town Centre and its economic viability. However, the Panel believes that since the Amendment does not rezone any land, the appropriate zone(s) will be subject to further assessment and can take into account any changes to the planning scheme zones as a result of the Minister's review.

2.2 Strategic Assessment

The Panel considers that Amendment C76 is consistent with State and Local planning policy. In addition the Panel considers the Council has undertaken a significant amount of strategic work and assessment to prepare the amendment. Council also provided information regrading additional work that is currently or about to be undertaken that will further strengthen the intent of Amendment C76.

3 Key Issues

Whilst the Panel has noted in the previous section that no issues have been identified by an assessment against the Strategic Assessment Guidelines, the written submissions to the Amendment raise a number of key issues for resolution.

The Panel has summarised these as follows:

- Why is the Amendment required?
- What planning controls should be applied to the area identified as 'Highway Frontage Commercial Area'?
- Level of detail required for an Outline Development Plan.
- Minor amendments to the Outline Development Plan.

The Panel was assisted in its consideration of these issues by the submissions of the various parties and will now address these issues in detail.

3.1 Why is the Amendment Required?

(i) What is the Issue?

Council provided the Panel with a detailed planning history regarding the subject land, which has been part of a number of planning studies and investigations. In particular, the Panel considering Amendment C35 (2005) that proposed to rezone land on both sides of the South Gippsland Highway to Business 4 Zone to facilitate a bulky goods retail precinct made the following recommendation:

> *While the Panel generally endorses the approach taken by Council in preparation for this amendment, the Panel does not consider there has been enough information and strategic justification for the subject land, as exhibited, being rezoned to Business 4 at this time.*
>
> *The reasons for this are as follows:*
>
> - *There has been little engineering, traffic, planning (amenity) and drainage documentation to support the redevelopment of the subject land;*
> - *The Panel has not been convinced that Mr Browning's land is either required or appropriate to be rezoned;*
> - *The proposal suffers due to lack of a Development Plan to accompany the Development Plan Overlay, even in an indicative layout form;*
> - *The approach taken by Council should have been better articulated; and*
> - *The Panel needs to be convinced that the amendment and any subsequent development proposal can work consistently, and that there have been adequate opportunities for all landholders and interested parties to be involved in such a process.*
>
> *For the reasons outlined in this report, the Panel therefore makes interim recommendations that Council undertake the preparation of an Outline Development Plan and Development Plan to enable the outstanding matters to be resolved.*

Unfortunately Amendment C35 lapsed due to the preparation of an Outline Development Plan for the Southern Leongatha area not being completed within the required timeframe.

However, Council has since prepared the SLODP, which was adopted by Council in August 2011. The SLODP provides direction for the growth and development of the Southern Leongatha area over the next 25 years and beyond.

Amendment C76 seeks to implement the key recommendations of the SLODP into the South Gippsland Planning Scheme.

(ii) Discussion

The majority of submissions received were generally supportive of the overall intent of Amendment C76. However, Mr Love in his submission questioned whether Amendment C76 should be abandoned or at least put on hold until more detailed studies were undertaken to provide greater certainty regarding how the area affected by Amendment C76 would be serviced and these services funded.

Further Mr Love raised concerns regarding the implications to Amendment C76 of the proposed changes to the Business and Industrial Zones that are currently being considered by the Minister for Planning. This matter is discussed in more detail in section 3.2 of this report.

Mr Love considered that given the level of uncertainty regarding how the area would be serviced and these services funded, as well as considering the implications of the proposed zone changes, that it was premature for the Council to be introducing Amendment C76.

Council argued that whilst there is still significant work to be undertaken regarding traffic and other servicing requirements for the area, the ODP and Amendment C76 is *'a sequential step in a planning process that commenced with the Amendment C35 Panel Report in 2005'*. Further, Council considers Amendment C76 to be *'an important step to facilitate and coordinate development in the ODP Growth Area*'.

Council emphasised in its submission that *'the suitability of the ODP area to support development was considered in detail in the preparation of the Leongatha Structure Plan and by the Panel considering the implementation of the Structure Plan into the Planning Scheme (Am C46)'* and therefore does not need to be re-considered by this Panel.

Council acknowledges that there is still considerable work required to facilitate the implementation of the SLODP. This includes additional work regarding the identification and provision of essential development infrastructure to implement the SLODP over time.

Council informed the Panel that the next stage for implementation of the SLODP is the preparation of a detailed traffic, drainage and urban design study of the area.

Council also informed the Panel that it has already received a number of rezoning proposals within the ODP Area, which Council has informed proponents that *'adoption and implementation of the ODP is strongly preferable before the amendments proceed.*' Council considers that these rezoning applications demonstrate a strong level of development interest in the southern Leongatha area.

(iii) Findings

The Panel considers that Amendment C76 is an appropriate step in the planning process to implement the ODP. However, the Panel does consider that it would have benefited from the preparation of a Development Plan, in order to address concerns raised regarding what infrastructure is required and how it is going to be provided, both from an on the ground perspective but also financially.

3.2 What planning controls should be applied to the area identified as 'Highway Frontage Commercial Area'?

(i) What is the Issue?

The key issue to be resolved is the application of the most suitable planning controls to implement Councils intent regarding the development of 'bulky goods retailing' on the western side of the South Gippsland Highway, and 'Highway Frontage Commercial Area' to the east of the South Gippsland Highway.

Generally, the parties are supportive of the overall intent of Amendment C76 however, there is discourse regarding the appropriate zoning and policy controls required to facilitate Council's intent, particularly for the 'Highway Frontage Commercial Area' to the east of the South Gippsland Highway. This has been further exacerbated by the current review of planning scheme zones by the State Government.

(ii) Discussion

Amendment C76 proposes to incorporate the SLODP into the South Gippsland Planning Scheme at the policy level only. Council indicated that it had been questioned as to why other controls such as applying a Development Plan Overlay (DPO) to the whole area or preparation of rezonings did not form part of this Amendment. Council's response was that *'too many uncertainties remain to take this step at this time'*. Further, it '*would also be difficult to set out through a DPO schedule a development contributions regime….. given the absence of design details and the anticipated extended development timeframes*'.

The Council sought advice regarding how best to incorporate the SLODP into the planning scheme and it was recommended that instead of just including the SLODP as a Reference Document, it would add greater weight to decision making if Council distilled *'the key elements out of the ODP and place them in the Municipal Strategic Statement'* (MSS).

The key area of concern that submitters have to Amendment C76, as raised by Mr Chisholm is that the policy provisions proposed within Clause 21.04-4 do not provide sufficient clarity regarding the intent for the area identified as 'Highway Frontage Commercial Area'. Council sought to address these concerns following further discussions held with submitters following the Panel Directions Hearing and suggested a number of changes to Clause 21.04-(refer Appendix B).

Details of these changes were circulated (via post) to the owners and occupiers of the land affected by the changes as well as to adjoining landowners and submitters to this Amendment and have been formally considered by Council.

In its submission Council informed the Panel that the intent of the Commercial Highway Precinct is to facilitate the development of uses that would not typically locate in the Town Centre retail core and would benefit from highway frontage. Further Council stated that:

> *The challenge of this outcome is to attract uses that will not create links or synergies with the Bulky Goods Retail Precinct and create 'cross–highway' vehicle traffic and pedestrian movement.*

Mr Chisholm argued that whilst the proposed changes go some way to addressing his clients concerns, there still needs to be greater certainty regarding the purpose of the 'Highway Frontage Commercial Area' and what uses would be considered appropriate by Council to locate in this Area. Mr Chisholm stated that to date it has been difficult for his clients to *'convey to either purchasers or prospective businesses any clear indication of Council's intent for the zone*.'

Mr Chisholm suggested that a proposed Special Use Zone should be included as an appendix to the SLODP. He suggested that by doing this '*it will be possible to articulate with at least some degree of certainty the nature of these uses proposed by Council'*. As part of his written submission, Mr Chisholm included draft SUZ provisions for consideration for the future zoning of the land. The Panel notes that this Amendment does not go as far as to rezone the land but is simply a step in the process. The suggested provisions will be part of the material available to Council when it makes a decision on the zones in due course.

Council informed the Panel, that currently within the suite of Zones that form part of the Victorian Planning Provisions (VPPs) there is no 'off the shelf' zone that would implement the intent of the 'Highway Frontage Commercial Area'. Further, having reviewed the proposed changes to the Business and Industrial Zones currently being considered by the Minister, Council believes they do not produce a suitable zone for the site. Council officers concur with Mr Chisholm that the most suitable zone for the area identified in the SLODP as 'Highway Frontage Commercial Area' is the Special Use Zone.

Mr Love in his submission and presentation to the Panel reiterated the concerns of Mr Chisholm in relation to the proposed changes to Clause 21.04-4 stating that they are '*very vague terms and basically indicate a planning scheme which does not really know what it is trying to achieve and is poorly prepared.'*

Mr Love further queried whether it is appropriate for the Amendment to be considered whilst the Minister for Planning was reviewing the proposed changes to the zones within the VPPs. Mr Love is concerned that the SLODP, in particular the proposed commercial areas, are '*fundamentally flawed'* and that Council should review *'planning for these potential growth areas and determine which areas best serve the town and maintain the primacy of the town centre and have the least impact on the highway system*'.

In response to submissions made to the Panel, Council reiterated its position that Amendment C76 is an important step in the planning process to facilitate and coordinate development in the SLODP Growth Area that will occur over a significant period of time. Further, Council submitted that the changes made to the proposed provisions at Clause 21.04-4 '*clarify Council's expectations and preferences for the area and provide improved certainty for developers and surrounding landowners*.'

In response to Mr Chisholm's submission, Council informed the Panel that it was generally supportive of the proposal to apply the SUZ to the land identified as 'Highway Frontage

Commercial Area' in the SLODP and would work with the landowners regarding the details of the SUZ provisions.

(iii) Findings

The Panel is comfortable that the suggested amended version of Clause 21.04-4 of the South Gippsland Planning Scheme (refer Appendix B), subject to some minor amendments identified in section 3.4 of this report, addresses the concerns of the submitters regarding Council's intent for the 'Highway Frontage Commercial Area'.

The Panel encourages Council to work with the owners of this land to further develop up a SUZ that meets the policy objectives of Clause 21.04-4, and would provide clarity for landowners, developers and the community in general regarding the future development within the SLODP area.

3.3 Level of detail required for an Outline Development Plan

(i) What is the Issue?

A number of submitters raised concerns regarding the lack of detail that informed the development of the SLODP. In particular, concern was raised regarding the extent and cost of infrastructure required to facilitate the level of development envisaged in the SLODP.

(ii) Discussion

In his submission, Mr Love raised a number of concerns, in particular the need for greater information before the Amendment is resolved. Mr Love was concerned that allowance for important traffic requirements (including the possibility to duplicate the South Gippsland Highway) and the provision of other infrastructure has not been resolved prior to Amendment C76 being considered.

Mr Love was concerned that the impacts of any substantial works were not being communicated to, or understood by, potential landowners that would be affected by such works. In particular Mr Love stated:

> *The Traffic Study has determined that there are substantial issues for intersections outside of the designated "Southern Leongatha" development area – namely at Greenwood Parade and Parr St. These intersections will require substantial upgrades, which will possibly involve land acquisitions. The adjacent residents or businesses at these intersections have not been adequately informed of the potential impacts if this Amendment proceeds.*

Mr Love sought greater involvement from VicRoads regarding the impacts Amendment C76 would have on the future provision and management of the road network in Leongatha.

The Traffic Study undertaken by SMEC provided some recommendations regarding traffic works required to implement the overall development intent of the SLODP. However, this study did not provide any functional designs to test the recommendations made. Council informed the Panel that further traffic work is about to commence that will address functional design and other matters raised by submitters, including the number and location of roundabouts and the potential to duplicate the South Gippsland Highway.

Mr Love thought that the SMEC traffic study did not address the opportunity for an east-west connection with the potential for Bass Highway to be redirected via the Parr Street extension and Greenwood Parade to create a '*route with major benefits for the town'*. Further Mr Love considered such works would provide the potential to relocate the commercial growth area along the new Bass Highway and Holt Street, reducing the number of intersections identified in the SMEC report along the South Gippsland Highway.

In relation to this suggestion, the Panel notes that it is not a matter before the Panel. The strategic merit or otherwise is a matter for Council and VicRoads. On the surface, there appears to be sufficient merit to suggest that at least a preliminary review should be made by Council and VicRoads' engineers. This work would inform Council's infrastructure and development contributions studies, but does not in the Panel's opinion warrant any adjournment of the current consideration of the Amendment.

Both Mr Love and Mr Chisholm raised concerns regarding the need for the proposed infrastructure works to be costed and for these costs to be distributed fairly between all parties. In particular, Mr Love was concerned that given the significant amount of works envisaged for the area, the local ratepayers will end up paying for a significant proportion of the works, not the developers. Mr Love stated that *'it would appear that the omission of the Development Contributions Levy from the Amendment is done purposefully so that people are not fully appraised of these further issues and hence there is less area for public debate and concern.'*

Council acknowledged that due to the level of detail currently available, Amendment C76 was purely a policy change. However, it is still considered an important step in the process required to implement the vision and objectives for development of the South Leongatha area. In particular, Council informed the Panel that following implementation of the SLODP, Council would undertake detailed traffic, drainage and urban design studies of the area to inform the next stage in the planning of this important area.

Council indicated in its submission that the traffic, drainage and urban design studies will provide the level of detail that Mr Love considers to be missing from Amendment C76, and will provide the foundation for the preparation, consultation and implementation of Development Plans and Development Contributions for the Southern Leongatha Area.

In its concluding comments, Council emphasised that the SLODP is a sequential step in the planning process and was a recommendation in the South Gippsland C35 Interim Panel Report dated 2005. Council has completed the Leongatha Structure Plan, and adopted the SLODP. Council reinforced that this Amendment seeks to include the key recommendations of the SLODP in the South Gippsland Planning Scheme *'where they can be used to support the rezoning of land and the application of overlay controls to further guide development*'.

Finally, Council argued that the revised provisions as set out in Appendix B clarify Council's expectations and preference for the Highway Frontage Commercial Area and provide sufficient detail to be implemented in their current form now, whether or not the Minister's Zone Review proposals are adopted.

(iii) Findings

The Panel acknowledges the concerns raised by submitters regarding the level of detail currently available to assist in understanding the traffic, servicing requirements and costs required to implement the SLODP objectives on the ground.

However, the Panel accepts the position put by Council that the Amendment's intent is to implement into the South Gippsland Planning Scheme the key objectives of the SLODP, and essentially is a policy implementation amendment. Preparation of Development Plans, Developer Contribution Plans and rezonings are the next step in the planning process for this area.

The Panel would encourage Council to undertake this work and prepare these documents as soon as practicable, and also encourage the Council to ensure the traffic study addresses issues raised in the submissions, particularly Mr Love's regarding planning for a potential future duplication of the South Gippsland Highway.

The Panel is satisfied that there is sufficient detail and justification to support the implementation of the revised Clause 21.04-4 generally as detailed in Appendix B (The Panel has however suggested some further minor amendments as detailed in Section 3.4 of this report).

3.4 Minor amendments to the ODP

(i) What is the Issue?

A number of submitters raised concerns regarding the wording of the proposed Clause 21.04-4. Following exhibition, Council tried to address some of these concern by suggesting changes to the proposed Clause 21.04-4 and in particular, Council's intent for the land identified as 'Highway Frontage Commercial Area'. The changes suggested by Council are highlighted at Appendix B.

In addition a number of matters were raised at the Hearing, which if adopted, would require minor amendments to Amendment C76 and the SLODP. These issues are addressed separately below:

- Woorayl Lodge Incorporated requested that its land on the north east corner of the intersection of Boags Road and the South Gippsland Highway be identified for use as an 'Aged Care Facility'.
- Mr Chisholm, representing Larapinta Pty Ltd, requested that even though not technically part of the Amendment that the following wording in Attachment 2 to the Outline Development Plan – Road Reserve infrastructure Plan (which is a reference document) should be amended so that '*pedestrian connectivity – separate to roads*' is amended to '*pedestrian connectivity*'.

(ii) Discussion

Woorayl Lodge Land

Woorayl Lodge representatives informed the Panel that the site they have purchased for the purpose of development as an Aged Care facility is within 500m of the Leongatha Hospital, is relatively flat, and can be easily serviced and accessed by the road network.

In its submission, Council argued that the Amendment provisions include the Strategy:

> *Investigate and support the potential to establish residential aged care land uses in close proximity to the Leongatha Hospital*

but that the subject site is not considered to be in close proximity. Instead Council would prefer land on the western side the highway to be considered for such a use. Further, Council argued that the '*merits of an Aged Care facility on the subject land can be tested when a planning permit application is made.'*

In discussion, Woorayl Lodge noted that immediate proximity to the hospital was not necessary as any transfer between the Aged Care facility and the hospital would be undertaken by taxi or ambulance in any event.

Following discussion of this matter, Council sought direction from Panel regarding suitable wording in the proposed Clause 21.04-4 to address this matter.

Amending Appendix to the Southern Leongatha ODP

Mr Chisholm on behalf of his client argued that whilst he supported the intent of having pedestrian connectivity through his client's land, he did not consider it appropriate to have to provide it 'separate to the road'.

Following discussion at the Hearing, Council agreed and was supportive of the SLODP Appendix being amended to address this issue.

Minor Amendments

Following exhibition of the Amendment Council sought to address some of the concerns raised by submitters. As a result a number of minor amendments were suggested by Council, which are marked up on the Clause 21.04-4 provisions at Appendix B.

There was general support for the majority of these minor changes.

(iii) Findings

Woorayl Lodge Land

The Panel questioned Council regarding why it did not consider the land purchased by Woorayl Lodge to be within close proximity to the Leongatha Hospital. The Panel considers that given the site is located approximately 500m from the Hospital, and its clients would attend the hospital primarily by taxi or ambulance and will be part of a residential growth front, then it is suitable for identification as a 'future Aged Care facility'.

The Panel regards it as significant that Woorayl Lodge has already purchased the land and intends to proceed to develop when able. Accordingly, to provide 'clarity in planning', a suitable identification as requested would seem appropriate.

The Panel agrees with Council that the planning permit process will determine the suitability of any proposed development for the site.

Amending Appendix to the Southern Leongatha ODP

The Panel considers the request by Mr Chisholm to amend Attachment 2 to the ODP, whilst outside the scope of this Amendment should be acted upon by Council. This would address what the Panel considers to be an oversight by Council and would provide certainty and clarity regarding the future pedestrian link.

Minor Amendments

The Panel has reviewed the minor amendments suggested by Council following exhibition of Amendment C76 in order to provide greater clarity regarding Council's intent for the land identified as 'Highway Frontage Commercial Area'. Overall the Panel is generally supportive of the intent of the minor amendments suggested to Amendment C76 by Council following exhibition and in consultation with landowners and submitters.

Where it considers these suggestions require refinement or are not appropriate, the Panel has recommended further changes. These changes are included (and highlighted) in the Panel's recommended version of the Clause 21.04-4 provisions included at Appendix C.

4 Conclusions and Recommendations

The written submissions received have assisted the Panel in considering the suitability of amending Clause 21.04-4 to implement the key land use and development recommendations of the Southern Leongatha Outline Development Plan, including making the SLODP a 'Reference document' in the South Gippsland Planning Scheme.

For the reasons outlined in this report, the Panel recommends that Amendment C76 to the South Gippsland Planning Scheme should be adopted as exhibited subject to the following recommendations:

1. **Adopt the changes to the exhibited Clause 21.04-4 as shown in the Panel preferred version attached as Appendix C.**
2. **Amend the Southern Leongatha Outline Development Plan to identify land on the north-east corner of the intersection of Boags Road and the South Gippsland Highway (5 Boags Road) as 'Future Aged Care Facility'.**
3. **Amend Attachment 2 to the Outline Development Plan – Road Reserve to remove the wording 'separate to roads' after 'pedestrian connectivity'.**

Appendix A List of Submitters

No.	Submitter
1	Janice Pell, South Gippsland Water
2	John Brennan, Department Sustainability and Environment
3	Gary Williams
4	Garry Kay, EPA Victoria
5	Neil Breeden, Woorayl Lodge Inc
6	Gary Chisholm of Beveridge Williams, representing Larapinta 9386 Pty Ltd
7	Lindsay Love

Appendix B Council suggested revised Clause 21.04-4 Provisions

Explanatory Note

- **Black text is existing Planning Scheme text to remain.**
- **Blue underlined text displays the formally exhibited Amendment provisions.**
- **Red underlined text displays the provisions included for the re exhibition process.**
- **Green underlined text displays further changes which have not been exhibited but are recommended to the Panel for approval.**
- **Text of any colour with ~~strikethrough~~ displays text that is suggested for deletion from the Amendment.**

21.04-4 Leongatha

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C76__

Overview

Leongatha is the principal township of the South Gippsland Shire and a centre of State significance in the dairy milk processing industry. As the largest provider of retail, professional, industrial and social services, Leongatha plays a central role as a service provider to the South Gippsland community with elements such as leisure, health and educational services, fulfilling a broader regional role. Situated between the coastal development fringe of Bass Coast and the industry of the Latrobe Valley, and within comfortable driving distance of Melbourne, Leongatha retains a rural township feel valued by its residents. Key issues in Leongatha include establishing a Town Centre heavy vehicle bypass; the development of a bulky goods retail precinct; the provision of additional industrial land and development of the surplus railway precinct land.

Leongatha's future will depend on consolidating and growing its commercial sector, promoting residential development and by defining and building upon Leongatha's broader role within the greater Gippsland region.

Objectives

- To retain Leongatha as the major regional service centre in the Shire.
- To ensure that sufficient areas of residential land, at a range of densities, is available to accommodate future township growth.
- To achieve sequential and staged residential development that integrates with existing infrastructure networks.
- To maintain the primacy of the Town Centre as the retail and service hub of the township.
- To provide adequate areas of commercial and industrial land.
- To provide strong pedestrian and cycling connectivity to the Town Centre and key community assets.
- To improve heavy vehicle and highway traffic movement through and around the township.

Strategies

- Promote the use and development of land in accordance with the strategic direction in the Leongatha Framework Plan and the Leongatha Town Centre Framework Plan.
- Monitor the availability and development of residential land and encourage the rezoning of appropriate areas identified in the Leongatha Framework Plan to maintain an estimated 15-year residential land supply.
- Require the preparation of development plans for new residential estates that establish appropriate integration with existing residential areas and infrastructure; provide pedestrian

and cyclist connectivity to the Town Centre and key community features, and protect the environmental values of the land.

- Promote higher density residential development and retirement living within a 400m radius of the existing commercially zoned land in the Town Centre.
- Ensure a high standard of building design, layout and landscaping for all new development, and particularly at the highway entrances to the town.
- Ensure that adequate land is available to accommodate new retail, social, community, commercial and entertainment facilities within the Town Centre.
- Maintain a compact Town Centre that reduces the need for car usage, with all key features and major retail activities within comfortable walking distance of the intersection of Bair Street and McCartin Street.
- Discourage the development of retail uses outside of the Town Centre where such uses may weaken the principal role of the Town Centre.
- Promote the establishment of a bulky goods retail precinct on the western side of the South Gippsland Highway, and commercial use precinct for uses not appropriate to a Town Centre location on the eastern side of the Highway, at the southern entry to the township – see Southern Leongatha Growth Area provisions below.
- Focus industrial development within existing industrial areas and promote the expansion of industrial uses into the land north and west of the golf course recreation reserve while integrating the potential for heavy vehicle connectivity to the South Gippsland Highway.
- Pursue the establishment of a highway bypass of the Leongatha Town Centre by the diversion of South Gippsland Highway traffic along Long Street and Hughes Street in accordance with the Leongatha Town Centre Framework Plan.
- Pursue options to improve heavy vehicle traffic movements from the South Gippsland Highway to the industrial estate.
- Ensure new development and road traffic improvements do not compromise the longer-term potential return of rail services to Melbourne.

Southern Leongatha Growth Area

The Southern Leongatha Growth Area is situated on the southern development boundary of Leongatha and is defined by Simons Lane and Boags Road to the south, the Great Southern Rail Trail to the west and Coalition Creek to the east. This area presents significant opportunities for residential and highway frontage commercial development over the next 25 years and beyond.

To guide development in this area Council has prepared the Southern Leongatha Outline Development Plan (ODP) July 2011. The ODP forms the basis for the Southern Leongatha Growth Area provisions. The ODP and Growth Area provisions build upon the land uses identified in the Leongatha Framework Plan map and should be considered in addition to the other 'Leongatha' provisions in this Clause. The Growth Area provisions offer direction on key land use and development issues to be considered when land is being rezoned, or planning permits assessed.

The *Objective* for the Growth Area is:

To achieve high quality residential and commercial development that responds to the landform, amenity and development and community infrastructure requirements of the subject land and its surrounds in an equitable long-term manner.

Rezoning and Development Plan requirements

Applications to rezone land should be supported by Development Plans that respond, as appropriate, to the issues identified in the strategies. ~~Rezoning applications involving the~~ Development Plan Overlays should require a site analysis and design response and building / subdivision plans as part of the rezoning process that display the proposed outcomes on the land. Development Plans should be prepared with close consideration to linkages and impacts on the broader surrounding area, especially in relation to traffic and storm water management planning and other infrastructure provision.

Rezonings and Development Plans must represent a logical land development unit bounded by main roads, natural features or the boundaries of the Development Plan Overlay map area. Residential rezonings and Development Plans on individual small lots on the eastern side of the Highway will be discouraged unless it can be clearly demonstrate that the requirements of the ODP can be satisfied.

Residential Development

Based on the level of demand for new dwellings in the five years to 2011, the Growth Area has the potential to satisfy more than 25 years residential land supply for Leongatha. Development in the Growth Area should specifically consider the following strategies:

- Promote the application of the Residential 1 Zone and the subdivision of land to maximize the efficient use of land across a range of lot sizes – while having specific regard to:
  - Minimise the number of residential lots with boundaries adjoining the highway frontage commercial uses. Adjoining lots should have sufficient size / depth to allow landscaping to soften the potential visual and amenity impact of commercial uses.
  - Avoid the creation of residential lots in the Coalition Creek flood plain, except where the potential exists for dwellings to be located within lots above the flood level. Roads must not be located in flood prone areas.
- Retain (where existing) and support application of the Low Density Residential Zone to the land immediately north of Simons Lane and Boags Road, and the land south of the proposed commercial area on the eastern side of the Highway.
- Promote the staged and sequential rezoning and subdivision of Residential 1 zoned land that integrates with the existing road network and infrastructure to the north, avoiding the creation of isolated development, or development with poor connectivity to the north.
- Investigate and support the potential to establish residential aged care land uses in close proximity to the Leongatha Hospital.

Highway frontage commercial area

- The Leongatha Framework Plan map identifies a 'Bulky Goods Retail Area' on the western side of the Highway and a 'Highway Frontage Commercial Area' on the eastern side.

  The Bulky Goods Area should primarily support larger floor plate 'Restricted retail premises' type uses such as the retailing of furniture, whitegoods, electrical equipment, bedding and manchester, lighting, automotive parts, camping and outdoor equipment, tools, building materials and DIY and homemaker products.

  The 'Highway Frontage Commercial Area' should primarily support uses that are not suited to a Town Centre location, benefit from highway exposure and that will have visitation patterns that do not encourage cross highway vehicle and pedestrian traffic movements. Such uses may include Car wash, Conference / Function centre, Emergency services facility, Hotel, Landscape gardening supplies, Motel, Motor vehicle boat or caravan sales, Place of worship, Service station, Trade supplies, and Veterinary centre.

  Where a planning permit is required for the use of land it is policy to discourage on either side of the Highway the following uses, Accommodation, Food and drink premises, Industry, Office, Place of assembly (excluding those listed above), Retail premises (excluding those listed above) and Warehouse.

The establishment and consideration of these uses and developments should be guided by the following strategies:

- Strongly discourage commercial or community uses that may weaken the primacy of the Town Centre.
- Strongly discourage the establishment of industrial uses, or other discretionary uses, that may detrimentally affect the amenity of surrounding sensitive land uses.
- Promote high quality urban design, site layout, building and landscape design suitable to a township entry point, which provides / encourages;

- Appropriate buffers to adjoining sensitive land uses.
- Generally consistent building setback lines with buildings of not more than 10 metres height above ground level. Building layout should consider the long term potential for widening of the highway.
- Ample onsite car parking, without visually dominating front setbacks.
- Subdivision, building layout and access design that avoids the requirement to create new highway access points.
- Building siting and design which makes efficient use of land with specific regard to minimizing unused areas of land (not including landscaping) to the side and rear of development.

- ~~Promote uses in the Highway Frontage Commercial Area that are not suited to a Town Centre location, benefit from highway exposure and that will have visitation patterns that do not encourage cross highway vehicle and pedestrian traffic movements. Investigate the potential to apply a Special Use Zone to this land.~~
- Investigate the implementation of a Design & Development Overlay, or design guidelines, over the land adjoining the highway frontage that will promote urban design outcomes suitable to a township entry point.

~~Physical~~ Development Infrastructure Provision

Significant ~~physical~~ development infrastructure improvements must occur in the Growth Area, and the broader surrounding area, to support development. The provision of infrastructure should be guided by the following strategies:

- Encourage the location and design of new highway intersection treatments that facilitate development on both sides of the highway, avoiding the proliferation of highway entry points.
- Where residential areas are accessible through commercial areas, encourage the creation of wide landscaped road reserves that create a residential *sense of place*.
- Create an internal road network that considers the future requirements of adjoining undeveloped land and the potential for cumulative increased usage over time.
- Consider the requirement for road and pathway infrastructure upgrading and funding at locations separated from development sites.
- Investigate the creation of a new connector road between Parr Street and Nerrena Road and the relocation of the Simons Lane Bass Highway intersection to a safer location further north of the existing intersection.
- Create a shared pathway network around the boundaries of the Growth Area and along both sides of the highway.
- Promote integrated storm water management on a 'whole of catchment' basis, avoiding the duplication of drainage assets or reliance on overland flows outside of drainage easements and declared waterways.
- Encourage the provision of reticulated sewage assets that consider the development requirements of surrounding land and avoid asset duplication and the need for incremental asset upgrading.

Infrastructure provision must address the requirements of Council's Infrastructure Design Manual.

Open space / Community use / Neighbourhood retail

- Provide and/or reserve an open space reserve of approximately 4ha on the flatter sections of the residential area west of the highway. Additional open space should also be provided at a location adjoining the rail trail if this is not achieved by the 4ha.
- Provide and/or reserve a 1ha (minimum) land parcel west of the highway for future community ~~physical~~ development infrastructure.
- Provide continuous lineal open space connectivity between the eastern end of Parkside Close and the wetland area adjoining the Boags Road / Tarwin Ridge Boulevard.
- Investigate the potential to provide a small local park adjoining Coalition Creek.

- Investigate the potential to locate a small neighbourhood retail service centre (adjoining an open space reserve) in the residential area west of the highway.

Actions for implementation

- Prepare a detailed ~~physical~~ development infrastructure plan (in accordance with Council's Infrastructure Design Manual) that will form the basis for a developer contributions scheme to be implemented through a Development Contributions Plan Overlay or section 173 Agreements instigated when land is rezoned or developed. The plan should address, but not be limited to:
  - the full construction of the whole length of Simons Lane; upgrading the Boags Road / Simons Lane highway intersection.
  - Improvements to the Simons Lane / Bass Highway intersection including its potential relocation further north.
  - Improvements to the South Gippsland Highway intersections with Parr Street and Greenwood Parade.
  - The provision of shared pathways, open space drainage and community infrastructure.

  Infrastructure planning must be considered on a 'full development scenario' and consider the timing / staging (trigger points) of infrastructure provision.
- Investigate the application of a Special Use Zone to the 'Bulky goods retail area' and the 'Highway frontage commercial area' to guide the use of the precinct in a manner that responds to the amenity interface issues of the proposed residential areas, does not weaken the established commercial role of the Town Centre, and minimises the 'cross Highway' commercial interrelationships of the land uses.
- Review the existing zoning of the Town Centre and immediate surrounds and prepare a detailed strategic plan for the Town Centre which includes consideration of the areas identified as 'Town Centre Expansion Investigation Areas' and 'Future Commercial Investigation Area'.

Reference Document

Leongatha Structure Plan, June 2008

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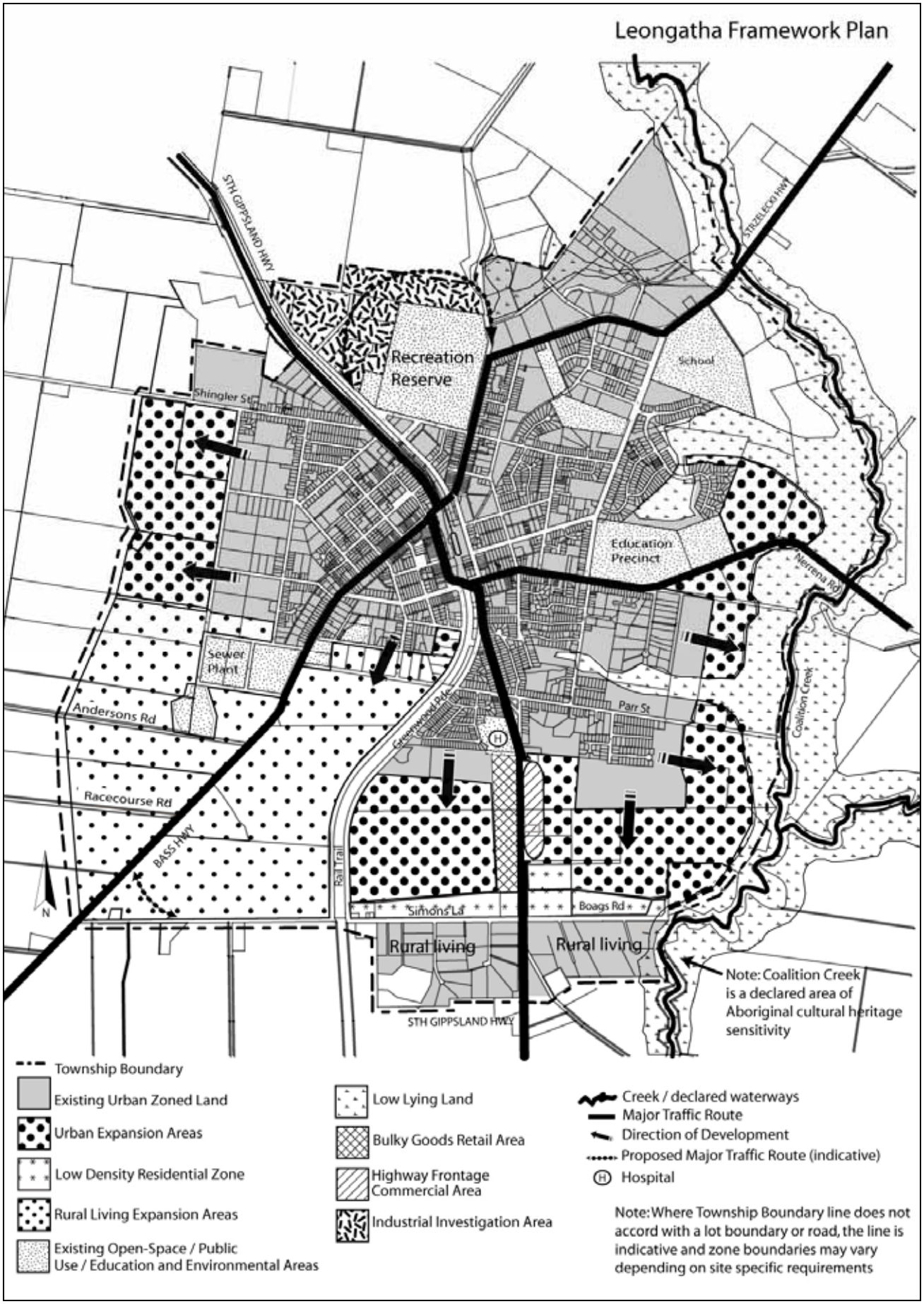
~~South Gippsland paths and Trails Strategy 2010 (as amended)~~


Leongatha Framework Plan
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Education Precinct
Nerrena Rd
Sewer Plant
Andersons Rd
Parr St
Coalition Creek
Racecourse Rd
BASS HWY
Rail Trail
Simons La
Boags Rd
Rural living
Rural living
Note: Coalition Creek is a declared area of Aboriginal cultural heritage sensitivity
STH GIPPSLAND HWY
N
Township Boundary
Existing Urban Zoned Land
Urban Expansion Areas
Low Density Residential Zone
Rural Living Expansion Areas
Existing Open-Space / Public Use / Education and Environmental Areas
Low Lying Land
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Major Traffic Route
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Proposed Major Traffic Route (indicative)
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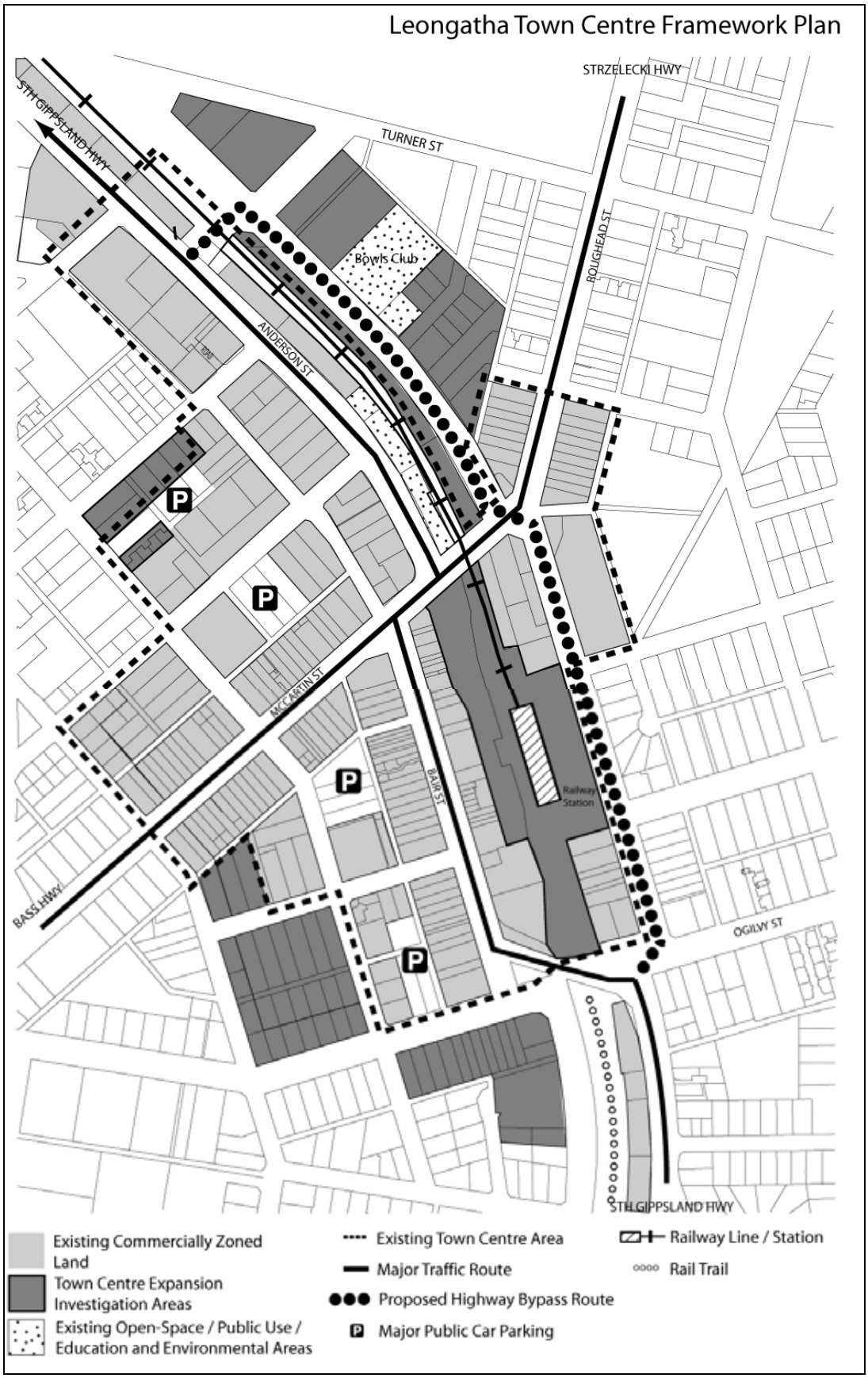
Note: Where Township Boundary line does not accord with a lot boundary or road, the line is indicative and zone boundaries may vary depending on site specific requirements



Amendment C76 Exhibition Note: This map remains unchanged except for the deletion of the 'Direct Heavy Vehicle Link' on Turner Street.

Appendix C Panel recommended Clause 21.04-4 Provisions

Explanatory Note

Inclusions recommended by the Panel are marked in blue with underlining

Deletions suggested by the Panel are marked in ~~red with strikethrough~~

21.04-4 Leongatha

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C76__

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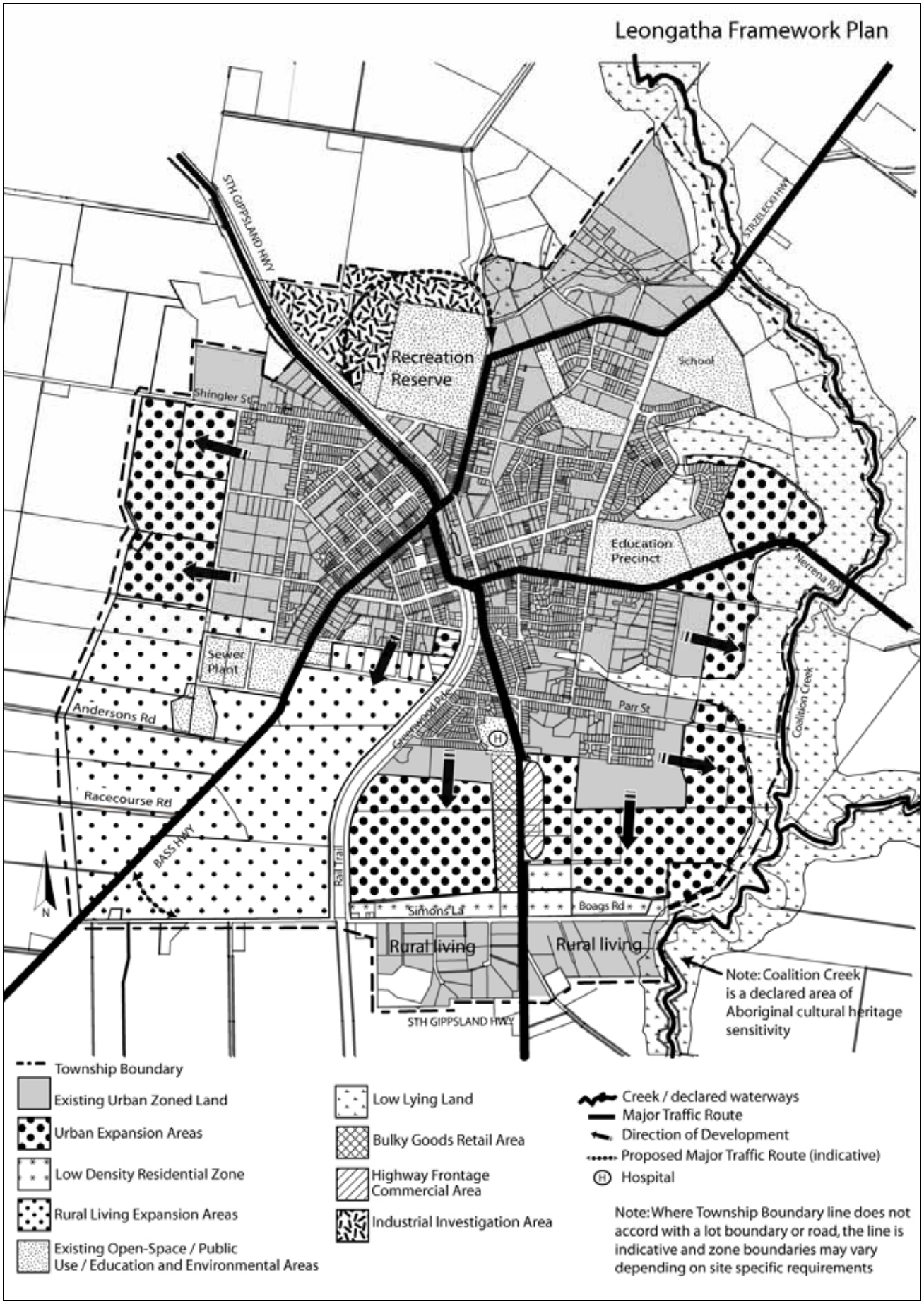
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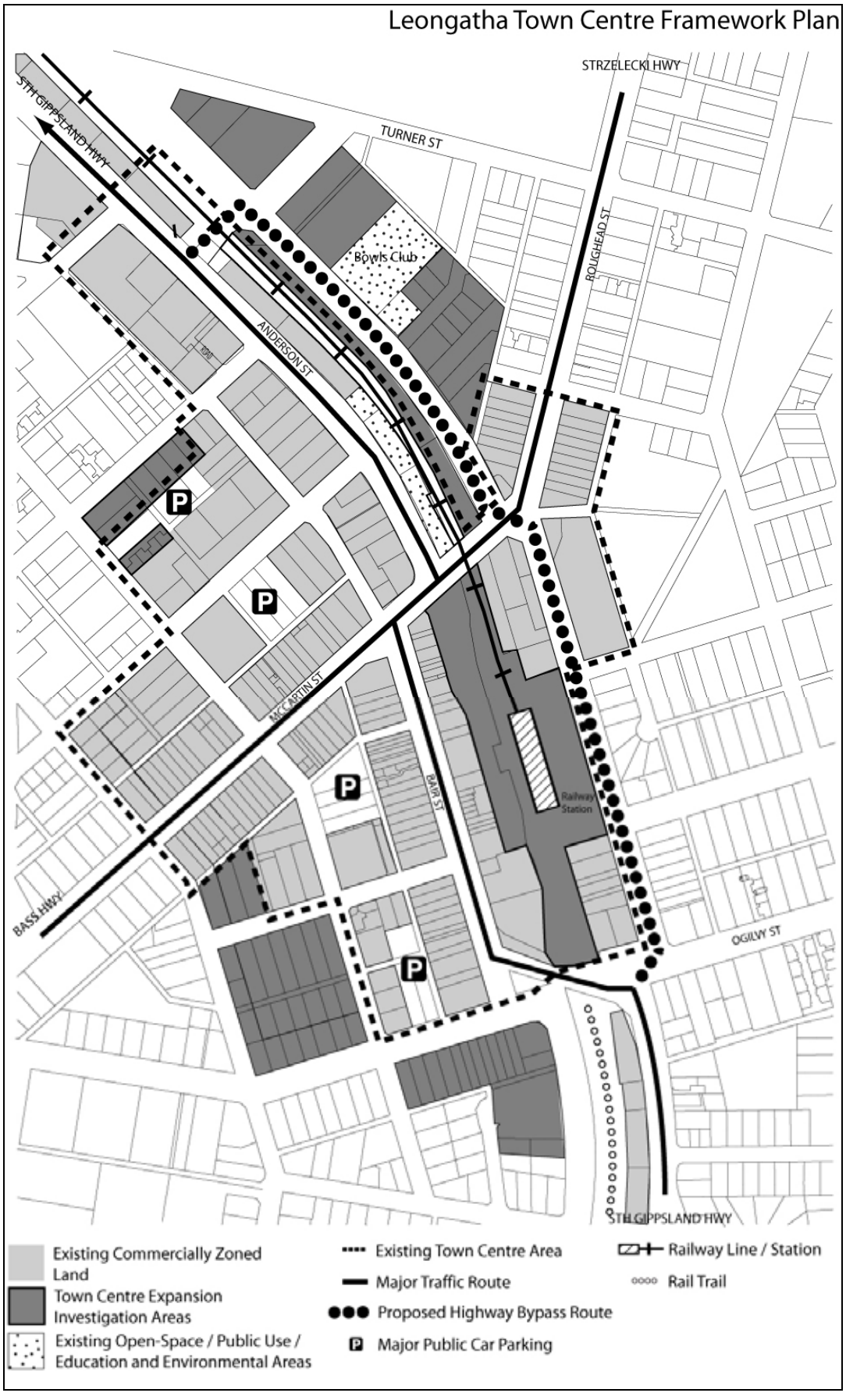
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